



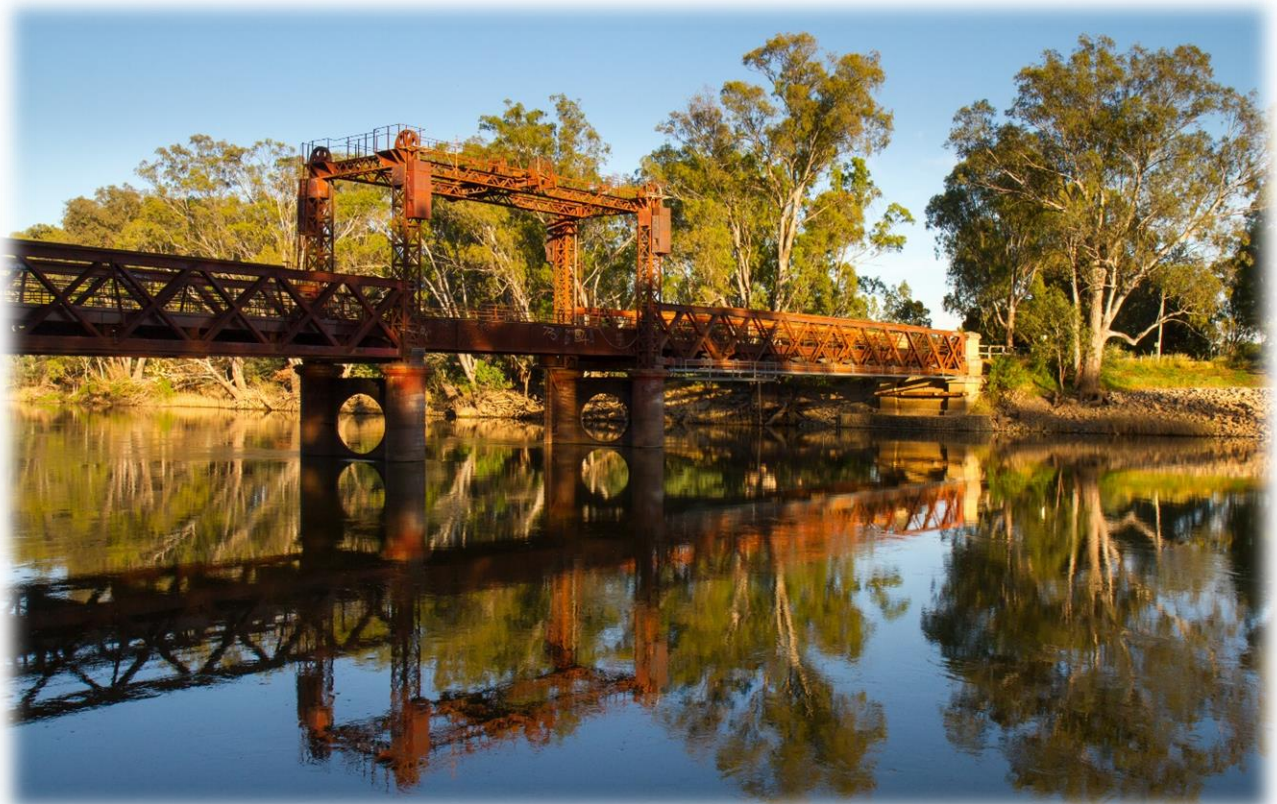
ORDINARY MEETING OF COUNCIL

Held on Wednesday 21 April, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 21 April, 2021, Year commencing at 11:00am

Min. No.

PRESENT:

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

The following staff were also in attendance:

Matthew Hansen (Acting General Manager), Matthew Clarke (Director Technical Services) and Matthew Miller (Acting Development Manager)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

69 **Resolved** Crs Morris and Reynoldson that an apology for non-attendance be received from Cr John Taylor and Cr Ross Bodey.

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Matthew Hansen (Acting General Manager) declared a pecuniary interest in item 9.1 as he is an applicant for the position being discussed.

3. VISITORS

Nil

4. CONFIRMATION OF MINUTES

70 **Resolved** Crs Bruce and Jones that the Minutes of the meeting held in the Council Chambers on Wednesday 17 March, 2021 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

Nil

7. ITEMS FOR RESOLUTION

- 71 Resolved** Crs Bruce and Glanville that item 7.17 Murray Darling Association 77th National Conference & AGM be accepted as a late item.

