



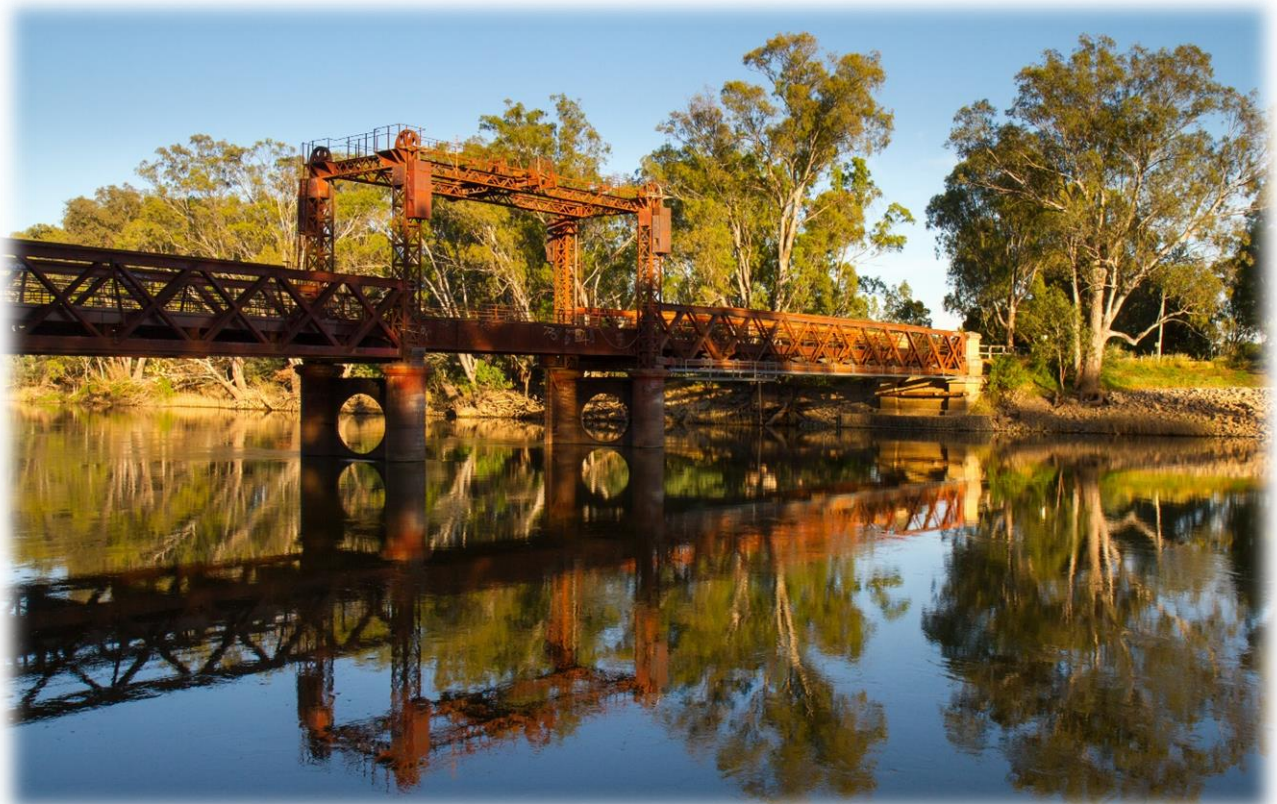
ORDINARY MEETING OF COUNCIL

Held on Wednesday 20 October, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 20 October, 2021 commencing at 11.12am

Min. No.

PRESENT:

Crs: Matthew Hannan (Mayor), Daryll Morris (Deputy Mayor), John Bruce, Colin Jones, Denis Glanville, Ross Bodey, John Taylor and Roger Reynoldson

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy Chief Executive Officer) and Gary George (Acting Director Technical Services Officer)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Nil

3. VISITORS

Nil

4. CONFIRMATION OF MINUTES

237 Resolved Crs Taylor and Bodey that the Minutes of the ordinary meeting held in the Council Chambers on Wednesday 15 September, 2021 and the Minutes of the extraordinary meeting held in the Council Chambers on Monday 27 September, 2021 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

6.1 Notice of Motion – Future Housing Requirements

- 238 **Resolved** Crs Bodey and Taylor that the Berrigan Shire Council retain ownership of Lots 29, Lot 31 and Lot 35 of the Lewis Crescent subdivision in the township of Finley until such time that the new Council has some research and discussions into the future housing requirements for the Berrigan Shire Council staff.

