



## ORDINARY MEETING OF COUNCIL

Held on Wednesday 15 September, 2021

at 11:00am

Council Chambers  
56 Chanter Street, Berrigan



# Minutes



Minutes of the Ordinary Council Meeting held  
on Wednesday 15 September, 2021 commencing at 11:00am.

---

Commenced – 11.01am

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), Gary George (Acting Director Technical Services) and Matthew Miller (Acting Development Manager)

**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**

207 **Resolved** Crs Morris and Bodey that the Minutes of the meeting held in the Council Chambers and via Zoom on Wednesday 18 August, 2021 be confirmed.

**5. MAYORAL MINUTES**

5.1 CEO Performance Agreement

208 **Resolved** that the Council adopt the CEO Performance Agreement as presented, noting review of the outcomes will be required by the incoming Council in January 2022.

*Carried*

5.2 Infrastructure Contributions Reforms

209 Resolved

1. that Berrigan Shire Council calls the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliaments presented, noting review of the outcomes will be required by the incoming Council in January 2022.
2. That Berrigan Shire Council calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. That Berrigan Shire Council calls on the NSW Government to de-couple the Independent Pricing Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. That Council writes to the local State Member, Helen Dalton MP, the Premier The Hon. Gladys Berejiklian MP, Treasurer The Hon. Dominic Perrottet MP, Minister for Planning and Public Spaces The Hon. Rob Stokes MP and Minister for Local Government The Hon. Shelley Hancock MP seeking them to withdraw the Bill.
5. That Council writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.
6. That Berrigan Shire Council alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed

legislation and shares and promotes these messages via its digital and social media channels and via its networks.

7. That Berrigan Shire Council affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

*Carried*

## 6. NOTICE OF MOTION

Nil

## 7. ITEMS FOR RESOLUTION

### 7.1 Action List Report

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

### 7.2 Finance - Accounts

- 211 **Resolved** Crs Taylor and Morris that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2021,
- b) Confirm the accounts paid as per Warrant No. 08/21 totaling \$2,322,485.57, and
- c) Note the report on investments attached as **"Appendix 7.2-A"**

### 7.3 Debt Management and Hardship Policy

- 212 **Resolved** Crs Morris and Reynoldson that the Council:

1. delegate to the Chief Executive Officer, authority to waive penalty interest charges on application for assessments, over and above the requirements of the Council's Debt Management and Hardship Policy, subject to the CEO being satisfied that the applicant is in genuine hardship;
2. note the Chief Executive Officer will report monthly to the Council on the number of applicants for whom penalty interest is waived.

3. note this delegation will be reviewed by the Council no later than 31 January 2022.

#### 7.4 Water Trading Policy

**213 Resolved** Crs Reynoldson and Bodey that the Council:

1. revoke the Water Trading Policy adopted on 6 February 2003; and
2. adopt the Water Trading Policy as set out below:



## Policy

### 44

### WATER TRADING

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	20 October 2021	Minute Number:	
Date for Review:	17 September 2025		
Responsible Officer:	Director Corporate Services		
Document Control:	Replaces the Water Trading Policy adopted 6 February 2003		
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing		

#### 1. POLICY STATEMENT

In order to have a secure supply of water to meet the needs of its town water supply customers, Berrigan Shire Council holds high-security water allocations. These allocations have economic value to the Council.

In situations where the Council has more than sufficient water to meet customer demand, the Council will look to trade surplus allocation to productive or other use elsewhere to generate additional revenue for the Council's water fund.

#### 2. PURPOSE

This policy has been developed to generate additional revenue for the Council's Water Fund to improve service delivery, provide additional capital improvements and reduce the financial burden on water service customers.

#### 3. SCOPE

This policy applies to all trading of water allocations owned by the Berrigan Shire Council Water Fund.

It excludes water owned by the Council's General Fund and by its volunteer committees of management used for community purposes.

#### 4. DEFINITIONS





---

## Policy

---

- Allocation assignment:** An Allocation assignment (previously known as a Temporary Transfer) is the formal movement of a volume of water from one access licence to another and is valid only within a water year;
- Permanent Transfer:** The transfer of whole or part of the Allocation of an Entitlement under Division 4C of the *Water Management Act*, such transfer being without limitation as to duration
- Water Allocation:** The volumetric quantity of water that can actually be taken during any year, consequent to Water Allocation Announcement(s). It is defined in Division 4B of the *Water Management Act 2000*

### 5. POLICY IMPLEMENTATION

#### 5.1 When will water be traded?

The primary use of the Council's water allocations is to provide water to its customers via its urban water supply service.

