

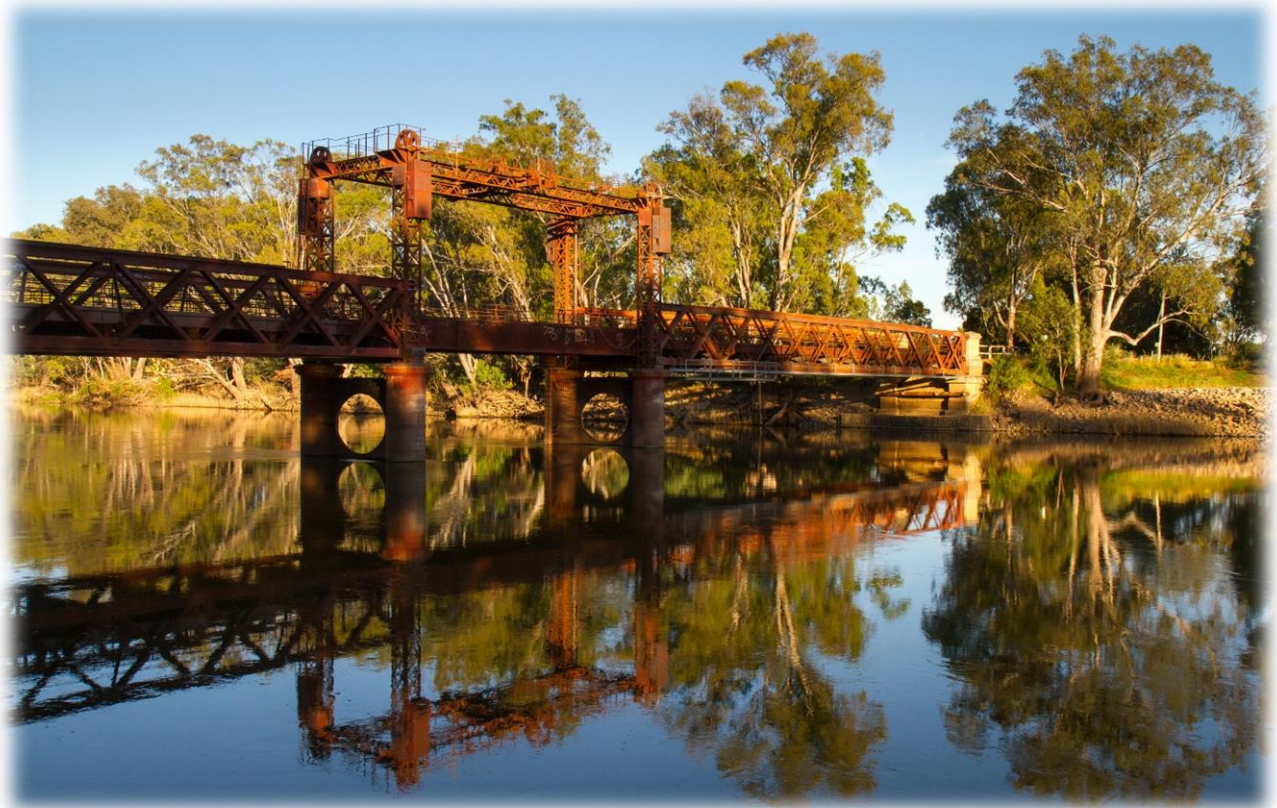


ORDINARY MEETING OF COUNCIL

Held on Wednesday 18 August, 2021

at 11:00am

via Zoom



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 18 August, 2021 commencing at 11:00am

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 (Director Corporate Services), Matthew Clarke (Director Technical Services), Matthew Miller (Acting Development Manager) and Gary George (Assets & Operations Manager)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Matthew Hansen (Director Corporate Services) indicated that he would leave the meeting for the discussion of Item 9.1.

3. VISITORS

Nil

4. CONFIRMATION OF MINUTES

183 Resolved Crs Morris and Bruce that the Minutes of the meeting held in the Council Chambers on Wednesday 21 July, 2021 be confirmed.

5. MAYORAL MINUTES

5.1 Condolences to Moira Shire Council

184 Resolved Crs Glanville and Morris that the Council extend its condolences to the Moira Shire Council and staff following the tragic death of Mr Rick Devlin.

