



BERRIGAN SHIRE

BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



## ORDINARY COUNCIL MEETING

Held on Wednesday 17 July, 2024

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



# Minutes



## Ordinary Council Meeting

Wednesday 17 July, 2024

# MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 17 July, 2024 when the following business was considered:-

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## **Present:**

Councillors:

Julia Cornwell McKean (Mayor), Carly Marriott (Deputy Mayor), Renee Paine, Matthew Hannan and John Taylor

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Gary George (Director Infrastructure) and Tahlia Fry (Director Corporate Services)

## **1 OPENING OF MEETING**

The Council opened its meeting at 9:15am.

Mayor Julia Cornwell McKean 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 Cornwell McKean 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**

Cr Ted Hatty – Leave of Absence

Cr Roger Reynoldson – Leave of Absence

Cr Sarah McNaught – Leave of Absence

#### **3.2 Applications for Leave of Absence**

#### **3.3 Attendance Via Audio-Visual Link**

Cr Matthew Hannan – attendance via MSTeams

### **4 CONFIRMATION OF PREVIOUS MINUTES**

**Resolved OCM 154/24**

Moved: Cr Renee Paine

Seconded: Deputy Mayor Carly Marriott

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 19 June, 2024 be confirmed.

**CARRIED**

**Resolved OCM 155/24**

Moved: Cr Renee Paine

Seconded: Deputy Mayor Carly Marriott

That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 3 July, 2024 be confirmed.

**CARRIED**



**5 DISCLOSURES OF INTERESTS**

Cr John Taylor declared a significant pecuniary – 8.11 Request to waive service charges - Assessment 1537.

**6 MAYORAL MINUTE(S)**

Nil

**7 REPORTS OF COMMITTEES**

Nil

**8 REPORTS TO COUNCIL**

**8.1 Development Determinations for the Month of June 2024**

**Resolved OCM 156/24**

Moved: Cr John Taylor

Seconded: Cr Renee Paine

That Council receive and note this report.

**CARRIED**

**8.2 Correspondence Incoming and Outgoing - June to July 2024**

This report was for information only.

**8.3 RAMJO Water Position Paper - Finalised**

This report was for information only.

**8.4 Council Action Report**

**Resolved OCM 157/24**

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council receive and note this report.



CARRIED

**8.5 Caretaker period - 2024 local government elections**

**Resolved OCM 158/24**

Moved: Cr Renee Paine

Seconded: Deputy Mayor Carly Marriott

That Council note this report.

CARRIED

**8.6 Biosecurity Quarterly Report**

This report was for information only.

**8.7 DS Kendall Breach of Contract - Update**

**Resolved OCM 159/24**

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council receive and note this report.

CARRIED

**8.8 Murray Regional Tourism Board - Update**

This report was for information only.

**8.9 Riverina Regional Library Deed of Agreement**

**Resolved OCM 160/24**

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott



That Council authorises its Seal to be affixed to the Riverina Regional Library Deed of Agreement in the presence of two signatories authorised to affix the Seal, being the Mayor and CEO, pursuant to clause 400 of the *Local Government (General) Regulation 2021*.

CARRIED

## 8.10 Southern Riverina Drought Resilience Plan

Resolved OCM 161/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council adopt the Southern Riverina Drought Resilience Plan noting CSIRO and community feedback and how that has been included in the finalised document.

CARRIED

Cr Marriott – Understand the purpose of the resilience plan and that we were funded for this work. However, I feel like this is a double up of work. There is no break through information from this report.

Cr Taylor left the Council Chambers at 9:25pm.

## 8.11 Request to waive service charges - Assessment 1537

Resolved OCM 162/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Renee Paine

That Council advise the owners of Assessment 1537 that the service charges levied against their assessment in 2023-24 are lawfully charged and will not be waived and charges will continue to be made against this assessment as per legislation and Council policy.

CARRIED

Cr Taylor returned to the Council Chambers at 9:27pm.

## 8.12 Re-roofing of Council Buildings - Tender T14-23-24

### Recommendation

That Council:

1. Award T14-23-24 to Rayzor Roofing and Plumbing for the value of \$702,702.00 excl. GST





2. Authorises its Seal to be affixed to the above contracts in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021.

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**8.12.1 Move to Confidential**

**Resolved OCM 163/24**

Moved: Cr Roger Reynoldson

Seconded: Deputy Mayor Carly Marriott

Mayor Julia Cornwell McKean requests that item 8.12 be noted and discussed in the confidential section of the meeting.