Water will only be traded where:

1. The Council has sufficient water to meet the expected needs of its customers, and
2. The Council has statutory and regulatory approval to trade water, and
3. The value of the surplus allocation is sufficient to make trading profitable for the Council.

#### 5.2 How will water be traded?

The Council's sole objective when trading from its water allocation is to maximize "best value" to the Council's Water Fund over the long term. The "best value" concept is defined in the Council's Procurement and Disposal Policy as "the best return and performance" for the Council

All trades will be made at "arm's length" using an appropriate water trading exchange.

Any trades made for a purpose other than maximizing the financial return to Council must be authorised by resolution of the Council.

Permanent transfers of water allocations (as opposed to allocation assignments) must be authorised by resolution of the Council.

#### 5.3 Who will trade water?



---

## Policy

---

All trades made under this policy will be authorised by the Chief Executive Officer or by other staff with explicit delegated authority granted by the Chief Executive Officer.

### 5.4 Exceptions

There may be circumstances where application of this policy is not appropriate, and Council reserves the right to consider other methods of trading surplus allocation assignments subject to separate resolution.

## 6. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 6.1 Legislation

- *Local Government Act 1993*
- *Water Management Act 2000*
- *Local Government (General) Regulation 2005*
- *Pricing and costing for Council Businesses: A guide to Competitive Neutrality (1997)*

### 6.2 Council policies and guidelines

- Procurement and Disposal Policy

## 7. RECORDS MANAGEMENT

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each trade 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).

## 8. REVIEW AND EVALUATION

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

## 9. 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*.





---

## Policy

---

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](mailto:mail@berriganshire.nsw.gov.au)*

### 10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
0.1	17/08/2021	draft Policy document	Matt Hansen

### APPENDICES

NIL

## 7.5 Beaufort Garden

- 214 Resolved** Crs Jones and Bruce that the Council approve the concept of the Beaufort Garden, to be installed at the Tocumwal Aviation Museum, within the footprint outlined as part of this report and request finalised plans be presented to Council for final adoption prior to installation of the Beaufort Garden;

That the Chief Executive Officer undertake the development of a Memorandum of Understanding with the Tocumwal Aviation Museum outlining the responsibility of the Aviation Museum to design, install and maintain the Beaufort Garden at the expense of the museum.

## 7.6 Development Application 162/21/DA/D9 - Proposed 17 Lot Subdivision, Bruton Street Tocumwal

- 215 Resolved** Crs Jones and Bruce that the Council approve Development Application 162/21/DA/D9 – Proposed 17 Lot Subdivision, Bruton Street Tocumwal subject to the following conditions of consent:

### 1. Approved Plans

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Description	Sheet	Revision	Date
Engineering Layout 1	1	A	July 2021
Engineering Layout 2	2	A	July 2021
Engineering Kerb Detail	3	A	July 2021
Engineering Turning Manoeuvre	4	A	July 2021
Drainage Layout	5	A	July 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

### 2. Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

### **3. Uncovering relics or Aboriginal objects**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

### **4. Subdivision Certificate Preliminary Review**

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with. Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

### **5. Kerb and Gutter**

Kerb and gutter as well as road shoulder sealing from the existing pavement to the kerb must be provided for the full length of the Bruton Street frontage of proposed Lots 1 - 17 at no cost to Council in accordance with Councils Subdivision Code. These works must be completed prior to the issue of a Subdivision Certificate.

### **6. Kerb and Gutter**

Concrete kerb and gutter must be provided in Bruton Street adjacent to the subdivision as per Council policy and prior to the issue of a Subdivision Certificate.

### **7. Road Seal**

Bruton Street and proposed unnamed Road must be constructed to a sealed standard 4 metres wide adjacent to the subdivision prior to the issue of a Subdivision Certificate. The works must conform with the standards and specifications imposed by Councils Director of Technical Services.

### **8. Financial Contribution Public Open Space**

A financial Contribution of \$10,560 must be submitted to Council for the embellishment of existing and future open space areas as required by Councils Development Contributions Plan under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 prior to the issue of a Subdivision Certificate.