6. NOTICE OF MOTION

Nil

7. ITEMS FOR RESOLUTION

7.1 Finance - Accounts

185 Resolved Crs Taylor and Reynoldson that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 July 2021,
- b) Confirm the accounts paid as per Warrant No. 07/21 totaling \$2,547,081.04, and
- c) Note the report on investments attached as "**Appendix 7.1-A**".

7.2 Action List Report

186 Resolved Crs Taylor and Bodey that the Council:

1. Request the report be implemented as a monthly report for all Ordinary Council Meetings;
2. Receive and note the report

7.3 2021 Appreciation and Recognition Awards

187 Resolved Crs Morris and Jones that the Council:

1. Hold its 2021 Appreciation and Recognition Awards at a breakfast at the Berrigan Sportsground on Thursday 23 September, 2021;
2. Invite a guest speaker to talk on the topic of mental health;
3. Recognise staff and councillors for the period of 2 years

7.4 Audit Office NSW Interim Audit Report

188 Resolved Crs Bodey and Morris that Council receive the report, and note progress against agreed outcomes will be reported to Council through the Audit, Risk and Improvement Committee.

7.5 Murray Border Region – Government Advocacy Initiative

189 Resolved Crs Morris and Reynoldson that Council support the Advocacy of the Murray River Council but request it be discussed at RAMJO level and actions taken from that meeting.

7.6 Election Postponement

190 **Resolved** Crs Taylor and Bodey that the Council receive and note the report.

7.7 Resignation of Cr Denis Glanville

191 **Resolved** Crs Taylor and Jones that the Council:

1. Accept the resignation of Cr Denis Glanville and thank Cr Glanville for his outstanding 9 years of service to the Berrigan Shire community;
2. Hold the vacancy created by Cr Glanville's resignation until the 4 December 2021 election date;
3. Advise the Office of Local Government, Local Government NSW, and the NSW Electoral Commissioner of this vacancy within 7 days of this resolution

7.8 Staff Leave Liabilities

192 **Resolved** Crs Taylor and Reynoldson that the Council:

1. Support the CEO's direction that all current employees shall have their excess leave balances reduced to within the ranges outlined in the Employee Leave Policy by 30 June 2024;
2. Acknowledge changes will be made to the Employee Leave Policy to address concerns related to retirement and termination management practices;
3. Approve a review of the Workforce Development Plan to include cover considerations and cross training of employees in line with Council's Fraud Control Policy;
4. Request reports to the new Audit, Risk and Improvement Committee on the progress of the Excess Leave Project should be provided on a quarterly basis at least until the project has concluded;
5. Acknowledge the CEO will approach recently retired employees to:
 - formally accept their resignation;
 - open negotiations with those retired employees as to the timing of cessation of employment; and
6. Note the above includes acknowledgement that any negotiated outcomes will continue to have long term financial and governance implications for Council until the respective leave entitlements expire.

7.9 Tocumwal Historic Aerodrome Museum Committee of Management

193 Resolved Crs Taylor and Morris that the Council:

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

President:	Bob Brown
Vice President:	David Grant
Secretary:	Gina Brown
Treasurer:	Lea Grant
Committee:	
Cr Ross Bodey	

7.10 Finley School of Arts Committee of Management

193 Resolved Crs Taylor and Morris that the Council:

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

President:	Ross Whittaker
Secretary:	Janneice Gray
Treasurer:	Christine Lawlor
Committee:	
Noel A'vard	
Ted Gray	
Anne Freestone	
Kelly-Anne Lawlor	

Maureen Shalders

7.11 Event Funding Application – Tocumwal Air Show

- 194 **Resolved** Crs Morris and Bodey that the allocated \$10,000 in event funding for the Tocumwal Air Show be reallocated to the rescheduled event in early 2022.

7.12 LGNSW Annual Conference 2021 – Changes to Program

- 195 **Resolved** Crs Glanville and Taylor that the Council note and receive the report.

7.13 Spendmapp

- 196 **Resolved** Crs Reynoldson and Taylor that the Council allocate \$11,000 in its annual budget to purchase the annual subscription to Spendmapp.

7.14 Liquid Trade Waste – Non-compliance Fees and Charges

- 197 **Resolved** Crs Morris and Glanville that the Council adopt Excess Mass Charging formula for Category 3 Liquid Trade Waste Dischargers in accordance with NSW Department of Planning, Industry and Environment Liquid Trade Waste Management Guidelines for Councils in Regional NSW 2021 as outlined in this report.

