



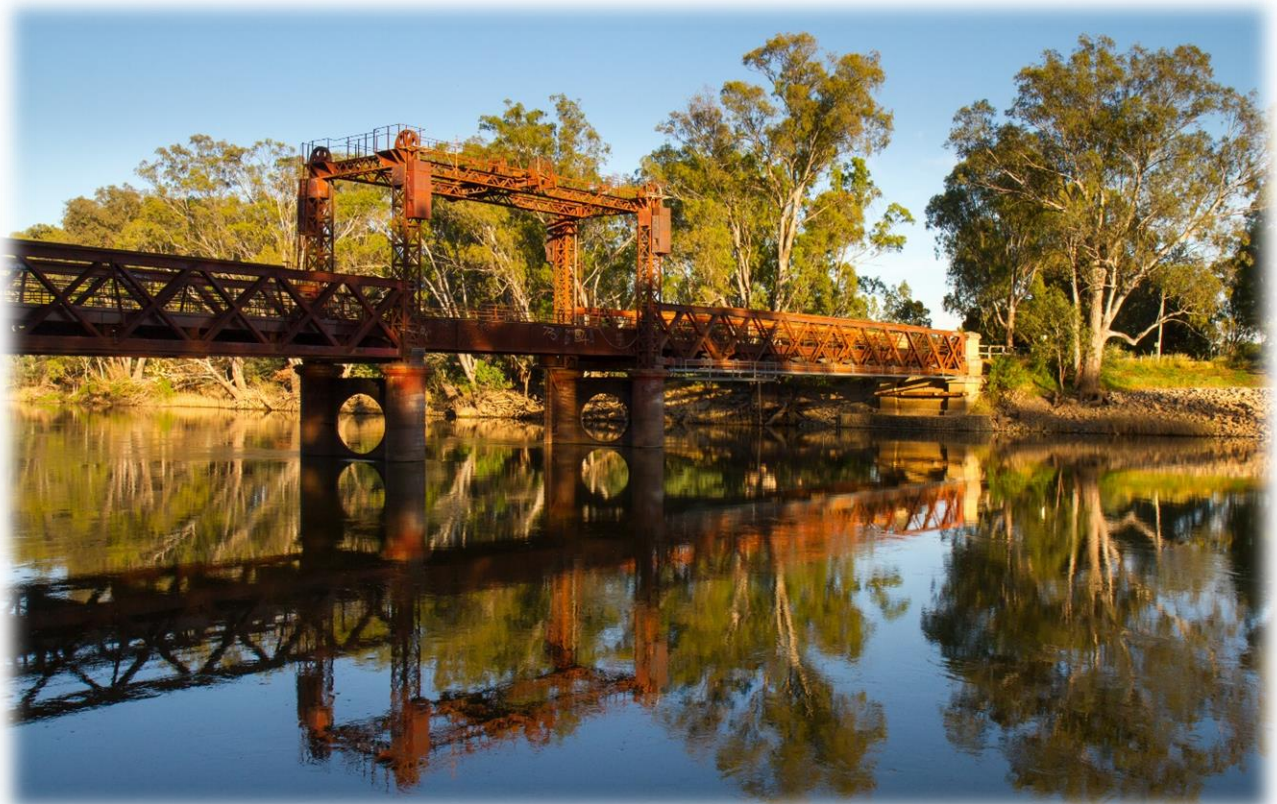
## ORDINARY MEETING OF COUNCIL

Held on Wednesday 15<sup>th</sup> July, 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



# Minutes



Minutes of the Ordinary Council Meeting held  
on Wednesday 15<sup>th</sup> July, 2020 commencing at 11:10am

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**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:

Rowan Perkins (General Manager), Matthew Hansen (Director Corporate Services), Matthew Clarke (Director Technical Services) and Laurie Stevens (Development Manager)

**1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

Nil

**2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS**

Cr Bruce declared a non-significant non-Pecuniary Interest in Item 7.20 as he has a family member who is a member of Berrigan Local Health Advisory Committee.

