



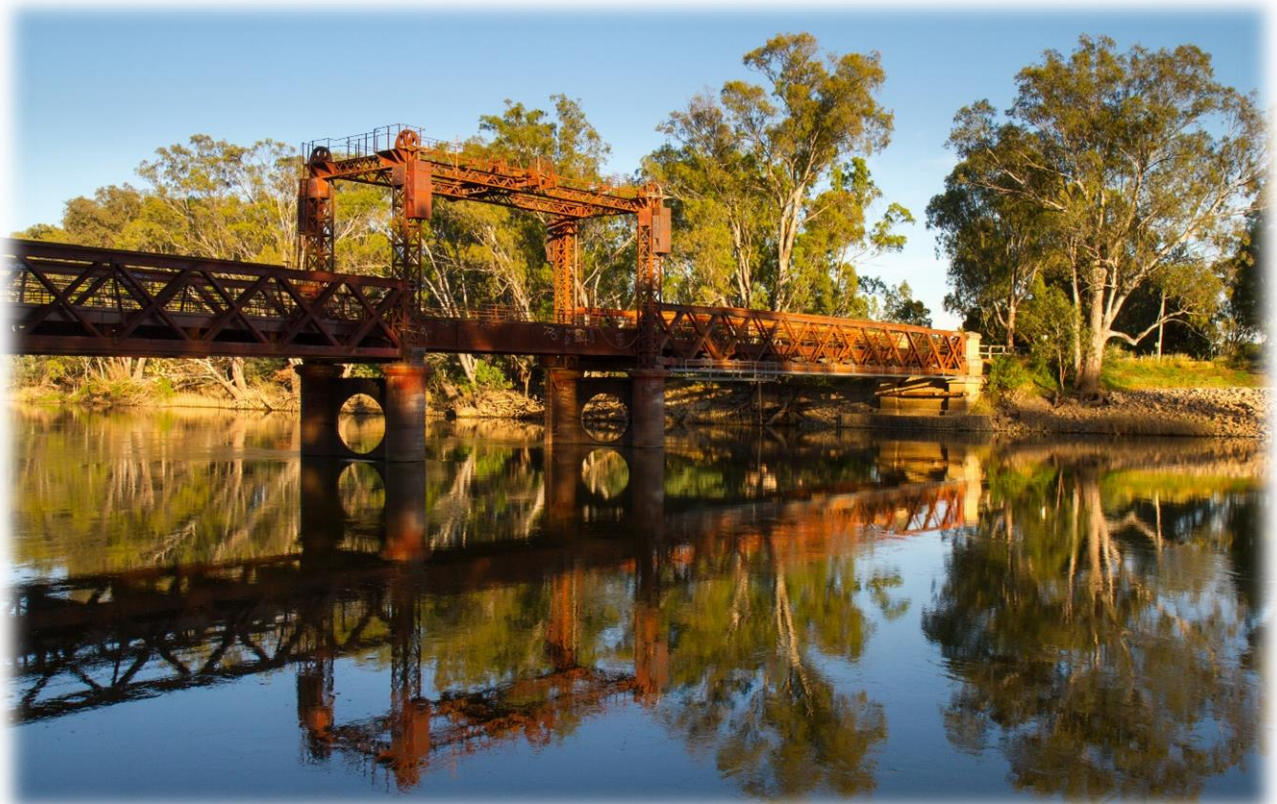
ORDINARY MEETING OF COUNCIL

Held on Wednesday 21 July, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



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

Min. No.

PRESENT:

Crs: Matthew Hannan (Mayor), Daryll Morris (Deputy Mayor), John Bruce,
Colin Jones, 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) and Matthew
Miller (Acting Development Manager)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

161 **Resolved** Crs Taylor and Bodey that an apology for non-attendance be received
from Cr Denis Glanville and Roger Reynoldson.

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Cr Jones declared a non-Pecuniary Interest in Item 7.3 as he is the secretary of
Tocumwal Men's Shed Inc.

