



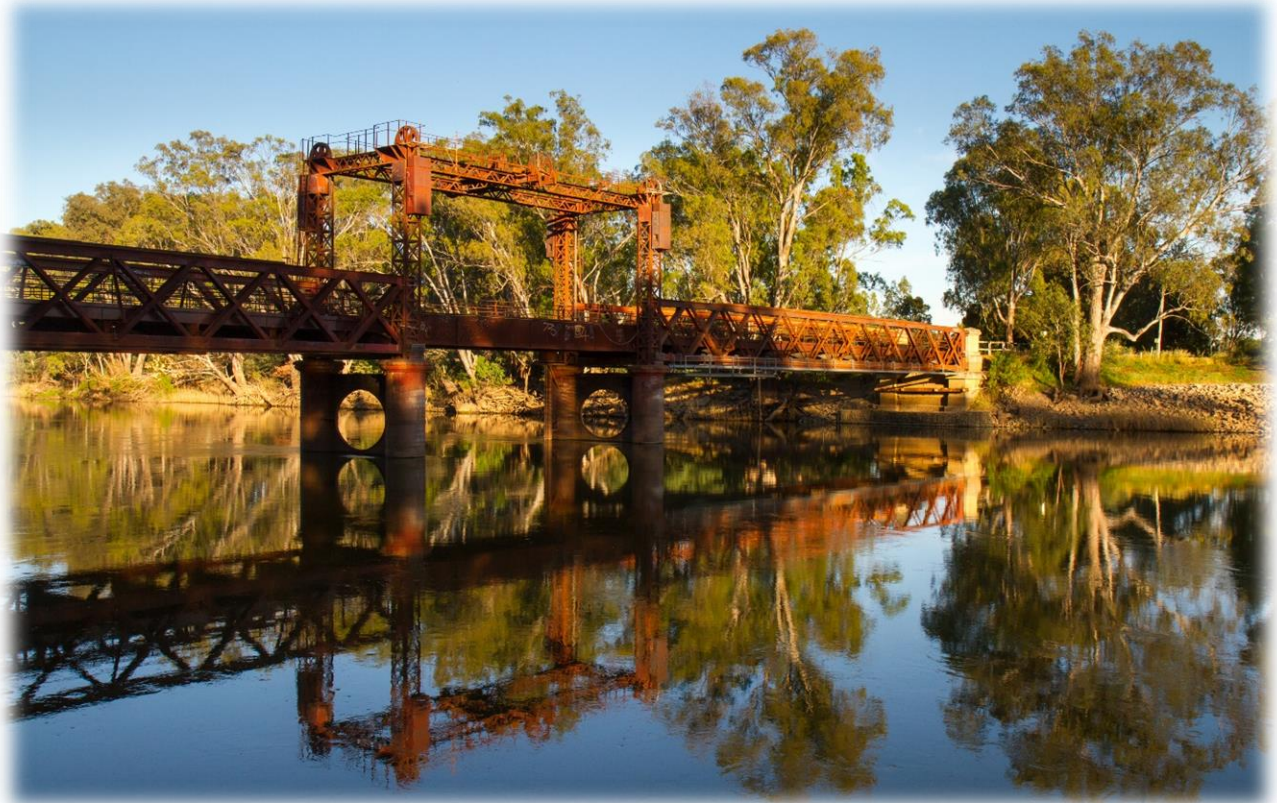
ORDINARY MEETING OF COUNCIL

Held on Wednesday 21 October 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 21 October 2020 commencing at 11:00am

Min. No.

PRESENT:

Crs: Matthew Hannan (Mayor), Daryll Morris (Deputy Mayor), John Bruce,
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

239 **Resolved** Crs Taylor and Glanville that an apology for non-attendance be received
from Cr Colin Jones.

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Nil

3. VISITORS

Sebastien Pfeiffer – Citizenship Ceremony

4. CONFIRMATION OF MINUTES

240 **Resolved** Crs Glanville and Taylor that the Minutes of the Ordinary Council Meeting
and the Extraordinary Council Meeting both held in the Council Chambers on
Wednesday 16 September, 2020 be confirmed.

241 **Resolved** Crs Bruce and Reynoldson that the Council suspend standing orders to
conduct a citizenship ceremony for Sebastien Pfeiffer.