7. ITEMS FOR RESOLUTION

7.1 Action List Report

- 239 **Resolved** Crs Taylor and Reynoldson that the Council receive and note the Action List Report.

7.2 Finance – Accounts

- 240 **Resolved** Crs Taylor and Reynoldson that the Council:
- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2021,
 - b) Confirm the accounts paid as per Warrant No. 09/21 totaling \$2,799,131.42, and
 - c) Note the report on investments attached as **“Appendix 7.2-A”**

7.3 Tourism Strategy Review

- 241 **Resolved** Crs Taylor and Jones that the Council undertake an immediate review of the 2019 – 2023 Tourism Strategy.

7.4 Christmas Office Closure and December Council Meeting

- 242 **Resolved** Crs Morris and Taylor that the Council:
- Close the Shire Offices from 4:00pm on Friday 24 December, 2021 reopening on Tuesday 4 January, 2022 with those days not being public holidays or weekends being deducted from staff leave entitlements.
 - Close the Shire Libraries from close from business on Friday 24 December, 2021 and reopening on Tuesday 4 January, 2022 with those days not being public holidays or weekends being deducted from staff leave entitlements.

7.5 Audit, Risk & Improvement Committee Charter

243 Resolved Crs Bodey and Morris that the Council:

1. Revoke the ARIC Charter adopted 18 August, 2021;
2. Adopt the ARIC Terms of Reference, included as “**Appendix 7.5-A**”

7.6 Drug and Alcohol Free Workplace Policy

244 Resolved Crs Bruce and Reynoldson that the Council:

1. Revoke the Drug and Alcohol Free Workplace Policy adopted 21 October, 2009;
2. Adopt the Drug and Alcohol Free Workplace Policy below:



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DRUG AND ALCOHOL FREE WORKPLACE POLICY

Strategic Outcome:	Good government		
Date of Adoption:	17 February 2021	Minute Number:	
Date for Review:	19 February 2025		
Responsible Officer:	Enterprise and Risk Manager		
Document Control:	Replaces and revokes the Drug and Alcohol Free Workplace Policy adopted 21 October, 2009		
Delivery Program Link:	2.1.3.5 <i>Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan.</i>		

1. POLICY STATEMENT

All workers have a duty of care to take reasonable care for their own health and safety and ensure they do not adversely affect the health and safety of others. This requires staff to be in a fit and well state to perform their work, and extends to ensuring staff are not under the influence of drugs or alcohol whilst at work.

Berrigan Shire Council is committed to providing a drug and alcohol free workplace in order to protect the interests of employees and the public.

2. PURPOSE

The purpose of this policy is to establish a clear and consistent framework for addressing the risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drugs. |

Council's aims are to:

1. protect employee health and welfare,
2. prevent drug and alcohol-related incidents,
3. foster a safe workplace environment,
4. encourage safe and positive behaviours; and
5. provide support to employees dealing with drug and alcohol dependency

3. SCOPE

This policy relates to all workers of the Berrigan Shire Council.



4. DEFINITIONS

BAC	Blood Alcohol Content
CASA	Civil Aviation Safety Authority
Council Workplace	Any place where Council staff are required to perform duties, including but not limited to Council premises, parks, reserves, vehicles, plant or any Council building or physical asset.
DAMP	Drug and Alcohol Management Program – a CASA requirement for Aerodromes
EAP	Employee Assistance Program - a Council funded program for employees seeking support, advice and counselling. Refer Employee Assistance Policy.
Illicit drugs	Any drugs defined and specified as prohibited or illegal under any Federal, State or territory legislation, and drugs for which a medical prescription has not been issued to the person using the drug.
Negative result	means a result returned at or below the nominal level used for initial screening/testing.
Non-negative result	means a result that is initially positive which needs to be referred to an external accredited testing laboratory for confirmatory testing.
Notifiable incident	In accordance with the <i>Work Health and Safety Act 2011</i> , Part 3, a notifiable incident means (a) the death of a person, or (b) a serious injury or illness of a person (Cl. 36), or (c) a dangerous incident (Cl. 37).
Positive result	A positive result is where a non-negative screening result has been subsequently confirmed positive by an external accredited testing laboratory.
Prescribed medication	Drugs only obtainable with a prescription
Random testing	Testing conducted on employees that are selected at random, without any pre-set criteria or suspicions.