**3. VISITORS**

Nil

**4. CONFIRMATION OF MINUTES**

**136 RESOLVED** Crs Reynoldson and Morris that the Minutes of the ordinary meeting held in the Council Chambers on Wednesday 17<sup>th</sup> June, 2020 and the Minutes of the extraordinary meeting held in the Council Chambers on Wednesday 24<sup>th</sup> June, 2020 be confirmed.

**5. MAYORAL MINUTES**

Nil

## 6. NOTICE OF MOTION

Nil

## 7.1 FINANCE - ACCOUNTS

- 137 **RESOLVED** Crs Morris and Reynoldson that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 June 2020, be received and that the accounts paid as per Warrant No. 06/20 totaling \$2,583,723.13 be confirmed.

## 7.2 GENERAL MANAGER'S PERFORMANCE REVIEW

- 138 **RESOLVED** Crs Taylor and Glanville that the Council conduct the General Manager's End of Year Performance Review as part of the August, 2020 Council meeting

## 7.3 REQUEST FOR ANNUAL LEAVE

- 138 **RESOLVED** Crs Bodey and Glanville that the General Manager be granted annual leave on the 21<sup>st</sup> and 24<sup>th</sup> August, 2020.

## 7.4 WATER CONSUMPTION CHARGE TO BE WRITTEN OFF

- 139 **RESOLVED** Crs Morris and Taylor that the Council endorse the writing off the following debts:

1. Write Off \$2,950.50 plus accrued interest levied on Water Consumption Notice, for Country Club (Finley) Pty Ltd 167-177 Murray Street Finley due to Undetected/Significant Leak

## 7.5 REQUEST FOR SUPPORT – INCREASE IN WATER ALLOCATION

- 140 **RESOLVED** Crs Bruce and Morris that the Council not support the request from Narrandera Shire Council to seek an increase in water allocation for Agriculture.

## 7.6 MAYORAL AND COUNCILLOR ALLOWANCES

- 141 **RESOLVED** Crs Glanville and Taylor that the Council adopt the following Mayoral and Councillor allowances effective from September, 2020:

Mayoral allowance	\$26,530
Councillor allowance	\$12,160

## **7.7 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM**

- 142 RESOLVED** Crs Bodey and Taylor that the Council use its allocation of funding under the Federal Government's Local Roads and Community Infrastructure Program (LRCIP) to deliver the following projects:
1. Develop a new open space area on Murray St, Finley
  2. Install LED sports lighting at Tocumwal Recreation Reserve
  3. Construct gravel path to link Collie Park and Lawson Drive in Barooga
  4. Construct gravel path to Tocumwal Golf and Bowls Club
  5. Construct asphalt and concrete path linking Barooga to Cobram
  6. Install improvements at Lions Park, Barooga

## **7.8 EVENT FUNDING – PGA SOUTHERN TRAINEES CHAMPIONSHIPS**

- 143 RESOLVED** Crs Morris and Taylor that the Council extends the funding agreement to the PGA Southern Division Trainee Championship and Junior Golf Experience to 2022 to honor the commitment to three years of funding.

## **7.9 RELOCATION OF TOCUMWAL VISITOR INFORMATION CENTRE**

- 144 RESOLVED** Crs Bodey and Jones that this item be deferred to the August 2020 Council Meeting.

## **7.10 JERSEY STREET ELECTRICITY UPGRADE – BUILDING BETTER REGIONS GRANT FUNDING**

- 145 RESOLVED** Crs Taylor and Reynoldson that the Council proceed with the upgrade of power supply to the Jersey Street area, Tocumwal, as part of the Building Better Regions Grant funding, without securing additional power supply for adjoining properties above what their current power supply is.