The Mayor ruled item 7.17 is of great urgency on the grounds it requires a decision before the next scheduled meeting of the Council.

7.1 Finance - Accounts

- 72 Resolved** Crs Morris and Jones that the Council:
- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 March 2021,
 - b) Confirm the accounts paid as per Warrant No. 03/21 totaling \$3,788,502.20, and
 - c) Note the report on investments attached as **"Appendix 7.1-A"**

7.2 Policy No.73 – Roadside Hazard

- 73 Resolved** Crs Reynoldson and Bruce that the Council:
1. Revoke the Roadside Hazard Treatment Policy adopted on 18 January, 2012 and;
 2. Adopt the Roadside Hazard Policy set out below:



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ROADSIDE HAZARD

Strategic Outcome:	Sustainable natural and built landscapes		
Date of Adoption:	21 April 2021	Minute Number:	
Date for Review:	16 April 2025		
Responsible Officer:	Director Technical Services		
Document Control:	Replaces and revokes the Roadside Hazard Policy adopted 18 January, 2012		
Delivery Program Link:	1.3.1.5 Maintain the safety of Council roads and walkways		

1. POLICY STATEMENT

Berrigan Shire Council is responsible for the care and management of 1367km of roads within its council area. These roads are of varying standards and carry traffic volumes from less than 10 vehicles per day to greater than 6,000 vehicles per day for the Main Road between Barooga and Cobram. By far the greatest length of road within the Shire is rural road with a 100km/hr default speed limit.

In managing this road network one of the main objectives is to optimize the safety to road users within the limits of Council's available resources.

A large percentage of motor vehicle accidents on rural roads are single vehicle run off road incidents with a significant number of these resulting in vehicle rollovers or collision with roadside objects such as trees or poles. The risk of collision with these objects is reduced by providing a clear zone distance from the edge of the traffic lane to the object with a trafficable batter slope and the generally accepted clear zone distances are set out in the *Austroads Guide to Road Design Part 6 - Roadside Design, Safety and Barriers, Section, Table 4.1*. Table 4.1 indicates that for a 100km/hr road and a batter slope of 4:1 to 5:1 and carrying less than 750 vehicles per day, a clear zone of 10.0m is required.

Given the width of many of the road reserves within the Shire are only 20m and the extent of native vegetation existing on the road reserves, this national guidance is never going to be achievable or desirable to implement clear zones of this calibre.]



As a compromise and following consultation with its community, Berrigan Shire Council has adopted a local response based on the relative risk associated with lower traffic volumes and in accordance with Council's risk management policy and framework.

2. PURPOSE

Berrigan Shire Council has 1,367km of road to manage and much of this has 100km/hr speed limits and contains millions of roadside hazards of varying risk ratings.

It is not economically possible to treat or remove all of these hazards and therefore a risk evaluation process must be developed and used to determine scope and priorities for these works.

This policy provides a local response to roadside hazard management based on relative risk and traffic volumes that optimizes the safety to road users within the limits of Council's available resources.

3. SCOPE

The scope of this Policy is limited to roads that have a 100km/hr speed limit as they constitute the majority of road length and are considered to be the highest risk due to vehicles travelling at higher speed.

4. DEFINITIONS

AA DT – Annual Average Daily Traffic

Roadside hazard – Is anything that can cause harm to a person/vehicle travelling if transgressing from the traffic lane and includes: trees; poles; bridge or culvert edges; steep batters and cuttings.

Clear Zone – The required distance from the edge of the traffic lane to a roadside hazard

VPD – Vehicles per day



5. POLICY IMPLEMENTATION

5.1 Assessment and treatment

Berrigan Shire has 1,367km of road to manage and much of this has 100km/hr speed limits and contains millions of roadside hazards of varying risk ratings. It is not economically possible to treat or remove all of these hazards and therefore a risk evaluation process must be developed and used to determine priorities for these works.

In developing this process a number of underlying assumptions and parameters must be accepted, and the outcome must be manageable and workable. These assumptions and parameters are detailed in the consideration of different road classifications and different types of hazards below.

5.1.1 Scope of assessment

The scope of this assessment has been limited to roads that have a 100km/hr speed limit as they constitute the majority of road length and are considered to be the highest risk due to vehicles travelling at higher speed.