7.15 Organisational Structure Review

- 198 **Resolved** Crs Taylor and Morris that the Council:
1. Adopt the suggested Organisational Structure as presented under Section 333 of the Local Government Act;
 2. Determine the position of Deputy Chief Executive Officer to not be a Senior Staff position;
 3. Adopt the Position Description for the position of Deputy Chief Executive Officer as presented;
 4. Determine the position of Director, Infrastructure Services to not be a Senior Staff position;
 5. Adopt the Position Description for the position of Director, Infrastructure Services so the recruitment to that position may commence immediately; and
 6. Create the role of Director, Strategic Planning and Development within the organisation structure with the Position Description for that role to be presented to Council for consideration at the September Council meeting.

7.16 Audit, Risk & Improvement Committee Charter

- 199 **Resolved** Crs Taylor and Jones that the Council adopt the Audit, Risk and Improvement Committee Charter, included as “Appendix 7.16-A”.

7.17 Carried Forwards 2021/22

- 200 **Resolved** Crs Morris and Reynoldson that the Council note the carried forward items recommended in this report be carried into 2021/22

7.18 Bequest for Memorial Garden at Tocumwal Aviation Museum

- 201 **Resolved** Crs Bruce and Taylor that the Council postpone a decision on this matter until further information can be provided to Council for their decision.

8. ITEMS FOR NOTING

- 202 **Resolved** Crs Glanville and Bodey that Items for Noting numbered 8.1 to 8.3 inclusive be received and noted.

8.1 Development Determinations for Month of July 2021

8.2 T05/21/22 Supply, Delivery and Spraying of Bulk Cut-Back Bitumen for 2021/2022

8.3 Chief Executive Officer Performance Review

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 Deputy Chief Executive Officer Position Considerations

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:

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 information provided by in this report.

203 Resolved Crs Taylor and Glanville 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 11:56am.

Open Council resumed at 11:57am.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The Mayor advised that the report item 9.1 was noted while the meeting was closed to the public.

10. COMMITTEES

Nil

11. MAYOR'S REPORT

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

- Cross Border Commissioner meetings
- Soft opening at Tocumwal Aviation Museum
- Meeting with President of Tocumwal Chamber and Commerce

206 **Resolved** Crs Morris and Reynoldson that the Mayor's Report be received.

The Mayor expressed his appreciation to Matthew Clarke for his service to Berrigan Shire Council and wished him all the best for his future.

12. DELEGATES REPORT

Cr Daryll Morris

- Pleasure to work with Matt Clarke

Cr John Taylor

- Thank you Matt Clarke

Cr John Bruce

- Good luck Matt
- Barooga Aquatic and Recreation Centre meeting

Cr Denis Glanville

- Thank you Matt for contribution

Cr Colin Jones

- Thanks Matt for work in the Shire

Cr Roger Reynoldson

- Thank you Matt

13. BUSINESS ARISING

Cr Daryll Morris

- Jim Muirhead – sent through letter of support from Tim McCurdy
- - would like to support a ban along that area
- Hutcheon and Pearce
 - buying machinery from outside the region
 - price issue or staff issue?
 - Matt Clarke responded there is a procurement policy and a fair tender process
- Darrell Bowden issue with Tocumwal Foreshore Building
 - CEO still dealing with this
 - kitchen almost installed but electricity remains and issue

Cr John Bruce

- Meeting with Consultants that are doing the masterplan at Barooga Recreation Reserve
 - raised a few issues
 - DCS advised just commissioned a survey

Cr Colin Jones

- Call from Rob Crow rental of Foreshore Building
 - claims he wasn't contacted
 - went to tender
 - DCS advised this decision was made months ago
 - asked local real estate agents to provide information including rental estimate
 - Andrew Jenkins were the only response we received
- Memorial Hall in Tocumwal
 - heritage building? local or federal
- Boyd Street, Tocumwal near water treatment plant, there is some mess
 - complaint from Recreation Reserve committee

Cr Roger Reynoldson

- Nil

Cr John Taylor

- Rob Crow raised issued with Cr Taylor also

Matthew Hansen (Director Corporate Services)

- Nil

Matthew Clarke (Director Technical Services)

- Thank you all, been a great place to work, easy place to work
 - good community, good councillors
 - thank you all for your support

Karina Ewer (Chief Executive Officer)

- Thank you to Matt Clarke
- Rent at 27 Davis Street, Berrigan
 - fair price
 - rental agreements

14. CLOSE OF MEETING

There being no further business the meeting closed at 12:39pm.