5. POLICY IMPLEMENTATION



5.1 Alcohol and Illicit Drugs Use

Alcohol and illicit drugs have the ability to impair an employee's judgement and work performance. As a result, employees are obliged to present for work in a fit state and not under the influence of alcohol and/or drugs so that in carrying out normal work activities, they do not:

- expose themselves, their co-workers or the public to unnecessary risks to health and safety, or
- inhibit their ability to fulfil the requirements of the position, or
- present a poor public image of Council.

5.2 Prescribed Medication

Where an employee is on a course of prescribed or over the counter medication that may induce drowsiness or impair performance, they must notify their Manager/Supervisor prior to commencement of duty. It is the responsibility of the employee to source information from their doctor or pharmacist regarding the effects of the prescribed drugs on work performance and to take reasonable steps to mitigate any work-related risk

5.3 Alcohol and Illicit Drugs in the Workplace

Possession, consumption or being under the influence of illicit drugs whilst at the workplace and during working hours (including lunch breaks) will not be permitted. Consumption or being under the influence of alcohol whilst at the workplace, during working hours (including lunch breaks), overtime and on-call arrangements will not be permitted.

Employees are not to use a council vehicle for the purpose of purchasing alcohol unless they have entered into a private use agreement, or have been given verbal authorization to purchase alcohol for an official Council function. The use of a Council vehicle at any time for the purpose of purchasing illicit drugs will not be permitted.

The consumption of alcohol or any illegal drugs in public whilst wearing or displaying any item of clothing that identifies the person as a Council employee (other than at an approved Council function) is not permitted.

5.4 Approved functions

In special circumstances the Council, by resolution, may permit the consumption of alcohol at functions provided that alternative drinks, i.e. low alcohol and soft drinks etc. and food are provided.



Where such events are permitted by the Council, service of alcohol must be by a 'responsible service of alcohol' qualified person or persons.

5.5 Testing Providers

Council will use an accredited external testing provider to conduct random testing.

In addition, Council will identify staff who will be responsible for administering in-house testing when accessing the external provider would prove too difficult within a short timeframe. In-house testers will be appropriately trained and will be required to abide by strict confidentiality protocols.

5.6 Testing Procedures

Council reserves the right to perform drug and alcohol testing under a range of circumstances, and always as a means of determining a potential or existing employee's ability to safely perform their duties.

5.6.1 Pre-employment

All persons selected for temporary, casual or permanent employment with Council will be required to undergo a pre-employment medical examination and drug and alcohol screen to determine fitness to perform nominated duties. This test will be conducted using a urine sample. Refer to Council's Pre-employment Medical policy.

5.6.2 Suspicion

It is the responsibility of all managers/supervisors and co-workers to ensure that no employee commences or continues to work, if the employee appears to be affected by alcohol, illegal drugs, medication or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position.

If a manager/overseer has justifiable cause to doubt an employee's fitness for duty, Council reserves the right to remove the employee from the work site and request a saliva or breath test. This test, depending upon availability, may be performed by Council's qualified in-house testers, contracted testing provider, or at a local medical clinic.

5.6.3 Incident-specific testing

Employees may be subject to testing following any incident classified as notifiable under the *Work Health and Safety Act 2011*, or where an employee may have breached safety procedures. The employee will either be required to present to a local medical clinic where a trained practitioner will administer the test, or by one of Council's qualified in-house testers.



5.6.4 Random testing

Council will employ a third party registered independent testing provider to perform a random drug and alcohol testing program across the organisation on a quarterly basis. Due to the varied locations of work sites, the Human Resources Services Officer will provide a list of employee numbers (not names) allocated to the various work sites/locations. The tester will randomly choose employee numbers which will then be matched to an employee name. If the employee is at work on that day they will be tested. Testing will consist of saliva testing for the presence of drugs, and a breath test for the BAC of alcohol.