A citizenship ceremony was conducted by the Council.

242 **Resolved** Crs Reynoldson and Taylor that the Council resume standing orders.

5. **MAYORAL MINUTES**

Nil

6. **NOTICE OF MOTION**

Nil

7. **ITEMS FOR RESOLUTION**

7.1 Finance - Accounts

243 **Resolved** Crs Morris and Glanville that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2020,
- b) Confirm the accounts paid as per Warrant No. 09/20 totaling \$2,165,243.40, and
- c) Note the report on investments attached as **"Appendix 7.1-A"**

7.2 Upgrade of id Data

244 **Resolved** Crs Bodey and Taylor that the Council upgrades the Economy id contract to the full version at the discounted rate of \$8500 per annum for three years.

7.3 Suspension of Alcohol-Free Zone - Chanter Street, Berrigan

245 **Resolved** Crs Reynoldson and Glanville that the Council, subject to Police approval and consent being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter Street, Berrigan from 5.00pm to 11.00pm on Friday 4 December 2020 in accordance with Section 645 of *the Local Government Act 1993*.

7.4 Christmas Office Closure and December Council Meeting

246 **Resolved** Crs Bruce and Morris that the Council:

- Close the Shire Offices from 4:00pm on Thursday 24th December, 2020 reopening on Monday 4th January, 2021 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- Close the Shire Libraries from close from business on Thursday 24th December, 2020 reopening on Monday 4th January, 2021 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- That the Council's December Council meeting be held on Wednesday 16th December, 2020.

7.5 CWA Playspace, Tocumwal Upgrade

247 **Resolved** Crs Bodey and Taylor that the Council:

1. Adopt the Concept Plan and proposed works for the CWA Park playspace upgrade included as "**Appendix 7.5-A**";
2. Apply for the NSW Government Everyone Can Play Grant 2020-21 Funding to fund \$75,000 of the playspace cost, matched by Council

7.6 Alexander Garden Competition

248 **Resolved** Crs Taylor and Bodey that the Council:

1. Cancel the 2020 Alexander Garden Competition due to COVID-19 restrictions;
2. Advise garden committees of the Council resolution

7.7 Road Closure

249 **Resolved** Crs Reynoldson and Taylor that the Council close the un-named road bisecting part of Lots 1 and 2 DP521903 under the provisions of the Roads Act 1993 and transfer the land to the adjoining property owner at market value. All costs applicable to the road closure process are to be borne by the applicant.

7.8 Development Application 53/21/DA/D2 Shed and Pet Food Business

250 **Resolved** Crs Taylor and Morris that the Development Application 53/21/DA/D2 for a Shed and Pet Food Business be approved subject to the following conditions:

1) Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plans BSC 001-003 and Best Sheds Job Number 2011176536 Sheet number 2 and 4 of 6, on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2) Use

This approval is granted for the shed to be used for a pet food facility and storage purposes normally associated with a residence. No other use is permitted for the shed unless prior approval is obtained from Council.

CONDITIONS FOR PET FOOD BUSINESS

3) Hours of Operation

- a) The duration of the business is for a maximum two days a week.
- b) The hours of operation for any given business day is limited to between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No operations shall be carried out on Sundays and public holidays.

Should activities undertaken on site exceed the above times the prior consent of Council will be required to be obtained. This is to ensure hours of operation for the development does not impact on the residential amenity of neighbouring environment.

4) Noise

Any noise from the business is to be maintained to a normal residential amenity level. This is to ensure that noise is kept to reasonable levels within residential neighbourhoods.

5) Landscaping

Landscaping is to be provided onsite along the Howe Street road reserve for the full length of the shed to a standard that enhances the amenity of the development and nearby land uses. A range of mature native plant species of various heights are to be used in the landscaping. An adequate protection barrier must be installed to protect the vegetation area from vehicle movement. This is to ensure the visual quality and amenity of the neighbouring environment.