3. VISITORS

Nil

4. CONFIRMATION OF MINUTES

162 **Resolved** Crs Taylor and Jones that the Minutes of the ordinary meeting held in the
Council Chambers on Wednesday 16 June, 2021 and the Minutes of the
extraordinary meeting held in the Council Chambers on Wednesday 23 June, 2021
be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

6.1 Notice of Motion – Rescind Council Decision - Open Parachute Program

163 **Resolved** Crs Morris and Taylor that the Council rescind its decision made on 16 June 2021 as set out below and recorded as minute number 110:

Resolved Crs Reynoldson and Taylor that the Council support the Open Parachute Program up to the value of \$10,000 on the condition that a report following delivery as to the success of engagement (social outcomes) is provided to Council.

6.2 Notice of Motion – Mental Health Program

164 **Resolved** Crs Morris and Taylor that the Council allocate a sum of \$10,000 for delivery of a mental health program targeted at young people in the Berrigan Shire, following consultation with young people and other relevant parties on the design of the program.

6.3 Notice of Motion – Tocumwal CBD Master Plan

165 **Resolved** Crs Bodey and Jones that the Council, in developing the master plan for the Tocumwal CBD, consider “**Appendix 6.3-A**” as guidelines for the development of Tocumwal’s retail, commercial and car parking needs for the future growth of Tocumwal.

7. ITEMS FOR RESOLUTION

7.1 Finance - Accounts

166 **Resolved** Crs Bodey and Morris that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 June 2021,
- b) Confirm the accounts paid as per Warrant No. 06/21 totaling \$2,811,999.81, and
- c) Note the report on investments attached as “**Appendix 7.1-A**”

7.2 Establishment of Audit, Risk and Improvement Committee

- 167 **Resolved** Crs Taylor and Jones that the Council begin the process of recruiting an Audit, Risk and Improvement Committee (ARIC), with the ARIC to be established no later than March, 2022 and operating under the 2010 Internal Audit Guidelines.

Cr Jones here left the Council Chambers.

7.3 Request for Assistance – Tocumwal Men’s Shed

- 168 **Resolved** Crs Morris and Bruce that the Council defer the Tocumwal Men’s Shed request to include in the 2022-2023 budget.

Cr Jones here re-entered the Council Chambers.

7.4 Berrigan Shire Library Service - Strategic Plan

- 169 **Resolved** Crs Morris and Taylor that the Council:
1. revoke the Berrigan Shire Library Service Strategic Plan 2014-2018; and
 2. adopt the Berrigan Shire Library Service Strategic Plan 2021-2025 as attached as **“Appendix 7.4-A”**.

7.5 Documents for Signing and Sealing – Tocumwal Aerodrome Lease

- 170 **Resolved** Crs Bruce and Morris that the Council sign and seal the renewed lease agreement for K & S Freighters for Lot 18 DP 1077717 at Tocumwal Aerodrome.

7.6 Review of General Manager and Senior Staff Remuneration

- 171 **Resolved** Crs Bodey and Taylor that the Council make a submission (attached as **“Appendix 7.6-A”**) to the Ministerial Review of General Manager/Chief Executive Officer and Senior Staff Remuneration.

7.7 Workplace Smoking Policy

172 Resolved Crs Bodey and Morris that Council:

1. revoke the Workplace Smoking Policy adopted 17 October, 2018; and
2. adopt the Workplace Smoking Policy set out below:



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WORKPLACE SMOKING POLICY

Strategic Outcome:	Good government		
Date of Adoption:	21 July 2021	Minute Number:	
Date for Review:	21 August 2024		
Responsible Officer:	Enterprise and Risk Manager		
Document Control:	Replaces and revokes the Workplace Smoking Policy adopted 17 October, 2018		
Delivery Program Link:	2.1.1 Council operations, partnerships and coordination of resources contribute toward implementation of Berrigan 2027		

1. POLICY STATEMENT

Council is committed to providing a safe and healthy working environment in accordance with Work Health and Safety legislation, and Smoke-free Environment legislation. Council will ensure procedures and resources are in place to identify hazards and introduce control measures that eliminate or reduce the risks.