5.1.2 Road classifications

Berrigan Shire Council's road classifications are set out in **Table 5.1 Road Hierarchy** - shown below:



Table 5.1 - Road Hierarchy

Road Classification No.	Road Classification	Standard	Pavement/Seal Width	Lane Width	Typical Warrants				
					Traffic Counts	% Heavy Vehicles	No. of Homes/km	Mail Run	School Buses/Day
Highways (RTA Determined)									
1	Regional Roads	Seal	8.0m	3.5m	>300 AADT	n/a	n/a	n/a	n/a
2	Arterial Roads	Seal	8.0m	3.5m	>300 AADT	>20%	n/a	n/a	n/a
3	Collector Roads	Seal	7.5m	3.25m	>80 AADT	>20%	>3 homes/km	>1	>1
	Collector Roads	Gravel	6.5m	3.25m	<80 AADT				
4	Residential	Seal	6.2m	3.1m	>80 AADT	>20%	>3 homes/km	>1	>1
	Residential Access	Seal	6.2m/3.5m	Shared 3.5m	<80 AADT		1 or more homes/km		
	Residential Access	Gravel	6.2m	Shared 3.5m	<80 AADT		1 or more homes/km		
5	Property Access	Seal	6.2m	3.1m	>80 AADT	>30%	No homes		
	Property Access	Gravel	5.0m	Shared 3.5m	<80>10 AADT	>20%	No homes		
	Property Access	Formed	5.0m	Shared 3.5m	<10 AADT		No homes		
	Property Access	Unformed	n/a		<1 AADT		No homes		
NOTES:									
1. For a road to be considered for upgrading from formed to gravel or gravel to seal it must meet traffic count warrants plus 1 of the other 4 warrants.									
2. The standard, Residential Access – Seal <80 vpd is only relevant to roads that are already sealed and do not meet the warrants for a sealed road. The intent is to maintain the existing seal width and provide pavement to 6.2m width including shoulder.									
3. Priority for works will be given to roads meeting the most warrants.									
4. Urban streets construction standards determined on an individual basis depending on site conditions, traffic and in accordance with the Council's Subdivision Code.									



Traffic volume is used as the key variable in determining the probability of an accident and therefore it is necessary to set the maximum projected traffic volumes for a particular class of road. The adopted volumes and classifications are set out in **Table 5.2** below:

Road Classification	Design AADT (vpd)	Design Lane Width (m)
Sealed Roads		
Regional Roads	1500	3.5
Arterial Roads	800	3.5
Collector Roads	300	3.25
Residential Access	200	3.1
Residential Access	Actual<80	Shared 3.5
Property Access	200	3.1
Property Access	Actual<80	Shared 3.5
Unsealed Roads		
Collector Roads	100	3.25
Residential Access Roads	100	Shared 3.5
Property Access Roads	100	Shared 3.5

For unsealed roads and sealed roads <80vpd it is assumed that if the traffic count (AADT) exceeds 100 vpd that the road will be upgraded to sealed standard and the roadside hazards addressed accordingly at the time of construction. This process will also be subject to availability of resources, road side vegetation value assessment and prioritization processes of Council decision making.

5.2 Clear zones

The clear zone is measured from the outside of the adjacent traffic lane, however, given the wide variation in widths of Council's current road network it is considered that it would be more appropriate for most purposes to measure from the centre of the road and add the design lane width for that road type as set out in Table 5.1 above.

The width of clear zone required is directly related to the slope of the ground and as the majority of Berrigan Shire area is relatively flat and most roads have been constructed in a fill scenario, it has been assumed that the batter slopes within the clear zones will be 4:1 or flatter. Treatments for areas where the batter slope is steeper than 4:1 or the road is constructed in cut are considered in later discussion on Batter Slope hazards.

The width of clear zone is also directly related to alignment and for the following calculations it is assumed that the alignment is straight or has curve radii of 900m or more. Treatments for curves of smaller radii are considered in later discussion on curve hazards.



The Clear Zone widths as set out below in Table 5.3 are adopted for use on roads managed by Berrigan Shire Council.

For the lower classified roads with minimum Clear Zones of 2m the actual Clear Zone width will often be determined by the need to maintain drainage along the edge of the road formation. Sufficient width will need to be kept clear to allow maintenance of the drains.