## **7.11 FUNDING FOR EXPENDITURE COMMITMENTS**

- 146 RESOLVED** Crs Taylor and Glanville that the Council put in place a funding strategy for known expenditure commitments for capital projects based on the table below:

Project		A	B	C	D
		LRCIP	Working Capital	Reserve	Re-allocation
1	Tocumwal Foreshore Building			\$200,000	
2	Jersey Street Precinct			\$100,000	
3	Tocumwal Aviation Museum		\$180,000		
4	Finley Saleyards - Phase 1				\$70,000
5	Finley Saleyards - Phase 2		\$515,000		
6	LED Lights - BAR, BER, FIN		\$240,000		
7	LED Lights - TOC	\$230,000			
8	TOC Aerodrome Fencing		\$150,000		
9	Open Space, Finley	\$230,000			
10	TOC Aerodrome Terminal Toilets				\$30,000
11	BAR Recreation Reserve Rooms				\$70,000
<b>TOTALS</b>		<b>\$460,000</b>	<b>\$1,085,000</b>	<b>\$300,000</b>	<b>\$170,000</b>

#### 7.12 DAWE AVENUE FINLEY - FOOTPATH

- 147 **RESOLVED** Crs Morris and Taylor that having received a commitment from the NSW Minister for Health to contribute \$10,650 towards the construction of a footpath in Dawe Avenue, Finley, the Council now proceed with the construction of the footpath.

#### 7.13 COUNCIL HOUSE – TOCUMWAL AERODROME

- 148 **RESOLVED** Crs Jones and Taylor that the Council put the current block and house up for sale and conditioned with aviation use and subdivide the block.

#### 7.14 TENDER T01/20/21 ANNUAL PLANT HIRE

- 149 **RESOLVED** Crs Taylor and Reynoldson that the Council:
1. Accepts all compliant tenders for the 2020-21 financial year for T01/20/21 Annual Plant Hire Rates,
  2. Sign and seal the contract documents

#### 7.15 TENDER T02/20/21 SUPPLY OF QUARRY PRODUCTS

- 150 **RESOLVED** Crs Bodey and Morris that the Council:
- 1- Accepts all tenders for the 2020-21 financial year for T02/20/21 – Quarry Products

- 2- Sign and seal the contract documents

#### **7.16 TENDER T03/20/21 SUPPLY OF ELECTRICAL SERVICES**

**151 RESOLVED** Crs Jones and Bodey that the Council:

- 1- Accepts all compliant tenders for the 2020-21 financial year for T03/20/21 – Electrical Services, to be on the panel of approved contractors
- 2- Sign and seal the contract documents

#### **7.17 T04/20/21 INSITU PAVEMENT STABILISATION FOR 2020/2021 FINANCIAL YEAR**

**152 RESOLVED** Crs Reynoldson and Taylor that the Council:

1. Accepts Stabilco Pty Ltd for the 2020-21 financial year for T04/20/21 Insitu Pavement Stabilisation,
2. Sign and seal the contract documents

Matthew Hansen left the Council Chamber at 11:30am.

Matthew Hansen and Nathan O'Connell entered the Council Chamber at 11:31am.

#### **7.18 TENDER T13/19/20 DESIGN & CONSTRUCTION OF THE TOCUMWAL AVIATION MUSEUM**

**153 RESOLVED** Crs Reynoldson and Jones that the Council:

1. Appoint MS Constructions as the preferred tenderer to construct the Tocumwal Aviation Museum;
2. Appoint the Director of Technical Services as the Contract Superintendent.

#### **7.19 MURRAY DARLING ASSOCIATION REGION 2 MOTIONS**

**154 RESOLVED** Crs Jones and Taylor that the Council support the following motions from Region 2 of the Murray Darling Association:

1. That the Murray Darling Association does not support the proposed buyback of 450gl of water entitlements from the Murray Darling Basin;
2. That the passage of water intended for irrigation use downstream be minimised to flows that do not cause environmental harm to river

environs and in particular the Barmah Choke on the Murray River and the banks of the heritage listed Goulburn River downstream of Eildon Weir; and

3. If on farm efficiency programs are to be used to obtain the proposed 450gl then they should be subject to an independent socio-economic analysis that proves that such transfers do not cause negative socio-economic issues in regions where water is being recovered.