**9. Easements**

Easements must be created over interlot utility services where necessary and shown on the formal plan of subdivision following survey of the land.

**10. Telephone and Electricity Connections**

Evidence from the appropriate providers must be submitted to Council that proposed Lots 1-17 are able to be connected to telephone and power services prior to the issue of a Subdivision Certificate.

**11. Telephone and Electricity Connections**

Separate telephone and electricity services must be connected to each allotment prior to the issue of a Subdivision Certificate.

**12. Driveway**

A sealed, paved or concrete access driveway must be installed from the back of the kerb to the property boundary at each proposed vehicular crossing prior to the issue of a Final Occupation Certificate. This is to ensure safe vehicular movement on the site, prevent nuisance or uneven surface hazards in the public place and to enhance the development.

**13. Filling**

Filling of a site and alteration of surface levels is an activity which requires prior development consent from Council. Soil excavation for installation of the swimming pool shall be removed from the site to an approved location, so as to prevent future drainage, stability or privacy issues

**14. Site Survey**

Prior to commencement of construction, the applicant must engage a registered land surveyor to identify the exact location of all property boundaries. The applicant, being the person benefiting from this consent, is responsible for ensuring that no part of any structure encroaches over property boundaries or causes nuisance to adjoining properties. An identification survey certificate will be required to be provided to Council by a Surveyor prior to issue of a Final Occupation Certificate.

**15. Financial Contribution Stormwater**

A financial contribution of \$197,824 must be submitted to Council for the provision of stormwater infrastructure as required by Councils Development Contributions Plan under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 prior to the issue of a Subdivision Certificate.

**16. Financial Contribution Water Supply**

A financial Contribution of \$125,256 must be submitted to Council for the augmentation of the town water supply scheme in accordance with the provisions of Councils Water Development Servicing Plan created under Section 64 of the Local Government Act 1993 prior to the issue of a Subdivision Certificate.

**17. Water and Sewer Connections**

All water supply and sewer work must be carried out by a NSW Licenced Plumber and Drainer. All plumbing and drainage works must be carried out in accordance with AS3500 (National Plumbing and Drainage Code) and any conditions applied to the approval to do water and sewer work issued under Section 68 of the Local Government Act 1993.

Such conditions may include the necessity for the Council to undertake inspections of all drains and pipework before they are covered or provision of Compliance Certificates or works as executed drawings prior to issue of an Occupation or Subdivision Certificate.

**18. Waste Material**

All material and rubble arising from the demolition works shall be recycled and separated wherever possible. Any waste material must be disposed of in an approved landfill in accordance with EPA guidelines and Berrigan Shire Council requirements.

**19. Comply with Noise Control Act**

Operations on the site must comply with relevant environmental legislation (including Noise Control Act).

**20. Road Reserve**

Demolition waste, recycled materials or the like is not permitted to be stored on the road reserve. The road reserve is to be kept clean, tidy and in a safe condition while the demolition is being carried out.

**21. Protection of Public Places**

Building material, rubble, waste containers, plant and the like are NOT permitted to be stored on the road reserve including the footpath. The footpath is to be kept clean, tidy and in a safe condition during building operations.

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Subdivision Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

**22. Sewer Extension Plan**

A sewer extension plan must be submitted to Council for approval. All lots within the subdivision must then be provided with a sewer connection prior to the issue of a Subdivision Certificate.

**23. Water Connection**

Water connections must be provided to each allotment within the subdivision.

**24. Water and Sewer Connections**

Separate water and sewer connections must be provided to proposed Lots 1-17 as per Council policy prior to the issue of a Subdivision Certificate.

**25. Landscape Plan**

A landscape plan must be provided in accordance with Council's Engineering Guidelines for Subdivisions and Developments prior to the issuance of a construction certificate. This plan must also show the location and species list of all proposed street trees.

**26. Traffic Management Plan (TMP)**

A traffic management plan must be prepared and submitted to the Principal Certifying Authority prior to the issue of a construction certificate that provides detail on how traffic is proposed to be managed during the subdivision works. The TMP must be prepared in accordance with Part 1(4.4) of Council's Works Specification Subdivisions/ Developments and any other required Australian Standards.

**27. Compliance with Council Standards**

A full set of detailed engineering plans must be submitted to Council for approval that comply with Council's Engineering Guidelines for Subdivisions and Developments prior to the issuance of a construction certificate.