Table 5.3

Road Classification	Design AADT (vpd)	Design Lane Width (m)	Minimum Clear Zone (m)	Minimum Clear Zone + Lane Width (m)
Sealed Roads				
Regional Roads	1500	3.5	5.0	8.5
Arterial Roads	800	3.5	5.0	8.5
Collector Roads	300	3.25	3.0	6.25
Residential Access	200	3.1	2.0	5.1
	Actual <80	Shared 3.5	2.75	4.5
Property Access	200	3.1	2.0	5.1
	Actual <80	Shared 3.5	2.75	4.5
Unsealed Roads				
Collector Roads	100	3.1	2.0	5.1
Residential Access Roads	100	Shared 3.5	2.75	4.5
Property Access Roads	100	Shared 3.5	2.75	4.5

In relation to specific hazards within the clear zones the following management principles will be followed:

5.2.1 Batters

For fill batters a minimum grade of 4:1 shall be provided where possible for the area from edge of traffic lane to the required offset for minimum Clear Zone plus design lane width set out in Table 5.3. Guard fence can be considered for protection where this minimum grade cannot be achieved. Resources will limit the amount of remedial earthworks and guard fencing that can be carried out and an ongoing program will be developed to address all identified hazards on a risk management basis.

For cut batters a minimum clearance distance for drainage shall be provided and all batters must be trimmed to have smooth faces.

5.2.2 Trees

The Austroads Guide to Road Safety – Part 9 indicates that trees of more than 100mm diameter are considered as non-frangible hazards and therefore they should not be present within the



area from edge of traffic lane to the required offset for minimum Clear Zone plus design lane width set out in Table 5.3 or within the limits of road drainage.

There are many existing trees within this area and they should either be progressively removed or protected by guard fence. Resources will limit the amount of tree clearing and guard fencing that can be carried out and clear zone improvements will be affected by progressively working through the prioritized list, prepared following risk assessments of the road network, on a highest risk first basis.

Other than in areas that are protected by guard fence no new trees shall be allowed to establish within the clear zone. These must be controlled by an annual inspection and spraying program.

Areas where the road reserve is not wide enough to provide the required offset for minimum Clear Zone plus design lane width set out in Table 5.3 shall be progressively guard fenced with work to be prioritized on a highest risk first basis. It is likely to be many years before the low trafficked roads can be addressed.

5.2.3 Utility poles

Utility poles are also non frangible hazards and should not be located within the required offset for minimum Clear Zone plus design lane width set out in Table 5.3 unless protected by a guard fence.

Existing poles within this area that are not protected or adjacent to existing trees should be brought to the attention of the pole owner and work to be prioritized on a highest risk first basis.

5.2.4 Drainage and irrigation structures

Drainage culverts should extend to the outer limits of the required offset for minimum Clear Zone plus design lane width set out in Table 5.3 and be fitted with driveable headwalls.

Culverts for access roads or intersecting roads should be located outside the required offset for minimum Clear Zone plus design lane width set out in Table 5.3 where possible and fitted with driveable headwalls.

For existing culverts a program for modification to comply shall be developed with work to be prioritized on a highest risk first basis.



Irrigation pipe crossings shall extend for the full width of the road reserve. Existing irrigation crossings shall be programmed for modification to comply by the irrigation authorities with work to be prioritized on a highest risk first basis.

Bridges shall be fitted with guard railing on the bridge structure and approaches in accordance with Austroads Guidelines.

There are many bridges that currently do not meet these requirements and a program for modification to comply shall be developed in conjunction with the bridge manager (where this is not Council) with work to be prioritized on a highest risk first basis.

For existing non-compliant bridges it is essential that they have adequate signage to warn motorists of the danger and are adequately delineated. An inspection and maintenance program shall be developed for this purpose.

5.2.5 Curves

Curves on Regional Roads shall be treated in accordance with guidelines set out in the RTA paper "Retro-fitting Road Safety to Existing Rural Roads" with works to be carried out where possible when roads are reconstructed and progressively on other curves to be prioritized on a highest risk first basis.