## **7.20 MEDICAL SERVICES AT BERRIGAN**

- 155 **RESOLVED** Crs Morris and Glanville that the Council not support the request from the Berrigan Local Health Advisory Committee for financial support to assist in the attraction of a medical practitioner at Berrigan.

## **7.21 JUNE QUARTER REVIEW**

- 156 **RESOLVED** Crs Morris and Jones that the Council:

1. Note the June 2020 Quarterly Review of the Annual Operational Plan 2019/20 circulated as **Appendix "H"**

## **7.22 REVIEW OF CONDITIONS OF CONSENT**

- 157 **RESOLVED** Crs Jones and Taylor that the Council resolve to modify Development Consent No. 93/20/DA/D9 – 13 Lot Subdivision by:

1. Deleting condition of consent No. 17 – Water Supplies to Rural Residential Residences Outside Village Boundary;  
and including a new condition of consent to the effect of;
2. Offering to supply 1.5M/L of high security water at \$4,000 per allotment on the basis that this only applies to this development and any future development be charge at a rate to be defined.

### **Division**

**In Favour:** Crs Matthew Hannan, Daryll Morris, Colin Jones, Denis Glanville, Ross Bodey, John Taylor

**Against:** Crs John Bruce, Roger Reynoldson

### **Reason for not supporting the original recommendation:**

#### **Cr Colin Jones**

*"The reason why is we want to see the development go ahead and we think it's only fair that this charge be not put on him when it was not put on in Stage 1 so that's the reason why"*

### **7.23 TENDER T12/19/20 TOCUMWAL FORESHORE BUILDING**

**158** **MOVED** Crs Morris and Jones that the Council:

1. Select the Tender submission from Maire/Bowden as the preferred tenderer for the alternate design of the Tocumwal Foreshore Building and permits staff to commence negotiations with Marie / Bowden on said design, or
2. Sign and Seal the contract documents on behalf of the Council in relation to 1 above; and
3. Appoint the Director of Technical Services as the Contract Superintendent.

### **AMENDING MOTION**

**159** **MOVED** Crs Bruce and Jones that the Council:

1. Select the Tender submission from Maire/Bowden as the preferred tenderer for the alternate design of the Tocumwal Foreshore Building and permits staff to commence negotiations with Marie / Bowden on said design and contract price no greater than \$1.778322.30.
2. Sign and Seal the contract documents on behalf of the Council in relation to 1 above; and
3. Appoint the Director of Technical Services as the Contract Superintendent.

The amendment was lost and the motion when put was carried.

Cr Bruce voted against the motion

Nathan O'Connell left the Council Chamber at 12:12pm.

### **7.24 RELATED PARTY DISCLOSURE POLICY**

**160** **RESOLVED** Crs Glanville and Reynoldson that the Council:

1. revoke its Related Party Disclosure Policy adopted on 14 December 2018, and
2. adopt the Related Party Disclosure Policy as set out below:





**Policy**

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**88 RELATED PARTY DISCLOSURE POLICY**

Version 01

File Reference No: 12.019.1; 02.103.1

Strategic Outcome: Good government

Date of Adoption: 15/07/2020

Date for Review: 17/07/2024

Responsible Officer: Director Corporate Services

**1. POLICY STATEMENT**

**2. PURPOSE**

The policy is designed to ensure that Council's financial statements comply with the disclosure requirements under the Australian Accounting Standard AASB 124 Related Party Disclosures.

Under AASB 124 the Council is obliged to disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements

These disclosures draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of transactions with a related party and outstanding balances with such parties.

**3. SCOPE**

This policy applies to the implementation of AASB 124: Related Party Disclosures when preparing and auditing the Council's Financial Statements.

This policy is to be applied across all Council functions and activities and may impact on all Councillors, Council officers, Council volunteers and other agents of the Council.