**28. Standard of Works**

All work must be carried out in accordance with Council's Engineering Guidelines for Subdivisions and Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, and road construction must incur no cost to Council.

**29. Engineering Works & Design**

The design and construction of the engineering works listed below must be provided for in accordance with Council's Engineering Guidelines for Subdivisions and Developments:

**a) Inter-allotment Stormwater Drainage**

Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system.

**b) Construction and Design of New Court Bowl**

The design of the new court bowl must be carried out in accordance with Council's Engineering Guidelines for Subdivisions and Developments. This includes but is not limited to; full kerb and gutter to the entire court bowl, grading and stormwater drainage works and bitumen seal.



Detailed engineering plans of the court bowl design must be submitted to Council for approval prior to the issuance of a construction certificate.

**c) Construction and Design of New Unnamed Road**

The design and construction of the new unnamed road between lots 9 and 10 is to be constructed for the first 50m north from Bruton Street. Detailed engineering plans of the roads design must be submitted to Council for approval prior to the issuance of a construction certificate.

**d) Construction of New Table Drain**

The design and construction a new table drain and associated works are required to Hannah Street that allows for augmentation and connection into the new stormwater infrastructure constructed as part of the new court bowl.

All works that form part of this condition will be carried out at the full expense to the Developer.

**30. Street Trees**

Street trees must be provided in accordance with Council's subdivision and development standards. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

**31. Contamination**

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Development Manager.

**32. Creation of Restrictions / Positive Covenants**

The final plan and Section 88B instrument must provide for the following:

**33. Restriction – No build buffer**

Lot 6 DP1275427 must be burdened with a restriction to enforce a 15m wide 'no build' buffer between the southern and western portion of the subject lot that shares interface with RU5 zoned lots. Wording must be confirmed with Council prior to registration.

**34. Easement – Private Stormwater Drainage**

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

**35. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing)

### **36. Stockpiles**

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **37. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and

All stockpiles of materials that are likely to generate dust must be kept damp or covered.

#### **Division:**

In Favour: All

Against: Nil

## 7.7 2020-21 Financial Statements

**216 Resolved** Crs Morris and Bodey that the Council delegate authority to Councillor Matthew Hannan and Councillor Daryll Morris to sign:

1. the Statement by Councillors and Management made pursuant to Section 413(2)(c) of the *Local Government Act 1993* for the 2020/21 General Purpose Financial Statements, and

2. the Statement by Councillors and Management made pursuant to the Local Government Code of Financial Practice and Financial Reporting for the 2020/21 Special Purpose Financial Statements;

following completion of the draft financial statements and their formal referral to audit.

### 7.8 Temporary Occupation of Lots and the Use of Residential Storage Sheds

**217** **Resolved** Crs Taylor and Reynoldson that any Development Applications for the temporary occupation of residential lots and/or residential storage sheds where no dwelling / house exists are brought to the Council for determination.

**Division:**

In Favour: All

Against: Nil

### 7.9 Council Re-Brand

**218** **Resolved** Crs Taylor and Jones that the Council endorse the recommendation of a Council Re-Brand.

### 7.10 Pecuniary Interest Disclosure 2020-2021

**219** **Resolved** Crs Morris and Bodey that the Council note the tabling of Pecuniary Interest Returns received from Councillors and designated officers for the period 1 July, 2020 to 30 June, 2021.

### 7.11 Tocumwal Recreation Reserve Committee of Management

**220** **Resolved** Crs Reynoldson and Jones that the Council:

a) revoke existing members of the Tocumwal Recreation Reserve Committee of Management.

b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Recreation Reserve Committee of Management:

President:	Alan Jones	
Vice President:	Jim Cullen	
Secretary:	David Baldwin	
Treasurer:	Alan Jones	
Committee:		
	Bill Fuller	Dennis Sutton
	Debbie White	Paul McCallum
	Jeremy Cardillo	Alice Stewart
	Renee Paine	Kimberly Carpenter
	Heather Mason	Barbara Cullen

### 7.12 Barooga Recreation Reserve Committee of Management

220 **Resolved** Crs Reynoldson and Jones that the Council:

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

President:	Max Steward	
Vice President:	Wes Sutton	
Secretary:	Marcia Nolan	
Treasurer:	Natasha Bignell	
Committee:		
	Darrell Bowden	Stacey Ware
	Gabe Forence	Sheilah Keamy
	Dave Stevens	Paula Kerr
	Jackie Vogel	Craig Atkins

### 7.13 Berrigan Conservation Group and Tidy Towns Committee of Management

220 **Resolved** Crs Reynoldson and Jones that the Council:

- a) revoke existing members of the Berrigan Conservation Group and Tidy Towns Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan Conservation Group and Tidy Towns Committee of Management:

President:	Mark Ryan	
Secretary:	Carol Cottam	
Treasurer:	Jude Lawrence	
Committee:		
	John Lane	Tom Pyle
	David Batten	Leigh Rogers
	Alan Lawrence	Peter Cobb
	Robin Cobb	Lenalda Loats
	Catherine Healy	Emily Ryan
	Peter Biddle	Katie Vandermeer
	Mary Curtin	David O'Dwyer
	Sue Keating	Valerie Daly
	Tracy Dunn	Beverly Scott
	Carol von Brockhusen	Cristina von Brockhusen
	Barbara Dunn	Keith Steel
	Jan Steel	Susan Cameron
	Colin Cameron	Clara Way
	Jiquetta Sloane	Dianne Hardwidge
	John O'Dwyer	Sue Chisholm

	Judy Chisholm	John Walker
	Laurie Thompson	Wayne Kelly
	Lynette Kelly	Muriel Rockliffe

#### 7.14 Berrigan War Memorial Swimming Pool Committee of Management

**220 Resolved** Crs Reynoldson and Jones that the Council:

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

President:	Sue Chisholm
Vice President:	Gary Lehre
Secretary:	Nicole Lorimer
Treasurer:	Jude Lawrence
Committee:	
	Barbara Fox
	Marcus Lorimer
	Helen Lehre

#### 7.15 Finley Recreation Reserve Committee of Management

**220 Resolved** Crs Reynoldson and Jones that the Council:

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



President:	Barry Dawe	
Vice President:	Michael Archer	
Secretary:	Matt Whitty	
Treasurer:	Paul Evans	
Committee:		
	Kristy Clarke	Sasha Wood
	Lindsay Donkin	Ashley Haynes
	Rick Gardiner	Pat Kelly
	Jenny Isedale	Phil Leatham
	John Cattell	Amanda Lyons

#### 7.16 Finley Showgrounds and Sporting Complex Committee of Management

220 **Resolved** Crs Reynoldson and Jones that the Council:

- a) revoke existing members of the Finley Showgrounds and Sporting Complex Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Showgrounds and Sporting Complex Committee of Management:

President:	Rodger Sutton	
Secretary/Treasurer:	Katy Wallis	
Committee:		
	Matt Mueller	Trent Royston
	Graham Fisher	Carol Kennedy
	David Webb	Troy Marshall
	Juilian Rourke	Leanne Loughridge
	Robyn Twyman	Sam Price
	Robert Howard	

### 7.17 Finley War Memorial Swimming Pool Committee of Management

**220 Resolved** Crs Reynoldson and Jones that the Council:

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

President:	Linda Turley	
Vice President:	Barry Dawe	
Secretary:	Bruce Ferry	
Treasurer:	Phil Gregory	
Committee:		
	Terrilea Anderson	Maureen Shaulders
	Glen Murray	Gavin Butcher
	Matt Mueller	Paul Burns
	Debbie Shumack	

### 7.18 Tocumwal Friends of the Library Committee of Management

**220 Resolved** Crs Reynoldson and Jones that the Council:

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

President:	Kathleen Folliard
Vice President:	Esther Bryan
Secretary:	Lois Johnson

---

Treasurer:	Gayley Blakey
Committee:	
	Sita Baker

#### 7.19 T07/21/22 – Finley Saleyards Refurbishment

- 221 **Resolved** Crs Reynoldson and Morris that the Council do not accept either tender and that the Council delegate the CEO to negotiate directly with providers to provide the Finley Saleyards Refurbishment.