5.6.5 Self-reported

In the event an employee self-reports that they may have presented to work whilst still under the influence of, or suffering the effects of alcohol or other drugs, the employee will be requested to leave work for the day (to be covered by Sick Leave). Alternatively, the employee may request to be tested for either alcohol or other drugs to ensure they are in a fit state to continue or start working. If the employee has self-reported and presents with a non-negative result, no further action will be taken. All self-reports for alcohol or illicit drug use will be recorded on the employee's personnel file, and monitored for repeat behaviour. The employee will be offered support as per clause 5.9 of this Policy.

5.6.6 Refusal to be tested

In any circumstances if an employee refuses to be tested or does not cooperate fully with the administration of a drug or alcohol test without reasonable excuse, they may be subject to disciplinary action in accordance with the *Local Government (State) Award 2020*.

5.7 **Tocumwal Aerodrome (DAMP)**

The Civil Aviation Safety Regulations Sub Part 99, requires an Aerodrome to implement a Drug and Alcohol Management Program (DAMP) and policy (99.045) for staff who may be undertaking Safety Sensitive Aviation Activities (SSAA). Under CASR Sub Part 99B, Council is classed as a micro-business with ten or less SSAA employees and is able to claim an exemption and will adopt the CASA Micro-business Drug and Alcohol Management Plan as a condition of the exemption.

All Council staff performing SSAA are still required to abide by this policy.

5.8 **Contractors**

Council will insist any contractors performing work for Council will be required to have a Drug and Alcohol policy in place.



Any contractors on-site when random testing is taking place will be required to participate. Any contractors returning a non-negative will be required to leave the worksite. Council will need to be assured that a management plan is in place to monitor the contractor or contractor's employee before allowing them to return to the worksite.

5.9 Volunteers

Council volunteers will not be subjected to random testing but will be required to abide by this policy, and will be subjected to testing based upon suspicion or following an incident.

5.10 Test Results and Further Action

5.10.1 Negative Result

Where an employee returns a negative result, no further action is taken.

5.10.2 Non-negative Result

Where an employee returns a non-negative result, a second sample will be taken and sent to an external laboratory for further testing.

Each non-negative result will be discussed individually and confidentially between the employee and the employee's Manager. The employee's Manager will discuss the result and determine what action may be taken. Depending upon their duties, and the nature of the result, the employee may be requested to leave the premises and stay home, utilising whatever leave is available to them, until the results of the second test are received.

5.10.3 Positive Result

If a positive result is received from the external laboratory, the employee will be required to attend a meeting with their Manager, the CEO and a support person if requested, to determine a further course of action.

5.10.4 Returning to Work

Any employee who has returned a positive result will not be permitted to return to work until a negative result has been received. Council's in-house testers will perform follow up testing with results communicated to the employee's Manager, and included on the employee's file.

5.11 Rehabilitation/EAP

Council will support any employee who returns a positive result, to seek support and rehabilitation for issues relating to drug and/or alcohol dependency. Strategies may include:



- Encouraged to utilise the Employee Assistance Program
- Sourcing of rehabilitation providers
- Dissemination of information to assist with recovery
- Job re-organisation

If an employee returns a positive test for the first time, and commits to and actively participates in counselling or other treatment, they may not be subject to disciplinary action however will be expected to take whatever leave is available to them to participate in treatment and/or counselling programs.

If an employee refuses assistance or support, and refuses to participate in any rehabilitation programs, and either attends work in an unfit state and returns a further positive result upon suspicion testing, or returns a second positive following random testing, they will be subject to disciplinary action which may result in dismissal.

5.12 Confidentiality

All information generated from Council's testing program will be kept private and confidential unless:

- the test result must be released to the employee's Manager and CEO to facilitate further action;
- the test result becomes part of a dispute;
- complying with a legal requirement.

File notes relating to impairment or self-reporting will be included on an employee's personnel file, and kept confidential in accordance with records management procedures and the Council's Privacy Management Plan

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- *Local Government (State) Award 2020*
- Berrigan Shire Council Work Health and Safety Policy
- Berrigan Shire Council Employee Assistance Program Policy
- Berrigan Shire Council Pre-Employment Medical Policy
- Tocumwal Aerodrome Management Plan
- Drug and Alcohol Management Procedure

7.7 Staff Remuneration Review Policy

245 Resolved Crs Taylor and Morris that the Council:

- Revoke its Staff Remuneration Policy adopted on 19 August 2020, and
- Adopt the Staff Remuneration Policy set out below:



Policy

44

STAFF REMUNERATION REVIEW

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	20 October 2021	Minute Number:	
Date for Review:	17 September 2025		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Staff Remuneration Review Policy adopted 19 August 2020		
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing		

1. POLICY STATEMENT

This policy provides a means for the Council to assure itself that the remuneration paid to the Council's Chief Executive Officer and Directors is as per their conditions of employment and properly authorised.