**4. OBJECTIVE**

This policy is developed to assist the Council with the following Delivery Plan Objectives:

*2.1.2 Meet legislative requirements for Council elections, local government and integrated planning and reporting*



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*2.1.3 Council operations support ethical, transparent and accountable corporate governance*

### 5. DEFINITIONS

**Close family members of a person** shall mean those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council.

**Control** shall mean the ability to direct the business' activities of an entity through rights or exposure to returns from its involvement with the entity.

**Ordinary Citizen Transactions (OCT)** shall mean transactions with a related party that are made on terms that are considered reasonable if the parties were dealing at 'arm's length

**Key Management Personnel (KMP)** shall mean those persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities, directly or indirectly.

**"Possible (Possibly) Close members of the family of a person"** - are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

1. that person's brothers' and sisters';
2. aunts', uncles', and cousins' of that person's spouse or domestic partner;
3. dependants of those persons' or that person's spouse or domestic partner as stated in (b); and
4. that person's or that person's spouse or domestic partners', parents' and grandparents'.

**Related Party Transaction** shall mean the transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

### 6. POLICY IMPLEMENTATION

#### 6.1. Identifying Related Parties

A person or entity is a related party of Council if any of the following apply:

1. They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
2. They are an associate or belong to a joint venture of which Council is part of.
3. They and Council are joint ventures of the same third party.



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4. They are part of a joint venture of a third party and council is an associate of the third party.
5. They are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council.
6. They are controlled or jointly controlled by Close members of the family of a person.
7. They are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.
8. They, or any member of a group of which they are a part, provide KMP services to Council.

For the purposes of this Policy, related parties of Council include the following:

1. Entities related to Council;
2. Key Management Personnel (KMP) of Council
3. Close family members of KMP;
4. Possible close family members of KMP's; and
5. Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members

### 6.2. Key Management Personnel

The following positions are considered to be Key Management Personnel

- Councillors
- General Manager
- Director Technical Services
- Director Corporate Services

The list above is not exhaustive. Other positions within Council may also be considered Key Management Personnel depending on their role and/or responsibilities.

#### 6.2.1. Obligations of Key Management Personnel

To assist the Council to identify potential related party transactions, KMPs and other persons occupying or acting in the positions disclosed are required to complete a related party declaration to assist Council in compliance with its statutory obligations.

Declarations from KMPs are requested at the following times:

- When initially appointed as a KMP



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- By 30 June every financial year following – in line with the Councillors and Designated Persons Return
- Where their circumstances materially change.

KMPs are also obliged to inform the Council if they become aware of any transactions or potential transactions (other than Ordinary Citizen Transactions) that may potentially be a related party transaction.

### 6.3. Ordinary Citizen Transactions

Transactions with related parties of the Council which are of a nature that any ordinary citizen would undertake will not be captured and reported.

If an OCT occurs on terms and conditions that are different to those offered to the general public, the transaction will be captured and if required reported in the financial statements.

### 6.4. Transaction Capture

Management is to implement a system and processes for capture of related party transactions and record keeping requirements.

This process will outline how transactions are identified and captured, including

- the identification of transactions that do not pass through Council's accounting system, and
- the capture of associated terms and conditions of related party transactions.

### 6.5. Disclosure

Transactions between the Council and related parties, whether monetary or not, are required to be identified. Disclosure of these transactions within the annual financial statements will be determined in accordance with materiality by assessment against nature and size when considered individually and collectively.

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework of the AASB 124 and other relevant standards, as required.

As a general guide, transactions under \$10,000 will not be considered material unless the transaction is of a nature that disclosure would reasonably be merited.

The Council will be cognisant of privacy and right to information requirements when dealing with the identification, retention and disclosure of related party transactions.



