



BERRIGAN SHIRE

BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



ORDINARY COUNCIL MEETING

Held on Wednesday 16 October, 2024

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting
Wednesday 16 October, 2024

MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 16 October, 2024 when the following business was considered:-

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Present:

Councillors:

Julia Cornwell McKean, Renee Paine, Matthew Hannan, John Stringer, Renee Brooker, Catherine Healy and Katie Ngatoko.

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy CEO), Tahlia Fry (Director Corporate Services), Andrew Fletcher (Director Strategic Planning and Development) and Gary George (Director Infrastructure).

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.

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 video recording of the Council Meeting will be taken for administrative and minute preparation purposes only and is provided to the public for viewing purposes to support Council's statutory obligations.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Julia Cornwell McKean made an Acknowledgement of Country with the following statement:



**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 206/24

Moved: Cr Renee Paine

Seconded: Cr Katie Ngatoko

That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 18 September, 2024 be confirmed.

CARRIED

4.1 Minutes

Resolved OCM 207/24

Moved: Cr Renee Paine

Seconded: Cr Matthew Hannan

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 7 August, 2024 be confirmed.

CARRIED

5 DISCLOSURES OF INTERESTS

NIL



NIL

6 MAYORAL MINUTE(S)

6.1 Mayoral Minute - Dialysis Services for Berrigan Shire

Resolved OCM 208/24

Moved: Mayor Julia Cornwell McKean

That Council supports advocacy for a cross border approach to securing dialysis services closer to home for residents of Moira and Berrigan Shires, including the possibility of both permanent and mobile services.

CARRIED

7 REPORTS OF COMMITTEES

Nil

7.1 Audit Risk and Improvement Committee - minutes

Resolved OCM 209/24

Moved: Cr Catherine Healy

Seconded: Cr Renee Brooker

That the Council note and receive the minutes of the following audit risk and improvement committee meetings:

1. 28 August 2024
2. 8 October 2024

CARRIED

7.2 Local Traffic Committee - minutes

Recommendation

Resolved OCM 210/24

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Brooker



That Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 15 August 2024.

- LTC1. Council approve the application made by BDDA to hold the Annual Christmas Night Market on Friday 6 December 2024 and temporary road closure of Chanter Street, Berrigan between the hours of 5:00pm – 11:00pm subject to: A Road Occupancy License to be obtained from Transport NSW for the event.
- LTC2. Council approve the application made by Cobram Barooga Cycle Club to hold their 2024/2025 Race permit event each Sunday from 10:00am for the next twelve months.
- LTC3. Council note the review of speed zone for Murray Street, Tocumwal. Reference No. R-4549 at Comprehensive review stage.

Staff to provide the minutes of the meeting to Council.

CARRIED

8 REPORTS TO COUNCIL

8.1 Local Water Utilities Final Report

Resolved OCM 211/24

Moved: Cr John Stringer

Seconded: Cr Katie Ngatokoa

That Council receive and note this report.

CARRIED

8.2 Development Determinations for Month of Sept 2024

Resolved OCM 212/24

Moved: Cr John Stringer

Seconded: Cr Katie Ngatokoa

That Council receive and note this report.

CARRIED

Cr Paine left the Council Chambers at 9:30am.

Cr Paine returned to the Council Chambers at 9:32am.

8.3 Correspondence Incoming and Outgoing July 2024 to October 2024

This report was for information only.



8.4 Councillor requests - September 2024

This report was for information only.

8.5 2025-26 Rate Peg

This report was for information only.

8.6 Code of Meeting Practice

LAPSED

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Brooker

That the Council:

1. adopt as a draft the Berrigan Shire Council Code of Meeting Practice as attached to this report,
2. place on public exhibition, this Draft Code of Meeting Practice with feedback to be presented along with a finalised draft document at the December Ordinary Council meeting for adoption and
3. fix the schedule for ordinary meetings of Council for the remainder of 2024 and for 2025 as follows.

Date	Venue	Time
16 October 2024	Berrigan Shire Council Chambers	9.00am
20 November 2024	Berrigan Shire Council Chambers	9.00am
4 December 2024	Berrigan Shire Council Chambers	1.00pm
22 January 2025	Berrigan Shire Council Chambers	4:30
19 February 2025	Berrigan Shire Council Chambers	9:00am
19 March 2025	Berrigan Shire Council Chambers	4:30pm
16 April 2025	Berrigan Shire Council Chambers	9:00am
21 May 2025	Berrigan Shire Council Chambers	4:30pm
18 June 2025	Berrigan Shire Council Chambers	9.00am



16 July 2025	Berrigan Shire Council Chambers	9.00am
20 August 2025	Berrigan Shire Council Chambers	9.00am
17 September 2025	Berrigan Shire Council Chambers	4:30pm
15 October 2025	Berrigan Shire Council Chambers	4:30pm
19 November 2025	Berrigan Shire Council Chambers	4:30pm
4 December 2025	Berrigan Shire Council Chambers	Morning

LAPSED

Cr Paine left the Council Chambers at 9:36am
Cr Paine returned to the Council Chambers at 9:38am.