2. PURPOSE

In line with the *Local Government Act 1993*, the General Manager (titled Chief Executive Officer at Berrigan Shire Council) is generally responsible for the efficient and effective operation of the council's organization. This includes overall responsibility for the Council's payroll function.

The Chief Executive Officer's responsibility for overseeing the payment of his or her remuneration package carries some risk. This risk is somewhat mitigated by the delegation of the payroll function to another staff member. However, further mitigation of this risk is possible through seeking a third party review of the payments made to the Chief Executive Officer.

In the interests of completeness, this review also includes the Council's director-level staff and the delegated Responsible Accounting Officer.

The review of senior manager remuneration is one of the control measures identified in the Council's Fraud Control Plan. This plan was developed in line with the Council's Risk Management Framework

3. SCOPE



Policy

This policy applies to the remuneration packages (including redundancy and severance payments) of the Council's Chief Executive Officer, the other Director-level positions and the delegated Responsible Accounting Officer place in the 12 month period immediately preceding any review.

4. POLICY IMPLEMENTATION

4.1 Review

The Council will direct the Audit Risk and Improvement Committee to commission an annual (1 July to 30 June) review of payments made under the respective remuneration packages of the following staff:

- Chief Executive Officer
- All Director-level positions
- Responsible Accounting Officer (if not a Director-level position)

A report on the review and its findings must be presented to the Council. The report will include, at a minimum, an opinion on the correctness and accuracy of the payments made under the respective employment agreements as well as any other relevant findings and recommendations.

This report must be presented to the Council for consideration by no later than 31 October each year.

Subject to meeting the obligations above, the nature and conduct of the review is for the determination of the Audit Risk and Improvement Committee.

5. RELATED LEGISLATION, POLICIES AND STRATEGIES

5.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#)
- [Local Government \(State\) Award 2020](#)

5.2 Council policies and guidelines

- [Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Salary Policy](#)
- [Fraud Control Policy](#)
- Fraud Control Plan
- [Internal Reporting Policy](#)



Policy

6. RECORDS MANAGEMENT

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each audit must be kept for at least five (5) years.

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

7. REVIEW AND EVALUATION

This policy will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

8. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

*Berrigan Shire Council
56 Chanter Street
Berrigan NSW 2712*

*Ph: 03 5888 5100
Email: mail@berriganshire.nsw.gov.au*

9. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
0.2	14/09/2021	draft Policy document	Matt Hansen



Policy

APPENDICES

NIL

DRAFT

7.8 Tocumwal War Memorial Hall Committee of Management

- 246 **Resolved** Crs Taylor and Reynoldson that Council have the CEO contact the committee to find out who is on the Committee and provide Council further advice.

7.9 Council Election Considerations

- 247 **Resolved** Crs Taylor and Bodey that Council:

- delegate all delegable functions to the Chief Executive Officer position for the period commencing 4 December 2021 and concluding 11 January 2022;
- authorise the current Mayor to maintain all civic and ceremonial functions normally exercised by the Mayor during this period;
- set the first meeting of the new Council as an Extraordinary meeting on Tuesday 11 January 2022, commencing at 9.00am and following the Agenda set out in this report; and
- authorise staff to book an appropriate venue for the Corporate Workshop to take place on 3 and 4 March 2022 with the new Council to review the venue and dates at the Extraordinary meeting on 11 January 2022

7.10 Finley War Memorial Hall Committee of Management

- 248 **Resolved** Crs Morris and Bodey that the Council:

- a) revoke existing members of the Finley War Memorial Hall Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley War Memorial Hall Committee of Management:

President:	Sally Bickerton
Secretary:	Sally Bickerton
Treasurer:	Dean Russell
Committee:	
	Rob Hawkins
	Jill Orro