2. PURPOSE

The purpose of this policy is to outline how no smoking in the workplace is enforced, how Council staff and members of the public comply with smoke-free public places, and to clearly outline variations where the policy does not apply.

3. SCOPE

This policy applies to all Council workers including contractors and volunteers, councilors and visitors to Council workplaces.

4. OBJECTIVE

This policy is developed to assist the Council with the Community Strategic Plan Objective:

2.2 Ensure effective governance by Council of Council operations and reporting.

Specifically, to reduce the risk of harm to all workers and visitors to the workplace.

5. DEFINITIONS

Council Workplaces are all workplaces where Council staff or contractors are expected to work. This extends to buildings, construction sites, parks and reserves;

Council vehicles include all motor vehicles within Council's fleet;



Council plant	includes all larger plant not defined as a motor vehicle, and includes but not limited to road construction plant, trucks, tractors, ride-on mowers;
Private use of vehicles	is in accordance with the Private Use of Council Vehicles Policy and includes all vehicles where private use is included as part of the appropriate staff member's vehicle arrangement
Public places	as defined by the Smoke Free Environment Act 2000, which is a place or vehicle that the public, or a section of the public, is entitled to use or that is open to, or is being used by, the public or a section of the public (whether on payment of money, by virtue of membership of a club or other body, or otherwise.
Smoke-free area	is an area that is free of smoke generated by tobacco products, non-tobacco smoking products or e-cigarettes. Smoke-free areas are defined in the Smoke Free Environment Act 2000 and include indoor and outdoor public places.
Workers	is the definition under the Work Health and Safety Act 2011 and includes paid employees, contractors, volunteers, work experience students, and hired staff.

6. POLICY IMPLEMENTATION

6.1 Council Buildings, Plant and Vehicles

All Council buildings, large plant and Council owned vehicles are smoke-free areas.

All workers and visitors are not permitted to smoke in these areas. This also extends to areas within four metres of an entry or exit point of any Council buildings that are open to the public, and in areas where chemical storage prohibits smoking.

Smoking is permitted in designated smoking areas and these are provided at the rear of the Council offices, and identified areas at Council Depots.

6.2 Private Use Vehicles

No smoking is permitted in any Council vehicle at any time. For the avoidance of doubt, this includes when the car is used outside work hours under a private use agreement.

6.3 Public Places

Under the Smoke Free Environment Act 2000, smoking is not permitted in identified public places. These include:



- within ten metres of children's play equipment in outdoor public places;
- at public swimming pools;
- spectator areas at sportsgrounds or other recreational areas used for organised sporting events;
- public transport stops and platforms;
- within four metres of a pedestrian access point to a public building.

This includes the main entrance to the Council offices, and the rear entrance used by workers.

6.4 Quit Programs

As part of Council's commitment to health and wellbeing, any staff member requiring assistance to quit smoking is encouraged to participate in a quit program. Council will provide information around these programs, and how they can be accessed.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Smoke Free Environment Act 2000*
- *Work Health and Safety Act 2011*
- NSW Health Tobacco Strategy and Policy

7.2 Council policies and guidelines

- Private Use of Council Vehicles Policy
- Work Health and Safety Policy
- Code of Conduct

7.8 Consultation on Model Policies

173 **Resolved** Crs Morris and Bodey that the Council make the following submissions (attached as "**Appendices 7.8-A and 7.8-B**") to the Office of Local Government

1. Model Social Media Policy, attached as "**Appendix 7.8-A**")
2. Model Councillor and Staff Interaction Policy attached as "**Appendix 7.8-B**")

7.9 LGNSW Annual Conference 2021

174 **Resolved** Crs Bruce and Jones that the Council:

- Approve the Mayor, Deputy Mayor, Chief Executive Officer and one Councillor to attend the 2021 LGNSW Annual Conference; and
- present the following motions for consideration at the conference:
 1. Addressing quality housing shortage in regional NSW and the impact this has on communities;
 2. Better management of border issues with regard to management of COVID-19 and any future pandemics.

7.10 RAMJO Kerbside Collection Contract

- 175 **Resolved** Crs Taylor and Bodey that the Council partner with Federation, Albury City, Wodonga, Greater Hume and Indigo Shire Councils for a Regional Kerbside Collection Contract scheduled to commence in 2024.