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### **7. RELATED POLICIES OR STRATEGIES**

#### **7.1. Legislation**

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- Australian Accounting Standard AASB 124: Related Party Disclosures
- Office of Local Government Code of Accounting Practice and Financial Reporting

#### **7.2. Council policies and guidelines**

- Berrigan Shire Council Code of Conduct
- Procurement and Disposal Policy

## 8. ITEMS FOR NOTING

161 **RESOLVED** Crs Morris and Jones that Items for Noting numbered 8.1 to 8.6 inclusive be received and noted as set out below:

- 8.1 MINUTES OF A MEETING OF RIVERINA AND MURRAY JOINT ORGANIZATION HELD ON 13<sup>TH</sup> MAY 2020
- 8.2 2021 COUNCIL ELECTION
- 8.3 TOCUMWAL/BAROOGA FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN
- 8.4 CONDITION AND COMPLIANCE ASSESSMENT OF THE SPORTIES HEALTH AND FITNESS CENTRE
- 8.5 IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM
- 8.6 DEVELOPMENT DETERMINATIONS FOR MONTH OF JUNE

## 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.

#### **9.1 TENDER T13/19/20 DESIGN & CONSTRUCTION OF THE TOCUMWAL AVIATION MUSEUM**

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:
  - (i) prejudice the commercial position of the person who supplied it, or

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

#### **9.2 TENDER T12/19/20 DESIGN & CONSTRUCTION OF THE TOCUMWAL FORESHORE BUILDING**

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:
  - (i) prejudice the commercial position of the person who supplied it, or

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

**162 RESOLVED** Crs Glanville and Morris 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 TENDER T13/19/20 DESIGN & CONSTRUCTION OF THE TOCUMWAL AVIATION MUSEUM**

**9.2 TENDER T12/19/20 DESIGN & CONSTRUCTION OF THE TOCUMWAL FORESHORE BUILDING**

Council closed its meeting at 12:16pm. The public and media left the Chamber.

Open Council resumed at 12:17pm.

**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 Glanville and Reynoldson that the Council note this report Tender T13/19/20 Design & Construction of the Tocumwal Aviation Museum.*

**RESOLVED** *Crs Morris and Jones that the Council note the report Tender T12/19/20 Design & Construction of the Tocumwal Foreshore Building.*



## **10. COMMITTEES**

Nil

## **11. MAYOR'S REPORT**

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

- Save Barooga Health and Fitness Centre Pool meeting
- RAMJO extraordinary meeting
- Police Commissioner meeting – border closures
- Cross border Commissioner meetings
- Jonathan Davies – TAFE
- Murray Border Police Controller

**166 RESOLVED** Crs Taylor and Morris that the Mayor's Report be received.

## **12. DELEGATES REPORT**

### **Cr Ross Bodey**

- Tocumwal Historic Aerodrome Museum meeting.
- Tocumwal Chamber of Commerce and Tourism meeting

### **Cr John Taylor**

- Finley Local Health Advisory Committee meeting

### **Cr Daryll Morris**

- Nil

### **Cr Roger Reynoldson**

- Nil

### **Cr Denis Glanville**

- Nil

### **Cr Colin Jones**

- Nil

### **Cr John Bruce**

- Barooga Advancement Group meeting

### **13. BUSINESS ARISING**

#### **Cr Ross Bodey**

- Tocumwal Chamber of Commerce and Tourism meeting
  - Tocumwal By Pass meeting
  - Marian Drive residents
  - Potential recycling centre
- Footpath Jerilderie Street North

#### **Cr John Taylor**

- Nil

#### **Cr Daryll Morris**

- Nil

#### **Cr Roger Reynoldson**

- Nil

#### **Cr Denis Glanville**

- Nil

#### **Cr Colin Jones**

- Aerodrome fence

#### **Cr John Bruce**

- Cross Border medical services

#### **Director Technical Services**

- Nil

#### **Director Corporate Services**

- Official Openings
  - Finley Pool – November
  - Hayes and Apex Parks – September
  - Tocumwal Netball Clubrooms
- Community Sport Recovery Package

#### **Cr Matthew Hannan**

- 169 RESOLVED** Crs Taylor and Glanville that the Council appoint Cr Bruce as the Council representative on the Barooga Health and Fitness Centre working group.

- LGNSW motion

#### **General Manager**

- Cross Border permit

- Cross Border Commissioner meeting

There being no further business the meeting closed at 12:50pm.