8.6.1 Code of Meeting Practice

Resolved OCM 21337/24

Moved: Cr Katie Ngatoko
Seconded: Cr Renee Brooker

That the Council:

1. Direct the CEO to bring a revised Code of Meeting Practice back to the November Council Meeting, including revisions to the modes of address and meeting time limits requirements.
2. Fix the schedule for ordinary meetings of Council for the remainder of 2024 and for 2025 as follows:

Date	Venue	Time
16 October 2024	Berrigan Shire Council Chambers	9.00am
20 November 2024	Berrigan Shire Council Chambers	9.00am
4 December 2024	Berrigan Shire Council Chambers	1.00pm
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18 June 2025	Berrigan Shire Council Chambers	9.00am
16 July 2025	Berrigan Shire Council Chambers	9.00am
20 August 2025	Berrigan Shire Council Chambers	9.00am
17 September 2025	Berrigan Shire Council Chambers	4:30pm



15 October 2025	Berrigan Shire Council Chambers	4:30pm
19 November 2025	Berrigan Shire Council Chambers	4:30pm
4 December 2025	Berrigan Shire Council Chambers	Morning

CARRIED

8.7 Councillor Expenses and Facilities

Resolved OCM 214/24

Moved: Cr John Stringer

Seconded: Cr Katie Ngatokoa

That Council

1. adopt as a draft the Councillor Expenses and Facilities Policy attached as an appendix to this report and
2. place the draft on public exhibition for a period of 28 days with any public submissions received to be considered at the ordinary Council meeting to be held on 4 December 2024.

CARRIED

8.8 Confirmation of designated persons

Resolved OCM 215/24

Moved: Cr Renee Paine

Seconded: Cr Matthew Hannan

That Council formally identify the following positions and occupants as designated persons as defined in the Berrigan Shire Council Code of Conduct

Chief Executive Officer	Karina Ewer
Deputy Chief Executive Officer	Matthew Hansen
Director Infrastructure	Gary George
Director Strategic Planning and Development	Andrew Fletcher
Director Corporate Services	Tahlia Fry
Enterprise Risk Manager	Michelle Koopman
Finance Manager	Genevieve Taylor



IT Project Manager	Harin Perera
Assets and Engineering Manager	Ramesh Shrestha
Operations Manager - Transport	Darron Freund
Manager Sustainability	Vageesh Nonavinakere
Assets and Engineering Manager	Ramesh Shrestha
Biosecurity and Compliance Coordinator	Matt Wooden
Building and Planning Manager	Sarah Griffith
Building Surveyor (Contract)	Michael Foley
Town Planner	Noureen Wajid
Building Surveyor/Facilities Maintenance	Chris Koschel
Trainee Building Surveyor/Facilities Maintenance	Josh Allen
Noxious Weeds and Public Safety Officer	Brendan Toll
Audit Risk and Improvement Committee member	Linda McRae
Audit Risk and Improvement Committee member	Angela Urquhart
Audit Risk and Improvement Committee member	Todd Bentley

CARRIED

8.9 Code of Conduct and Procedures for the Administration of the Code of Conduct

Resolved OCM 216/24

Moved: Cr Matthew Hannan

Seconded: Cr Renee Brooker

That Council adopt:

- the Berrigan Shire Council Code of Conduct attached as appendix 1 to this report, and
- the Procedures for the Administration of the Code of Conduct as issued by the Office of the Local Government, without amendment.

CARRIED



8.10 Mayoral Alliance for the Pacific

Resolved OCM 217/24

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Paine

That Council support the Mayoral Alliance for the Pacific initiative by providing advocacy support to the cause.

CARRIED

8.11 Corporate Workshop Dates and Outline

Resolved OCM 218/24

Moved: Cr Renee Paine

Seconded: Cr John Stringer

That Council

1. nominate 6 and 7 of November 2024 as the dates for the Corporate Workshop to be held at Berrigan and
2. note the draft program for the Corporate Workshop as set out in this report.

CARRIED

8.12 CEO Annual Leave Request

Resolved OCM 219/24

Moved: Cr John Stringer

Seconded: Cr Katie Ngatoko

That Council approve the CEO's request for annual leave to the period 25 November 2024 to 6 December 2024 inclusive. During this period, Deputy CEO Matt Hansen will act into the position of CEO.

CARRIED

8.13 Actions from previous meetings

Resolved OCM 220/24

Moved: Cr Katie Ngatoko

Seconded: Cr Catherine Healy



That Council receive and note this report.