5.2.6 Shoulder sealing

Shoulders on roads classified as Regional, Arterial or Collector shall have shoulders sealed a minimum of 0.5m from the edge of the traffic lane. This work to occur as sections of road are reconstructed.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Local Government Act 1993*
- *Roads Act*
- *Work Health and Safety Act 2011*

6.2 Council documents

- Risk Management Policy and Framework
- Berrigan Shire 2027
- Transport Asset Management Plan 2020



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- Roadside Vegetation Management Plan 2021

6.3 Other resources

- Austroads Guide to Road Design
- RTA - *"Retro-fitting Road Safety to Existing Rural Roads"* (2007)

7.3 Transport Asset Management Plan 2020

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

1. Reclassify Coldwells Road and Chinamans Road from Collector roads to Residential Access roads; and
2. Following the adoption of the Policy No. 73 Roadside Hazard approve the amendment of the Transport Asset Management Plan to incorporate tables 5.1, 5.2 and 5.3 of Policy No. 73 Roadside Hazard as tables 3.6.a, 3.6.b and 3.6.c in the plan and to change table 5.1.1 and the executive summary to reflect the reclassification of Coldwells Road and Chinamans Road from Collector roads to Residential Access roads.

7.4 Employee Leave Policy

75 Resolved Crs Morris and Jones that the Council:

1. Revoke the Employee Leave Policy adopted on 17 February 2021 and;
2. Adopt the Employee Leave Policy set out below:



23

EMPLOYEE LEAVE

Strategic Outcome:	Good government	
Date of Adoption:	21 April 2021	Minute Number:
Date for Review:	23 April 2025	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Replaces and revokes the Employee Leave Policy adopted 17 February, 2021	
Delivery Program Link:	2.1.3.1 <i>Coordinate Council investments, financial management, financial operations and processing.</i>	

1. POLICY STATEMENT

Berrigan Shire Council ensures leave entitlements and requests for leave are managed in accordance with relevant legislation and the Local Government (State) Award 2020 (the Award).

2. PURPOSE

The purpose of this policy is to support the conditions set out in the Award, and to clarify Council requirements in relation to accessing and using leave, and to provide guidance for those staff overseeing the application and use of leave.

3. SCOPE

This policy relates to all Berrigan Shire Council staff employed under full-time, part-time or limited tenure arrangements.

It sets out requirements for using annual leave, sick leave, rostered days off, and time in lieu. Other leave types not covered by this policy and are outlined in the Award.

4. DEFINITIONS

Rostered Day Off (RDO) leave of one day per fortnight, available to full-time staff

Statutory declaration a legal document that contains a written statement about something (in this case supporting information for the purposes of taking sick leave) that is true. It must be witnessed by an approved person such as a Justice of the Peace or a person from an approved occupation. Refer Australian Government, Attorney-General's department,



<https://www.ag.gov.au/legal-system/statutory-declarations/who-can-witness-your-statutory-declaration#lis>

Time in lieu Leave granted for overtime worked instead of receiving an overtime payment. Time off is paid at normal time.

5. POLICY IMPLEMENTATION

5.1 General principles

Where possible, Council and employees will work together to ensure leave is taken when it is mutually convenient.

Nothing in the policy is to be read as contrary to the requirements of the Local Government Act 1993, the Fair Work (Cth) Act 2009 and the Award.

5.2 Applying for leave

5.2.1 Arranging leave

Any employee wishing to take leave should first discuss this with their Manager.

Where possible, the Council will work with the employee to meet their request for leave, subject to the operational requirements of the Council. This is made easier if the employee provides the Council with adequate notice of their intention to take leave.

For a period of Annual Leave or Long Service Leave less than two weeks, two weeks' notice must be provided. For a period of leave greater than two weeks, four weeks' notice must be provided.

Shorter periods of notice may be accepted at the discretion of the employee's supervisor.

5.2.2 Applications

Employees must submit applications for leave using Council's software program.

Leave will not be permitted unless an application is made and the employee's Manager explicitly grants approval.

Leave taken without the appropriate approvals will be treated as unauthorised leave, payment will not be made, and disciplinary action will be taken.

5.2.3 Notification of sick leave



Employees taking sick leave must notify their Manager, Supervisor or Overseer via phone. Notification of sick leave via text message or email is not permitted and will result in sick leave being denied.

5.3 Sick leave

Employee entitlement to sick leave (including carer's leave and bereavement leave) is in accordance with the Award. The entitlement to sick leave is subject to the employer being satisfied that the illness or injury (or situation if relating to carer's leave or bereavement leave):

- Is such that it justifies the time off; and
- Does not arise from engaging in other employment.