6) Trade Waste

- a) For liquid trade waste from the pet food facility, the following must apply:

- i) All liquid trade waste from the pet food facility must be directed to Council's sewerage system.
- ii) The development will be required to meet the liquid trade waste acceptance criteria in accordance with Council's *Liquid Trade Waste Policy* (latest version).
- iii) Prior to the release of the Construction Certificate the Applicant must ensure that a Liquid Trade Waste Approval has been granted in association with the proposed pet food facility.
- iv) The Applicant must allow in the design for the installation of all required trade waste pre-treatment equipment. All trade waste pre-treatment equipment shall be installed to details approved by Council, prior to work commencing onsite.
- v) Prior to the use of the building as a pet food facility, the applicant is to contact Council to arrange an inspection of all trade waste installations.

This is to ensure that the proposed development can be appropriately serviced in accordance with Council's *Liquid Trade Waste Policy* and to comply with Section 68 Part C (4) of the *Local Government Act 1993*.

- b) For waste products from the pet food product, the following must apply:
 - i) Minimal waste is to be stored onsite.
 - ii) All waste must be disposed of at a suitable reciprocal in accordance with its classification as per EPA's Guidelines including but not limited to the latest version of the *Waste Classification Guidelines*.
 - iii) Dispose of all waste must be logged and information provided on its disposal.
 - iv) Any odour from any waste onsite is to be maintained to a normal residential amenity level.

This is to ensure that waste from the development is managed appropriately and does not impact on the residential amenity in the neighbouring environment.

- c) For all other waste not included in a) and b) above for the pet food facility, the following must be applied:
 - i) Waste generated must be kept to a minimum.
 - ii) Minimal waste is to be stored onsite
 - iii) A suitable garbage receptacle must be provided for the reception of any waste onsite, is managed affectively and disposed of appropriately.

This is to ensure that trade waste from the development is managed appropriately and does not impact on the residential amenity in the neighbouring environment.

7) Traffic and site access

- a) Public access to the site must be limited.
- b) All vehicles associated with the business must park vehicles onsite
- c) All carparking associated with the development must be contained onsite in a designated car parking area.
- d) An all weather access driveway must be provided linking the shed to Howe Street.
- e) Dust suppression strategies on the internal road must be applied where required to limit dust created from traffic movement onsite.
- f) This is to ensure the development does not impact on the residential amenity of neighbouring environment or on the local road network.

8) Works in Road Reserve

Reticulated services are installed under roads, footpaths and naturestrips at varying depths. No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

9) Disabled Access

Disabled access must be provided to the shed and to onsite amenities, including but not limited to, toilets. This is as per the requirements of the Building Code of Australia and relevant Australian Standards.

10) Fire Safety Schedule

In granting this approval, Council requires the essential fire or other safety measures, as determined by the Principal Certifying Authority upon assessment of the Construction Certificate, to be installed and maintained so as to comply with the requirements of the Building Code of Australia. Prior to the issue of an occupation certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate is to state in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated:

- a) that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so and
- b) that as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council within each twelve month period certifying the maintenance standard of the Essential or Other Safety Measure installed on the property.

CONDITIONS FOR CONSTRUCTION OF SHED

11) 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].

12) Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for the retaining wall
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY (Complete Form D - Appointment PCA)
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 day's notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

13) Critical Stage Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

14) Occupation

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 109C(1)(c) and 109H EP&A Act 1979)

- 15) Compliance with Building Code
All building work must be carried out in accordance with the provisions of the Building Code of Australia
- 16) Permitted hours for building work
All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.
- 17) Signs Erected on Building and Demolition Sites
 - a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of retaining wall and placement of generator is being carried out:
 - i) stating that unauthorised entry to the work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - b) Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).
- 18) Waste
A garbage receptacle for the reception of all waste materials associated with the construction of the shed from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.
- 19) Stormwater
Roofwater from the structure is to be piped underground to Council's stormwater drainage system located in Howe Street in accordance with the Building Code of Australia and Relevant Australian Standards. This is to ensure that runoff does not cause damage to occur to neighbouring properties.

Division

In Favour: All

Against: Nil

7.9 Development Application 59/21/DA/D9 - 2 Lot
Subdivision/Boundary Realignment

- 251 **Resolved** Crs Morris and Glanville that the Council defer its consideration of Development Application 59/21/DA/D9 until further advice is received in relation to possible conditions that could be applied to a consent determination and further that additional advice is received from the Council's solicitors regarding the potential to grant consent to the application.