CARRIED

8.14 Delegations

Resolved OCM 221/24

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Paine

That Council

1. adopt the Delegations to the Mayor as set out in the Delegation Schedule provided as Appendix 1 to this report,
2. adopt the Delegation to the Chief Executive Officer as set out in the Delegation Schedule provided as Appendix 2 of this report,
3. confirm Delegation DEG002 is restricted to \$250,000
4. confirm Delegation DEG001 is restricted to \$250,000
5. confirm Delegation DEG024 is restricted to \$20,000 and
6. confirm Delegation DEG097 is restricted to \$50.

CARRIED

8.15 Exemption from Procurement Process Authorisation Request

Resolved OCM 222/24

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Paine

That Council:

1. endorse the request for exemption from Council's procurement process to engage Curry PM to finalise the DRFA and RERRF project delivery directly, instead of through the Edward River Service Level Agreement and
2. direct the Mayor to sign the Exemption from Procurement Process Authorisation as presented.

CARRIED

8.16 Developer Concession - Ray Brooks Investments Development Projects

Resolved OCM 223/24



Moved: Cr Katie Ngatoko
 Seconded: Cr Renee Brooker

That Council inform the applicant it is unable to extend the developer concession to the properties as requested, as the applicant did not meet their obligations in applying by due date for the 2024-2025 financial year.

CARRIED

At 10:15 AM, the meeting adjourned for morning tea.

At 10:30 AM, the meeting reconvened.

8.17 Section 355 Committees of Management

Resolved OCM 224/24

Moved: Cr John Stringer
 Seconded: Cr Renee Paine

- a) Revoke existing members of the Section 355 Committee of Management listed below.
- b) Pursuant to section 355 of the Local Government Act 1993, appoint the persons defined in this report to the Section 355 Committee.

Barooga Botanical Gardens

President:	Lynn Knight
Vice President:	Marlene Manning
Secretary:	Jan Cullen/Mandy Murnane
Treasurer:	Vanessa Rankin/Kaye Stokes
Committee:	Nella Sorrenti, Tom Rankin, Lou Ryan, Geoff Knight, Tina Whelan, Katheryn Reilly Graham Dalton, Ken Cartwright, Helen Stewart

Finley War Memorial Pool

President:	Barry Dawe
Vice President:	Matt Muller
Secretary:	Sarah Edwards/Kate Walsh
Treasurer:	Phil Gregory



Committee:	Linda Turley, Sasha Wood
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Finley War Memorial Hall

President:	Sally Bickerton
Secretary:	Sally Bickerton
Treasurer:	Dean Russell
Committee:	John Taylor, Lachlan Hawkins, Rob Hawkins, Jill Orro

Berrigan War Memorial Hall

President:	Nevil Dalglish
Secretary:	Ian Randall
Treasurer:	Bruce Rendall
Committee:	M Steer

Tocumwal Swimming Pool

President:	Faith McCallum
Vice President:	Sarah McVeigh
Secretary:	Leanne Waldron
Treasurer:	Andi White
Committee:	Maria Merrington, Anne Logie, Geoff Edwards, Kerren Edwards, Simone Shannon, Yvonne Nuttal

Tocumwal War Memorial Hall

President:	Col Jones
Secretary:	Marg Close
Treasurer:	Sue Braybon
Committee:	Kylie Flury, Kevin McCumstie, Betsy Bird, Peter Bird, Anne Jones, Lysie Reid, Denise Baldwin



CARRIED

8.17.1 Update to Delegations

Action

Remove Cr Ngatokoa as a committee member for the Finley War Memorial Hall and update the Vice President to Matt Mueller.

8.18 Tocumwal Preschool Reserve

Resolved OCM 225/24

Moved: Cr John Stringer

Seconded: Cr Renee Paine

That the Council, with regards to Crown Reserve 90909 (Tocumwal Preschool Reserve):

1. submit a written request to Crown Lands NSW to resign its role as land manager and
2. assist Tocumwal Preschool Kindergarten Association Inc. with a simultaneous written request for appointment as land manager.

CARRIED

8.20 Finance - Accounts September

Resolved OCM 226/24

Moved: Cr Katie Ngatokoa

Seconded: Cr Renee Brooker

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2024,
- b) confirm the accounts paid as per Warrant No. 09/24 totaling \$14,407,205.30 and note the report on investments attached.

CARRIED



8.21 Finance - Accounts

Resolved OCM 227/24

Moved: Cr Renee Brooker

Seconded: Cr Katie Ngatoko

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2024,
- b) confirm the accounts paid as per Warrant No. 08/24 totaling \$3,242,036.24 and note the report on investments attached.