5.3.1 Certificates

In accordance with the Award, employees are able to take three separate periods of sick leave per 12-month period starting from their commencement date, without producing a certificate or statutory declaration. Such periods are not to be more than two working days each.

Notwithstanding the above, the Council may still require an employee to produce a certificate or statutory declaration where:

- It is reasonable for the employer to require the employee to provide proof of illness or injury having regard to the employee's pattern of sick leave, the timing of the sick leave taken, and/or amount of sick leave taken by the employee, and
- The employer has provided the employee with prior written notice of the requirement to provide proof of illness of injury.

The employee must produce a medical certificate or statutory declaration once three separate periods of sick leave have been utilised within the twelve-month timeframe.

Sick leave periods requiring medical certificates, where a certificate is not provided, will be processed as unauthorised leave, the employee shall not receive payment for this period, and disciplinary action will be taken.

5.4 Parental leave

Parental Leave is provided in accordance with the Award and the *Fair Work Act 2009 (Cth)*. Eligible staff must submit a written request to the Chief Executive Officer, at a minimum of 12 weeks prior to their intended finishing date, outlining their preference for payment (i.e. full or half pay), and their intended return date. This is necessary to allow Council time to plan and replace staff on parental leave.



5.5 Time in lieu

Where there is prior agreement between the Council and the employee, an employee directed to work in excess of ordinary hours may elect to either be paid the appropriate overtime rate or be granted time in lieu equivalent to the actual hours worked.

Employees electing time in lieu must ensure they have explicit approval from the Supervisor/Manager for this arrangement. A record of time in lieu is kept by the Supervisor/Manager.

This does not apply to employees who are on call, called back to work or employees working on their RDO.

5.6 Leave without pay

As a general rule, the Council will not allow employees to take leave without pay. Employees are expected to manage their leave entitlements to ensure they have sufficient leave to meet their ordinary circumstances.

The Chief Executive Officer is the only person with authority to approve any application for leave without pay.

The Chief Executive Officer will only approve leave without pay where:

- The employee has exhausted all other leave entitlements, and
- The Chief Executive Officer is satisfied that the employee has a bona-fide personal emergency that requires leave without pay

5.7 Double-pay and half-pay

In accordance with the Award, employees, with the consent of the Chief Executive Officer, can elect to take their annual leave, long service leave or RDO entitlements at double-pay (i.e. less time at double the ordinary rate of pay) or half-pay (i.e. more time at half the ordinary rate of pay).

The entitlement to take annual leave at double pay is only available to an employee if, after taking the period of leave, the employee will have an accrued annual leave entitlement of not less than four (4) weeks.

5.8 Cashing out

In accordance with the Award and relevant legislation, employees, with the consent of the Chief Executive Officer, can request to be paid out of their annual leave, long service leave or



RDO entitlements. Employees electing to use the annual leave cashing out option must have accrued an annual leave entitlement of not less than four weeks.

An employee who is entitled to long service leave, may with the consent of the employer, cash out a particular amount of excess long service leave. Excess long service leave means the long service leave that an employee has accrued under the Award that is in excess of the long service leave that the employee would have accrued if covered by Section 4 of the *Long Service Leave Act 1955* (LSL Act). Each application will be considered against the LSL Act to determine the amount of excess leave available to be cashed out.

5.9 Annual closedown

At its discretion, the Council may put in place an annual closedown for part or all of its operations.

Where possible, employees subject to the annual close down should take leave already accumulated. In cases where there is insufficient leave accrued, the employee may, with the agreement of the Chief Executive Officer:

- Take leave without pay, or
- Have paid leave taken deducted from future leave entitlements (i.e. "go into credit")

5.10 Accumulated leave

5.10.1 Annual leave

Where practical, employees should not accumulate more than eight weeks' annual leave entitlement at any one time.

Where an employee's annual leave entitlement exceeds eight weeks, the employee and the manager must jointly prepare an annual leave plan. The annual leave plan will set out a timetable for scheduled leave to bring the accumulated balance back within the limit set by the policy. The annual leave plan will also address any resource constraints to ensure the employee can take their scheduled leave.

In cases where an annual leave plan cannot be put in place or is not followed, the Council may direct the employee to take annual leave after giving the employee four weeks' notice.

5.10.2 Long service leave

Where practical, employees are expected to take long service leave within five years of it falling due. Long Service Leave will not be permitted to accumulate beyond 13 weeks.