7.11 2020/2021 Rates and Charges and Interest Written Off

- 176 **Resolved** Crs Morris and Taylor that the Council under section 607 of the Local Government Act, 1993, and clause 131 (1-6) of the Local Government (General) Regulation 2005, write off the following amounts as recorded in the 2020/2021 Write Offs - Rates and Charges document for the period 1st July, 2020, to 30th June, 2021:

Ordinary/General Rates/Interest	\$140.99
Annual Water Charges/Interest	\$38.90
Water Consumption/Charges/Interest	\$358.19
Annual Sewer/Pedestal Charges/Interest	\$4,988.84
Garbage/Domestic Waste Charges/Interest	\$88.07
Storm Water/Drainage Charges/Interest	\$210.77
Bank Charge	\$5.07
Legals	\$0.00
Total	\$5,830.83

7.12 Sign and Seal – Rates and Charges

- 177 **Resolved** Crs Taylor and Jones that the Council sign and seal the following documents:
- Certificate of 2020/21 Rates and Charges levied and brought to account, as at 30 June 2021;
 - Certificate of 2021/22 Rates and Charges levied, as at 8 July 2021

8. ITEMS FOR NOTING

178 **Resolved** Crs Morris and Taylor that Items for Noting numbered 8.1 to 8.3 inclusive be received and noted.

- 8.1 Water buybacks – response from Sussan Ley MP
- 8.2 Outstanding Rates and Debtors Report 2020-2021
- 8.3 Development Determinations for Month of June 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 Finley Residential Subdivision

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 information provided in this report.

179 Resolved Crs Jones and Taylor 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 Finley Residential Subdivision

Council closed its meeting at 12:26pm. The public and media left the Chamber.

Open Council resumed.

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 Bruce and Taylor that the Council commence works to acquire land in Finley to progress to stage 3 of the Lewis Crescent subdivision and give delegation to the Chief Executive Officer to negotiate the sale of the Stage 2 lots as soon as possible.

10. COMMITTEES

Nil

11. MAYOR'S REPORT

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

- CEO Listening Posts in Tocumwal, Barooga and Finley
- COVID briefings via zoom meeting
- All borders briefing
- Finley Chamber Presidents meeting
- Cross Border Commissioner zoom meeting
- Federation Zone zoom meeting
- Women's networking evening
- Councillors candidate session
- Cross borders zoom meeting

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

12. DELEGATES REPORT

Cr Ross Bodey

- Tocumwal Listening Posts
- Councillor Candidate session

Cr John Taylor

- Nil

Cr Daryll Morris

- Nil

Cr Colin Jones

- Tocumwal Listening Posts
- Councillor Candidate session

Cr John Bruce

- Nil

13. BUSINESS ARISING

Cr John Bruce

- Barooga Recreation Reserve masterplan
 - brief (what is required and when is it due?)
 - costing?
- Finley Saleyards
 - final design?
- Berrigan Recreation Reserve, Barooga Recreation Reserve break-ins
 - security monitoring
 - CEO meeting with police and Catherine Healy
- Speaking with Tocumwal Foreshore Building contractor

Cr Colin Jones

- Smithers Road, Tocumwal
- Staff housing
 - Flight Place house
- Sugden Street kerb and gutter
 - programmed in works

Cr Daryll Morris

- Nil

Cr John Taylor

- Nil

Cr Ross Bodey

- Tocumwal Aviation Museum carpark
 - needs more work
 - disabled carparking
 - soft opening Sunday
- Flight Place house
 - possible refurbish
- Open grants displayed on website
 - train community to look for funding
 - grants guru

Matthew Hansen (Director Corporate Services)

- Nil

Matthew Clarke (Director Technical Services)

- Nil

Matthew Miller (Acting Development Manager)

- Nil

Karina Ewer (Chief Executive Officer)

- Helen Dalton asking for submission for access to Mental Health services regionally

14. CLOSE OF MEETING

There being no further business the meeting closed at 12.15pm.