Division

In Favour: All

Against: Nil

7.10 Pecuniary Interest Disclosures 2019-2020

- 252 **Resolved** Crs Bodey and Reynoldson that the Council note the tabling of Pecuniary Interest Returns received from Councillors and designated officers for the period 1st July, 2019 to 30th June 2020.

7.11 Barooga Recreation Reserve - Requests for Funding Assistance

- 253 **Resolved** Crs Bruce and Reynoldson that the Council:
- discuss the future of the netball courts with Barooga Recreation Reserve Committee of Management;;
 - Implement rabbit control at the Barooga Recreation Reserve
 - Advise Barooga Recreation Reserve Committee of Management that fencing repairs at the Barooga Recreation Reserve are to be undertaken by the Equestrian Club
 - Allow installation of automatic doors by the Barooga Recreation Reserve Committee of Management and replacement of rear glass doors by the Council
 - Contribute \$16k excl. GST for carpet replacement at the pavilion.

7.12 Draft Annual Report 2019-2020

That the Council took no action in relation to this report.

7.13 Development Application 55/21/DA/D2 New Tocumwal
Foreshore Building

254 **Resolved** Crs Morris and Bodey that the Development Application 55/21/DA/D2 for a New Tocumwal Foreshore Building be approved subject to the following conditions:

1) Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plans Marie Le Touze Tocumwal Foreshore Building DA01-03 and DA05-09, on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2) Trade Waste

a) For liquid trade waste from the building, the following must apply:

- i) All liquid trade waste must be directed to Council's sewerage system.
- ii) The development will be required to meet the liquid trade waste acceptance criteria in accordance with Council's *Liquid Trade Waste Policy* (latest version).
- iii) Prior to the release of the Construction Certificate the Applicant must ensure that a Liquid Trade Waste Approval has been granted.
- iv) The Applicant must allow in the design for the installation of all required trade waste pre-treatment equipment. All trade waste pre-treatment equipment shall be installed to details approved by Council, prior to work commencing onsite.
- v) Prior to the use of the building, the applicant is to arrange an inspection of all trade waste installations.

This is to ensure that the proposed development can be appropriately serviced in accordance with Council's *Liquid Trade Waste Policy* and to comply with Section 68 Part C (4) of the *Local Government Act 1993*.

3) Financial Contribution Car Parking

A financial contribution of \$18,955 must be submitted to Council for the provision of car parking as required by Council's Development Contributions Plan under the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* prior to the issue of an Occupation Certificate.

4) Works in Road Reserve

Reticulated services are installed under roads, footpaths and naturestrips at varying depths. No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or

supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

5) Disabled Access

Disabled access must be provided to the building, including but not limited to, the ground floor, the first floor and to onsite amenities. This is as per the requirements of the Building Code of Australia and relevant Australian Standards.

6) Excavations and Backfilling

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

7) Fire Safety Schedule

In granting this approval, Council requires the essential fire or other safety measures, as determined by the Principal Certifying Authority upon assessment of the Construction Certificate, to be installed and maintained so as to comply with the requirements of the Building Code of Australia. Prior to the issue of an occupation certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate is to state in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated:

a) that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so and

b) that as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council within each twelve month period certifying the maintenance standard of the Essential or Other Safety Measure installed on the property.

8) 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].

9) Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for the retaining wall
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY (Complete Form D - Appointment PCA)
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

10) Critical Stage Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

11) Occupation

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 109C(1)(c) and 109H EP&A Act 1979)

12) Compliance with Building Code

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

13) Permitted hours for building work

All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.

14) Signs Erected on Building and Demolition Sites

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of retaining wall and placement of generator is being carried out:
 - i) stating that unauthorised entry to the work site is prohibited, and
 - ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b) Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

15) Waste

A garbage receptacle for the reception of all waste materials associated with the construction of the structure from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

16) Protection of Public Places

- a. If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed.

17) Stormwater

Roofwater from the structure is to be directed to Council's stormwater drainage system in accordance with the Building Code of Australia and Relevant Australian Standards. This is to ensure that runoff does not cause damage to occur to neighbouring structures or properties.