Aaron Taylor

7.11 Tocumwal Swimming Pool Committee of Management

248 **Resolved** Crs Morris and Bodey that the Council:

- a) revoke existing members of the Tocumwal Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Swimming Pool Committee of Management:

President:	Geoff Edwards
Vice President/Secretary:	Penelope Jones
Treasurer:	Barry Prideaux
Committee:	
	Anne Logie
	Randall Jones
	Faith McCallum
	Melanie Walsh

7.12 Affordable Housing and Homelessness

249 **Resolved** Crs Taylor and Bruce that the Council take on the following options presented to the Council in **"Appendix 7.12-A"**

1. Statutory (Council Role)
 - 1.1. Inclusion of the LGA in the NSW Government's Affordable Housing SEPP 70 (this would require the development of a Local Affordable Housing Strategy and subsequent or consequent amendment to the Council's LEP).
 - 1.2. Audit of vacant land (serviced and / or unserviced land) or vacant housing in the LGA that is owned by government departments.
 - 1.3. Identify all unoccupied housing in the LGA as part of a Housing Strategy
2. Strategic (Council Role)

- 2.1 Investigate the establish of possible strategic partnerships with relevant bodies to address any homelessness issue in the Shire
- 2.2 The Berrigan Shire Council facilitate a workshop or forum between Berrigan Shire Council and the NSW Communities and Justice Department on emerging issues and trends related to the quality and availability of affordable housing in the Berrigan Shire LGA and the extent of homelessness and rough sleeping in the LGA.

Tahlia Fry (Finance Manager) entered the Council Chambers at 11:33am.

7.13 2020-21 Annual Financial Statements

250 **Resolved** Crs Taylor and Reynoldson that the Council, having satisfied itself in relation to the preparation of its financial reports and special schedules:

1. refer its financial statements to the Auditors for the audit report;
2. subject to receipt of the audit report, following the meeting held on Wednesday 20 October 2021, the Council present its audited financial reports and audited reports to the public and that the Council's intention be publicly notified;
3. sign the attached General Purpose Financial Report "Statement by Council" and the Special Purpose Financial Report "Statement by Council";
4. adopt the valuation of assets prepared in accordance with recognised valuation procedures as a fair and reasonable value of those assets (see note C1-6);

Tahlia Fry left the Council Chambers at 12:02pm.

7.14 Tocumwal Town Beach Campers

251 **Resolved** Crs Taylor and Morris that Council staff, committee of management and the caretaker investigate options to manage the site with a preference of having something in place at minimum prior to Christmas.

7.15 Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management

252 **Resolved** Crs Morris and Reynoldson that the Council:

- a) revoke existing members of the Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management.

- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management:

President:	Chris Braybon
Vice President 1:	Henry Matheson
Vice President 2:	Ken Bevan
Secretary:	Maureen Bevan
Treasurer:	Colleen Bryabon
Committee:	
Bill Braybon	Ken Jenkins
Allan Matheson	Jock Bruest
Peter Horneman	Colin Drury
Phil Matheson	Lyn Donkin
Kerry Osborne	Ferg Walsh
Helen Kenine	Neville Rees
Doug Thomas	Geoff Retallick
Ray Koschel	Ivy Matheson
Jan Braybon	Marj Kable
Maree Matheson	Peter Ryan

7.16 Suspension of Alcohol-Free Zone - Chanter Street, Berrigan

- 253 **Resolved** Crs Morris and Reynoldson that the Council, subject to Police approval and development consent being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter Street, Berrigan from 5.00pm to 11.00pm on Friday 3 December 2021 in accordance with Section 645 of *the Local Government Act 1993*.

- 254 **Resolved** Crs Reynoldson and Taylor that a late item be considered with the permission of the Mayor.

The Mayor accepted the late item.

7.17 Social Media – Comments

- 255 **Resolved** Crs Traylor and Reynoldson that the Council,
1. Note the High Court of Australia’s findings in Fairfax Media Publications Pty Ltd v Voller:
 2. Direct the Chief Executive Officer to undertake a review of the Council’s exposure to liability via third-party comments left on its social media platforms including actions to mitigate this risk;
 3. Endorse the action of the Chief Executive Officer to temporarily disable the comments function on the Council’s Facebook and Instagram platforms - with comments to remain disabled until this review is complete and presented to the Council for consideration.