CARRIED

**8.13 Finance - Accounts**

**Resolved OCM 164/24**

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 June 2024,
- b) confirm the accounts paid as per Warrant No. 06/24 totaling \$4,679,515.88 and
- c) note the report on investments attached.

CARRIED

**8.14 Planning Proposal - Amend the zoning and lot size map at 1 Bruton Street, Tocumwal**

**Resolved OCM 165/24**

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Renee Paine

That Council:



1. adopt Council Officer's recommendation and submit Planning Proposal PP-2024-989 to the Department of Planning, Housing and Infrastructure for Gateway Determination,
2. direct Council Officers to initiate the negotiation of a draft Infrastructure Agreement and
3. direct Council Officers that an Infrastructure Agreement must be signed prior to the LEP Amendment being finalised.

CARRIED

## 8.15 Green Waste Vouchers

Resolved OCM 166/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Matthew Hannan

That Council

1. immediately implement a voucher system for green waste disposal at Berrigan Shire waste management facilities for the 2024/25 and 2025/26 financial years. The voucher system is to provide three (3) vouchers per residential assessment in Berrigan Shire each financial year with each voucher permitting free disposal of one (1) cubic metre of waste.
2. direct the Chief Executive Officer to undertake and present a review of the effectiveness of the voucher system and green waste charges before proposing any continuation of the voucher system past 2025/26.
3. Bring back a procedure of handing out vouchers to the community.

CARRIED

## 8.17 Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management

Resolved OCM 167/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council:

1. receive and note the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management and
2. refer the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management to Crown Lands (Department of Planning, Housing and Infrastructure) for approval to proceed to public exhibition,
3. delegate authority to the Chief Executive Officer to revise the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management in accordance with any direction



received from Crown Lands, prior to placing the plan on public exhibition for a minimum period of 28 days and inviting the public to make submissions over a period of 42 days and

- bring the final version of the draft Tocumwal Foreshore Recreation Reserve Crown Land Plan of Management to a future Council meeting for consideration and adoption pursuant to section 40 of the LG Act in accordance with 3.23(6) of the *Crown Land Management Act 2016*.

CARRIED

## 8.18 Tocumwal Memorial Hall Reserve Crown Land Plan of Management

Resolved OCM 168/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council:

- receive and note the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management,
- refer the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management to Crown Lands (Department of Planning, Housing and Infrastructure) for approval to proceed to public exhibition,
- delegate authority to the Chief Executive Officer to revise the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management in accordance with any direction received from Crown Lands, prior to placing the plan on public exhibition for a minimum period of 28 days and inviting the public to make submissions over a period of 42 days and
- bring the final version of the draft Tocumwal Memorial Hall Reserve Crown Land Plan of Management to a future Council meeting for consideration and adoption pursuant to section 40 of the LG Act in accordance with 3.23(6) of the *Crown Land Management Act 2016*.

CARRIED

## 9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

## 10 CONFIDENTIAL MATTERS

Resolved OCM 169/24

Moved: Cr Renee Paine

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 Public Liability matter**

This matter is considered to be confidential under Section 10A(2) - (g) 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**10.2 CEO Performance Review 2023-2024**

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).

**10.3 Tender Evaluation - Confidential Panel Assessment**

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 170/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council re-open the meeting to the public at 10:41pm.

CARRIED

**11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE**

**11.1 Tocumwal Library Park**



## Motion

Moved: Deputy Mayor Carly Marriott  
Seconded: Cr Renee Paine

Cr Carly Marriott requests staff to seek guidance from the Everyone Can Play Grant, to see if disability gates are able to be placed at the Tocumwal Library Park. If the gates are an option, staff are to liaise with Tocumwal Community Groups regarding funding.

## MOTION WITHOUT NOTICE

**Resolved** OCM 171/24

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

That the Chief Executive Officer write to the premier and minister for health regarding the budget commitments and services that will not be delivered at the Finley Hospital Development.

CARRIED

## 12 COUNCILLOR REPORTS

### 12.1 Mayor's Report

**Resolved** OCM 172/24

Moved: Cr John Taylor  
Seconded: Cr Renee Paine

That the Mayor's Report be received.

CARRIED

### 12.2 Verbal Reports from Delegates

## Motion

That the Councillor's Reports be received.



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## CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on 7 August 2024 from 9:00am in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Mayor, Cr Julia Cornwell McKean closed the meeting at 10:58pm.