In cases where an employee has accumulated excess long service leave, Council and the employee may prepare a long service leave plan. The long service leave plan will set out a timetable for scheduled leave to bring the accumulated balance back within the limit set by the policy. The long service leave plan will also address any resource constraints to ensure the employee can take their scheduled leave

In cases where a long service leave plan cannot be put in place or is not followed, the Council may direct the employee to take long service leave after giving the employee four weeks' notice

5.10.3 Rostered Days Off

Employees who work their RDO will be permitted to accumulate RDO hours up to a maximum of five days.

The Chief Executive Officer may approve the accrual of more than five days in exceptional circumstances. Employees will be required to reduce their accumulated leave through discussion, and at a mutually agreeable time.

5.10.4 Time in lieu

Time in lieu can accumulate up to a maximum of five days, following that, employees will be required to reduce their time in lieu through discussion, and at a mutually agreeable time.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

- [Local Government Act 1993](#)
- [Fair Work Act \(Cth\) 2009](#)
- [Long Service Leave Act 1955](#)
- [Industrial Relations Act 1996](#)
- [Local Government \(State\) Award 2020](#)
- Berrigan Shire Council Salary Policy
- Berrigan Shire Council Human Resource Manual

7.5 Barooga Recreation Reserve Strategy 2021 - 2031

- 76 **Resolved** Crs Reynoldson and Jones that the Council adopt the Barooga Recreation Reserve Strategy 2021 – 2031 attached as “**Appendix 7.5-A**” and develop a Master plan.

7.6 2021-22 Draft Capital Works Budget

- 77 **Resolved** Crs Morris and Glanville that the Council adopt the 2021-22 Capital Work Program as attached in “**Appendix 7.14-A**” as a draft for inclusion in its draft 2021-2022 Operational Plan.

7.7 Proposed fees and charges 2021/22

- 78 **Resolved** Crs Morris and Jones that the Council refer the draft Register of Fees and Charges for inclusion in the draft 2021/22 Operational Plan.

7.8 Southern Riverina Irrigators – Request for Financial Support

- 79 **Resolved** Crs Morris and Reynoldson that the Council make an annual voluntary contribution to Southern Riverina Irrigators as per the levy notice received from Southern Riverina Irrigators.

7.9 Naming of the new Finley Park

- 80 **Resolved** Crs Morris and Bruce that the Council endorse the attached Engagement Strategy for the naming of the new park for Finley as attached as “**Appendix 7.9-A**”.

7.10 T07-20-21 Design, Supply, Installation, Testing and Commissioning of Barooga Water Treatment Plant (WTP) Upgrade

- 81 **Resolved** Crs Bruce and Glanville that the Council:
1. accept the tender submission from Water Treatment Australia Pty Ltd in the amount of \$4,722,278.10;

2. sign and seal the contract documents in relation to 1 above;
3. appoint the Director Technical Services as the Contract Superintendent.

7.11 T08-20-21 Design, Supply, Installation, Testing and Commissioning of Finley Water Treatment Plant (WTP) Upgrade

82 Resolved Crs Morris and Bruce that the Council:

1. accepts the tender submission from Water Treatment Australia Pty Ltd in the amount of \$5,354,133.85;
2. sign and seal the contract documents in relation to 1 above;
3. appoint the Director Technical Services as the Contract Superintendent.

7.12 Tocumwal Car Park

83 Resolved Crs Morris and Reynoldson that the Council:

1. Adopt the car park concept plans attached as "**Appendix 7.12-A**" as a draft,
2. Approve the demolition of all buildings and structures located on Lots 1 & 2 DP 511822 (Motel) subject to the granting of development consent, and gravel the site upon completion of demolition works

7.13 Operational Plan 2020/21 March Quarter Report

84 Resolved Crs Reynoldson and Morris that the Council note and adopt the appended March Quarter Review of the Council's Annual Operational Plan 2020/21

7.14 Draft Operating Budget 2021_22

85 Resolved Crs Morris and Glanville that the Council adopt as a draft the proposed 2021/22 operating budget attached as "**Appendix 7.14-A**" for inclusion in the 2021/22 draft operational plan.