Division

In Favour: All

Against: Nil

7.14 Development Application 62/21/DA/D2 - Food Vans

255 **Resolved** Crs Morris and Reynoldson that Development Application No. 62/21/DA/D2 be approved subject to the following conditions:

Approved Plans

The development shall be implemented substantially in accordance with the details set out on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

Trade Waste

- a) All liquid trade waste from the mobile food vans must be collected from each food van and all waste must be deposited to either Council's sewerage system or a public septic dump point.
- b) The Applicant is required to lodge an application for the discharge of liquid trade waste to either Council's sewerage system or a public septic dump point.
- c) The Applicant must ensure that a Liquid Trade Waste Approval has been granted prior to the discharge of liquid trade waste from the mobile food vans associated with the proposed 3 Food Trucks.

This is to ensure that the proposed development can be appropriately serviced in accordance with Council's Liquid Trade Waste Policy and to comply with Section 68 Part C (4) of the *Local Government Act 1993*.

Duration of 3 Food Vans onsite

This consent is for 3 Food Vans to operate on site from 22-31 October 2020. All vans must be removed from the site on days other than this date. Should further dates be contemplated the consent of the Council will be required to be obtained prior to the vans being placed on the site.

Hours of Operation

Hours of Operation for food vans on site is limited to:

- Daily from 12:00pm to 9:00pm

Should activities undertaken on site exceed the above times the prior consent of Council will be required to be obtained.

This is to ensure hours of operation for the development does not impact on the residential amenity of neighbouring environment.

Noise

Operation of the development must keep noise at a low ambient level. This is to ensure that noise is kept to reasonable levels within residential neighbourhoods, and is in accordance with the *Protection of the Environment Operations (Noise Control) Regulations 2017*.

Location of Food Vans

All food vans must be located within the site and as per the approved plans.

Garbage Receptacle

A garbage receptacle for the reception of all domestic waste materials from 3 food vans purposes to adequately cater for patrons visiting the site. Minimum waste is to be stored onsite at any one time. Waste must be maintained and serviced appropriately to adequately cater for patrons onsite. Odour from waste is to be maintain at a normal residential amenity in the neighbouring environment. This is to ensure that there is minimal harm to the health of patrons and there is minimal impact from odour on the neighbouring environment.

COVID-19 Safety

Movement of patrons access the 3 food vans and any outdoor seating for patrons must comply with the current COVID-19 restrictions as per NSW Health Regulations (latest version).

Food Safety

The food vans must comply with the provisions of the NSW Food Act 2003.

Division

In Favour: All

Against: Nil

7.15 September Quarter Operational Plan Review

- 256 **Resolved** Crs Morris and Taylor that the Council note the September 2020 Quarterly Review of the Annual Operational Plan 2020/21 circulated as “**Appendix 7.15-A**”.

8. ITEMS FOR NOTING

- 257 **Resolved** Crs Taylor and Glanville that Items for Noting numbered 8.1 to 8.11 inclusive be received and noted.

- 8.1 T10/20/21 – Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement
- 8.2 T09/20/21 Fence and Gate Replacement at Tocumwal Aerodrome
- 8.3 Riverina and Murray Joint Organisation Board Meeting Minutes
- 8.4 Local Roads and Community Infrastructure Fund
- 8.5 Status of Special COVID-19 Measures
- 8.6 Federal Budget
- 8.7 2020-2021 Rates Collections and Outstanding Debtors Balances - 1st Quarter
- 8.8 Netball Courts
- 8.9 Tocumwal Chamber of Commerce and Tourism
- 8.10 Permissible Rate Income
- 8.11 Development Determinations for Month of September 2020

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 T10/20/21 - Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement

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 T09/20/21 Fence and Gate Replacement at Tocumwal Aerodrome

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.

9.3 Swimming Pool Safety

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:

- (f) matters affecting the security of the council, councillors, council staff or council property

It is not in the public interest to disclose the information within this report.

9.4 Code of Conduct Investigation

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:

- (i) alleged contraventions of any code of conduct requirements applicable under section 440

It is not in the public interest to reveal the information provided within this report.

258 Resolved Crs Taylor 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*.

Council closed its meeting at 12 noon. The public and media left the Chamber.

Open Council resumed at 12:20pm.