#### 7.20 Volunteer Committees - Annual Returns

- 222 **Resolved** Crs Jones and Bruce that the Council note the annual returns submitted by the following Volunteer Committees of Management:

- a) Tocumwal Recreation Reserve
- b) Tocumwal Historic Aerodrome Museum
- c) Finley School of Arts
- d) Finley Recreation Reserve
- e) Finley War Memorial Swimming Pool
- f) Finley Showgrounds and Sporting Complex
- g) Berrigan Conservation Group
- h) Berrigan War Memorial Swimming Pool
- i) Barooga Recreation Reserve
- j) Tocumwal Friends of the Library

### 8. ITEMS FOR NOTING

- 223 **Resolved** Crs Morris and Taylor that Items for Noting numbered 8.1 to 8.5 inclusive be received and noted.

8.1 STAND Program – Nomination to Strengthen Telecommunications against Natural Disasters

8.2 Financial Assistance Grant

8.3 Broadband Internet Connection – Administration Office

- 224 **Resolved** Crs Reynoldson and Taylor that the Council lobby to get adequate internet network installed throughout the Shire, writing to Sussan Ley, Minister for Communications, Helen Dalton, NBN Co and more widely where appropriate.

8.4 Development Determinations for Month of August 2021

- 225 **Resolved** Crs Morris and Taylor that Items for Noting numbered 8.4 to 8.5 inclusive be received and noted.

8.5 Foundry Park

- 226 **Resolved** Crs Reynoldson and Taylor that the Council note that the Geographical Names Board has written to Council notifying that they have received no objections to the name Foundry Park, however Council will need it to go back as there is a typo in the name in the gazette.

## 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 Lewis Crescent Parcel Management

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.

### 9.2 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:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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

### 9.3 T07/21/22 Finley Saleyards Refurbishment

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:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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

227 **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 Lewis Crescent Parcel Management

9.2 Tocumwal Foreshore Building

9.3 T07/21/22 Finley Saleyards Refurbishment

Council closed its meeting at 11.28am.

Open Council resumed at 12.11pm.

#### 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 adopt the Draft Master Contract including the public positive covenant noting the final information to be provided and negotiated by the Chief Executive Officer.*

***Resolved** Crs Taylor and Morris that the Council delegate the decision regards the lower level tenancies to the CEO.*

*That the rental agreement regards the existing Visitor Centre be brought to the October Council meeting.*

***Resolved** Crs Morris and Jones that the Council note this report for Tender 07/21/22 Design & Construction of the Finley Sale Yards Upgrade*



## 10. COMMITTEES

Nil

## 11. MAYOR'S REPORT

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

- Cross Border Commissioner meetings
- Chamber Presidents meeting
- Social media video
- LGNSW Infrastructure Contributions Reforms

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

## 12. DELEGATES REPORT

Cr Ross Bodey

- Nil

Cr John Taylor

- Nil

Cr Daryll Morris

- Nil

Cr Roger Reynoldson

- Nil

Cr Colin Jones

- Region 2 Murray Darling meeting

Cr John Bruce

- Nil

## 13. BUSINESS ARISING

Cr John Bruce

- Nil

Cr Colin Jones

- Noel McCallum passed away last week
- Aerodrome Users Meeting on this evening

Cr Roger Reynoldson

- How did we go with lights for Finley Saleyards? – Matt H to follow up

**Cr Daryll Morris**

- Any updates on closed river between Toc – Mulwala fishing closure – Karina to get back

**Cr John Taylor**

- Nil

**Cr Ross Bodey**

- Tactile Bumps on Toc Crossing – Gary George not sure what they were
- Glider on Pole – Community consultation on where it should go – to Jo Ruffin

Cr John Taylor left the Council Chambers at 12:28pm.

- Housing in Finley – need discussion – Matt H will present report to SPW October Workshop

**Matthew Hansen (Deputy Chief Executive Officer)**

- Pedestrian Crossing in Finley – still not done – Gary George to follow up – has had discussions with TfNSW

**Gary George (Acting Director Technical Services)**

- Nil

**Matthew Miller (Acting Development Manager)**

- Chris Kelly – poly pipe project – will look at joint venture – SPW

**Matthew Hansen (DCEO)**

- Nominations for LGNSW Board – no interest

**Karina Ewer (Chief Executive Officer)**

- Tocumwal Caravan Park lease
- Staff working arrangements/issues
- Staff vaccinations -
- Polypipe project
- Dairy farm project – more information – another meeting to come
- Truck stop – meeting on Monday

**14. CLOSE OF MEETING**

There being no further business the meeting closed at 12:37pm.