7.15 Financial Review - January - March 2021

86 Resolved Crs Reynoldson and Glanville that the Council:

1. Note the third quarterly review of the 2020/21 budget and vote the funds contained therein as shown in “**Appendix 7.15-A**”
2. Note the Quarterly Budget Review Statement attached also as “**Appendix 7.15-B**”

7.16 Statement of Revenue Policy

- 87** **Resolved** Crs Glanville and Reynoldson that the Council refer the draft Statement of Revenue Policy attached as “**Appendix 7.16-A**” for inclusion in the draft 2021/22 Operational Plan

7.17 Murray Darling Association 77th National Conference & AGM

- 88** **Resolved** Crs Bruce and Glanville that Councillors Jones and Bodey attend the Murray Darling Association 77th National Conference & AGM at Wentworth from Sunday 16 May to Wednesday 19 May, 2021.

8. ITEMS FOR NOTING

- 89** **Resolved** Crs Morris and Jones that Items for Noting numbered 8.1 to 8.6 inclusive be received and noted.

- 8.1 ABS Regional Population Growth - 2019/20
- 8.2 Letter of Appreciation
- 8.3 Dine and Discover Vouchers
- 8.4 2020-2021 Rates Collections and Outstanding Debtors – 3rd Quarter
- 8.5 Local Government (COVID-19) Splinter (Interim) Award 2021
- 8.6 Development Determinations for Month of March 2021

9. CLOSED COUNCIL

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

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)

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

9.1 Employment of Chief Executive Officer

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:

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the personal information included in this report.

9.2 T07-20-21 Design, Supply, Installation, Testing and Commissioning of Barooga Water Treatment Plant (WTP) Upgrade

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 included in this report.

9.3 T08-20-21 Design, Supply, Installation, Testing and Commissioning of Finley Water Treatment Plant (WTP) Upgrade

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 included in this report.

90 Resolved Crs Morris and Reynoldson 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 Employment of Chief Executive Officer

9.2 T07-20-21 Design, Supply, Installation, Testing and Commissioning of Barooga Water Treatment Plant (WTP) Upgrade

9.3 T08-20-21 Design, Supply, Installation, Testing and Commissioning of Finley Water Treatment Plant (WTP) Upgrade

Council closed its meeting at 11:35am. The public and media left the Council Chamber.

Matthew Hansen (Acting General Manager) left the Council Chamber at 11:35am.

Open Council resumed at 11:39am.

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:

(9.1) Resolved Crs Glanville and Morris that the Council hold an extraordinary meeting on Wednesday 28 April, 2021 at 9:00am to further consider the position of Chief Executive Officer.

(9.2) Resolved Crs Bruce and Morris that the Council note this report.

(9.3) Resolved Crs Reynoldson and Glanville that the Council note this report.

10. COMMITTEES

Nil

11. MAYOR'S REPORT

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

- News Interviews with WIN News
- Zoom Meeting – Climate Clever Australia
- CEO Interviews over two days
- ANZAC Day Luncheon

95 **Resolved** Crs Morris and Jones that the Mayor's Report be received.

12. DELEGATES REPORT

Cr Daryll Morris

- Nil

Cr Roger Reynoldson

- Murray Darling Basin Authority advisory forum
- Attend scientific forum at Albury
- Send offs for General Manager

Cr Denis Glanville

- General Manager send off
- General Manager interview process

Cr Colin Jones

- Aerodrome User Group meeting
- General Manager send off
- Murray Darling Association Region 2 meeting

Cr John Bruce

- General Manager send offs
- Barooga Advancement Group meeting
- Chamber Presidents meeting

13. BUSINESS ARISING

Cr John Bruce

- Business Awards
 - inquired as to the cost of videos for nominee finalists
 - Acting General Manager will take on notice – will advise all Councillors
- Apparent Berrigan Shire 'Super Chamber' of commerce push

Cr Colin Jones

- Directed private developer to meet with staff and discuss development

Cr Denis Glanville

- Nil

Cr Roger Reynoldson

- Nil

Cr Daryll Morris

- Nil

Matthew Clarke (Director Technical Services)

- Nil

Matthew Miller (Acting Development Manager)

- Broughans Road solar farm – a determination due from the State Planning Portal Panel this week

Matthew Hansen (Acting General Manager)

- Business Awards
- ANZAC Day service at Tocumwal
- Tocumwal WWII Hangar proposed to be listed on the State Heritage Register

Cr Matthew Hannan (Mayor)

- Nil

14. CLOSE OF MEETING

There being no further business the meeting closed at 11:53am.