8. ITEMS FOR NOTING

- 256 **Resolved** Crs Taylor and Morris that Items for Noting numbered 8.1 to 8.6 inclusive be received and noted.
- 8.1 2021-2022 Rates and Collections and Outstanding Debtors Balances – 1st Quarter
 - 8.2 Water Supply – Silo Road Tocumwal Development
- 257 **Resolved** Crs Taylor and Morris that the Council note the new estimate of \$80,000 for the water supply at Silo Road, Tocumwal Development
- 8.3 T08/21/22 – Design and Construction of the Tocumwal Long Day Care Building
 - 8.4 T06/21/22 – Apex Drainage Upgrade, Berrigan
 - 8.5 Union Picnic Day
 - 8.6 Development Determinations for Month of September 2021

9. CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

9.1 T06/21/22 – Apex Park Drainage Upgrade, Berrigan

This item is classified CONFIDENTIAL under section 10A(2) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
 - (ii) confer a commercial advantage on a competitor of the council, or

It is not in the public interest to reveal the commercial information provided by the consultant.

258 Resolved Crs Taylor and Bodey that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

9.1 T06/21/22 – Apex Park Drainage Upgrade, Berrigan

Council closed its meeting at 12:30pm. The public and media left the Chamber.

Open Council resumed at 12:31pm.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

Resolved Crs Taylor and Reynoldson that the Council note this report for the evaluation of Tender T06/21/22 – Apex Park Drainage Upgrade, Berrigan.

10. COMMITTEES

10.1 Local Traffic Committee

261 **Resolved** Crs Morris and Taylor That the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 7 October, 2021:

That the Council:

1. approves the application made by Cobram Barooga Cycle Club to hold their weekly race events from the carpark at 139 Hughes Street, Barooga every Sunday commencing at 10:00am for the next 12 months from 1st December, 2021 to 30th November, 2022.
2. approves the application made by Berrigan District Development Association (BDDA) to hold their Annual Community Christmas Market Night on Friday 3rd December, 2021 and the temporary road closure of Chanter Street, between Jerilderie Street (MR363) and Drummond Street, Berrigan, between the hours of 5:00pm – 11:00pm subject to:
 - Transport NSW, NSW Police and Berrigan Shire Council being listed as interested parties on the Certificate of Currency, and
 - A Road Occupancy License being obtained from Transport NSW for the event.

11. MAYOR'S REPORT

Cr Hannan reported that he had attended the following during the period:

- Cross Border Commissioner meetings
- Meeting with Deputy Premier
- RAMJO catch-up

262 **Resolved** Crs Taylor and Bodey that the Mayor's Report be received.

12. DELEGATES REPORT

Cr Ross Bodey

- Tocumwal Chamber of Commerce meeting

Cr John Taylor

- Nil

Cr Daryll Morris

- Nil

Cr Roger Reynoldson

- Nil

Cr Colin Jones

- Tocumwal Swimming Pool Committee

Cr John Bruce

- Barooga Advancement Group AGM

13. BUSINESS ARISING

Cr John Bruce

- Stronger Country Communities Round 4 – delay in announcements
- Saleyards – Sheep Ramps – vendor on site and met with Advisory Group – hoping they will be in in the next few months, Cattle ramps next – survey of current yards after that.
- Tocumwal Foreshore Building
- Thank Gary for work on Back Barooga Road

Cr Colin Jones

- Block in Gypsy Crescent, Barooga

Cr Roger Reynoldson

- Grant money for community group equipment

Cr Daryll Morris

- Nil

Cr John Taylor

- Nil

Cr Ross Bodey

- Sensory Strips in Tocumwal
- Caravan Park lease

Cr Matthew Hannan

- Tocumwal car park looks good
- Fleet – electric vehicles
- Christmas function

Matthew Hansen (Deputy Chief Executive Officer)

- Visitor Information Centre lease agreement

Gary George (Acting Director Technical Services)

- Nil

Karina Ewer (Chief Executive Officer)

- Visitor Information Centre

263 **Resolved** Crs Bruce and Jones that the Council do not pay the rent until it receives formal request to extend the agreement for Council to consider

- MRT
- Rohit

14. CLOSE OF MEETING

There being no further business the meeting closed at 12.57pm.