CARRIED

8.22 2023-24 Annual Financial Statements

Resolved OCM 228/24

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Brooker

1. That the Council, having satisfied itself in relation to the preparation of its financial reports and special schedules:
 - a. refer its financial statements to the Auditors for the audit report,
 - b. subject to receipt of the audit report, at its meeting to be held on Wednesday 16 October 2024, the Council present its audited financial reports and audited reports to the public and that the Council's intention be publicly notified,
 - c. sign the attached General Purpose Financial Report "Statement by Council and Management" and the Special Purpose Financial Report "Statement by Council and Management" and
 - d. 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).

CARRIED

8.23 T01-24-25 Annual Plant Hire Rates for 2024-25

Resolved OCM 229/24

Moved: Cr Matthew Hannan

Seconded: Cr Catherine Healy



That Council:

1. accept all compliant tenders for the 2024-25 financial year for T01-24-25 Annual Plant Hire Rates and
2. authorise its Seal to be affixed to the relevant contracts in the presence of two signatories authorised to affix the seal, pursuant to Regulation 400 of the *Local Government (General) Regulation 2021*.

CARRIED

8.25 Barooga raw water intake remediation works

Resolved OCM 230/24

Moved: Cr Katie Ngatoko
Seconded: Cr Matthew Hannan

That Council, in relation to the Barooga raw water intake

1. award the quotation submitted by Soil Conservation Services for the remediation of the riverbank at the Barooga WTP raw water intake for the contract value of \$356,457 excl GST, subject to the CEO reviewing the scope and negotiation with the preferred supplier if any changes are required.
2. authorises its Seal to be affixed to all documents relating to this contract in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the *Local Government (General) Regulation 2021*;
3. appoint Michael Eddie as the contract Authorised Person;
4. authorise the Authorised Person to approve variations on the contract up to a maximum value of 10% of the contract sum.

CARRIED

8.26 Country Universities Centres Southern Riverina - Update

Resolved OCM 231/24

Moved: Cr Katie Ngatoko
Seconded: Cr Catherine Healy

That Council receive and note this report.

CARRIED



9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

9.1 Extraordinary Meeting

Resolved OCM 232/24

Moved: Cr Renee Paine

Seconded: Cr Katie Ngatokoa

Council holds Extraordinary Meeting to be held on 9am Monday 21 October via MSTeams to discuss Planning Proposal PP2023.2603 – 92 Strathvale Rd Berigan.

CARRIED

10 CONFIDENTIAL MATTERS

Resolved OCM 233/24

Moved: Cr Renee Paine

Seconded: Cr Katie Ngatokoa

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 T13-23-24 Barooga WTP Sludge Lagoon

This matter is considered to be confidential under Section 10A(2) - (d)(i) 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.

CARRIED

During closed Council, Council determined:

10.1 T13-23-24 Barooga WTP Sludge Lagoon

Resolved OCM 233/24

Moved: Cr Katie Ngatokoa

Seconded: Cr Renee Brooker

That Council

1. award the tender submitted by S&R Engineering and Construction Pty Ltd for Contract T13-23-24 Barooga WTP Sludge Lagoons for the contract value of \$576,188.91 Excl GST, subject to the CEO reviewing the scope and negotiation with the preferred supplier if any changes are required;



2. *authorises its Seal to be affixed to all documents relating to this contract in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021;*
3. *appoint Michael Eddie as the contract Authorised Person;*
4. *authorise the Authorised Person to approve variations on the Contract up to a maximum value of 10% of the contract sum.*

CARRIED

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

Cr Paine

- Berrigan Tank Paddock: Flooding – backfill of water.

Cr Ngatoko

- Tafe sign from Finley has a broken bracket.

Cr Healy

- Sign for the carpark where the new toilets in Finley – GA Edwards toilet in Finley.

12 COUNCILLOR REPORTS

12.1 Mayor's Report

- Tocumwal Foreshore Committee Exec
- Murrumbidgee Local Health District
- NSW Ambulance in Tocumwal
- Workshop
- Mens Shed Berrigan
- Childcare Centre outdoor opening
- Barooga Recreation Reserve AGM
- Tocumwal Ambulance Committee Meeting
- Barooga Advancement Group AGM
- Rotary Candidate session
- Tocumwal Public School meeting

Resolved **OCM 234/24**

Moved: Cr Katie Ngatoko

Seconded: Cr Renee Paine



That the Mayor's Report be received.

CARRIED

12.2 Verbal Reports from Delegates

Cr Healy

- Opening of the Berrigan Tennis Courts

Cr Hannan

- Staff Breakfast in Berrigan
- Tocumwal Ambulance Meeting

Cr Ngatoko

- Tocumwal Ambulance Meeting

Tahlia Fry entered the meeting at 11:06am.

Resolved **OCM 235/24**

Moved: Cr Renee Brooker

Seconded: Cr Katie Ngatoko

That the Councillor's Reports be received.

CARRIED

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on 20 November 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 11:06am.