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 Morris and Taylor that the Council note this report for the evaluation of Tender T10-20-21 – Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement.

Resolved Crs Glanville and Morris that the Council note this report for the evaluation of Tender T09-20-21 – Fence and Gate Replacement at Tocumwal Aerodrome.

Resolved Crs Taylor and Morris that the Council commence a program to both identify unapproved, unregistered or non-compliant swimming pools throughout the Council area and to either make any such identified pools safety compliant or have them removed.

Resolved Crs Bruce and Glanville that the Council:

1. Note the Final Investigation Report into the Code of Conduct complaint made against Councillor Bodey on 23 July 2020
2. Note the findings made by the independent Conduct Reviewer in the Final Investigation Report as follows:
 - a. Councillor Bodey has breached the Council Tender Policy by making contact with two tenderers prior to the consideration of the tender responses by Council.
 - b. Councillor Bodey has breached Part 2 (1) (a) and (b) of the Code of Conduct General Conduct Obligations by engaging with two tenderers outside of the formal Council processes for the evaluation of tender responses.
 - c. Councillor Bodey has breached his obligations under Section 232 (1) of the Local Government Act 1993 No 30 by failing to be an active and contributing member of the governing body and by failing to disclose his engagement with the two tenderers to the governing body.

d. Councillor Bodey's actions constitute misconduct as defined by Section 440F (1) (b) of the Local Government Act 1993 No 30.

3. *Apply the following sanction*

e. Councillor Bodey be censured under Section 440G of the Local Government Act 1993 No 30 in accordance with clause 7.37 (b) of the Procedures for the Administration of the Model Code of Conduct for Local Councils in New South Wales.

Crs Hannan and Bodey returned to the meeting at 12:25pm and Cr Hannan resumed the chair.

Laurie Stevens did not return to the meeting.

10. COMMITTEES

Nil

11. MAYOR'S REPORT

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

- Crossborder Commissioner zoom meetings
- Finley Recreation Reserve – netball courts
- Official Visitor Guide launch at Tocumwal Golf and Bowls Club
- Tocumwal Foreshore Committee of Management cheque presentation
- RAMJO Waste Group
- Chamber Presidents meeting
- Australia Day briefing
- Tocumwal Aerodrome Ensign raising
- Finley Caravan Park leases

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

12. DELEGATES REPORT

Cr Ross Bodey

- Official Visitor Guide launch
- Tocumwal Foreshore Committee of Management cheque presentation
- Sporties presentation
- Tocumwal Chamber of Commerce & Tourism meeting
- Tocumwal Aerodrome flag raising ceremony
- Tocumwal Community Development Committee – silo painting project

Cr John Taylor

- Nil

Cr Daryll Morris

- Australia Day Committee meeting

Cr Roger Reynoldson

- Berrigan District & Development Association meeting
- Berrigan Conservation Group meeting
- Sporties presentation

Cr Denis Glanville

- Official Visitor Guide launch
- Sporties presentation
- Tocumwal Aerodrome flag raising

Cr John Bruce

- Sporties presentation

13. BUSINESS ARISING

Cr John Bruce

- Sporties Health & Fitness Advisory Committee meeting tomorrow
- Thanks for ashes garden at Barooga Cemetery
- Water to Barooga Cemetery

Cr Denis Glanville

- Nil

Cr Roger Reynoldson

- Water sales

Cr Daryll Morris

- Nil
-

Cr Daryll Morris

- Drinking water
- New amenities at Finley Caravan Park

Cr Ross Bodey

- Tocumwal laundromat

Cr Matthew Hannan

- Tocumwal Car Parking

Rowan Perkins (General Manager)

- Christmas party will not be held due to COVID-19 – other arrangements to be made
- Recognition Day will be held next year

265 **Resolved** Crs Morris and Reynoldson that the Council in lieu of the Christmas Function gift IGA vouchers to staff and Councillors at a value of the General Managers discretion.

Cr Matthew Hannan

- Barnes Road completion

Matthew Clarke (Director Technical Services)

- Nil

Matthew Hansen (Director Corporate Services)

- Nil

Rowan Perkins (General Manager)

- Leave

- Matt Hansen acting General Manager

14. CLOSE OF MEETING

There being no further business the meeting closed at 12:49pm.