



ORDINARY COUNCIL MEETING

Held on Wednesday 21 June, 2023

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting

Wednesday 21 June, 2023

MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 21 June, 2023 when the following business was considered:-

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Present:

Councillors:

Matthew Hannan (Mayor), Carly Marriott (Deputy Mayor), Edward (Ted) Hatty, Julia Cornwell McKean, Sarah McNaught, Roger Reynoldson and John Taylor

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Tim Flynn (Acting Deputy CEO), Rohit Srivastava (Director Infrastructure), Jo Ruffin (Director Strategic Planning & Development), Keelan McDonald (Executive Assistant), Tahlia Fry (Acting Director Corporate Services) and Isobel Egan (Administration Officer – Governance)

1 OPENING OF MEETING

The Council opened its meeting at 9:15am.

Mayor, Matthew Hannan read the following statement:

In the spirit of open, accessible and transparent government, Berrigan Shire Council's meetings are audio recorded. By speaking at a Council Meeting, members of the public agree to being recorded. Berrigan Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Berrigan Shire Council.

Confidential matters of Council will not be audio recorded.

Recordings are protected by copyright and owned by Berrigan Shire Council. No part may be copied, recorded, reproduced or transmitted without the prior written consent of the Chief Executive Officer. Any recording is not, and shall not, be taken to be an official record of Berrigan Shire Council meetings or the discussion depicted therein. Only the official minutes may be relied upon as an official record of the meeting.

An audio recording of the Council Meeting will be taken for administrative and minute preparation purposes only and is provided to the public for listening purposes to support Council's statutory obligations.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor, Matthew Hannan made an Acknowledgement of Country with the following statement:

“We acknowledge the Traditional Owners whose country we are gathered on, and we pay respect to the elders, past, present, and future and extend respect to all First Nations People.”

3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS

3.1 Apologies/Leave of Absence

Cr Renee Paine – apologies

Matthew Hansen (Deputy CEO) – leave of absence

3.2 Applications for Leave of Absence

Cr Ted Hatty – July Ordinary Council Meeting

3.3 Attendance Via Audio-Visual Link

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

Resolved OCM 121/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 17 May, 2023 be confirmed.

CARRIED

Resolved OCM 122/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Julia Cornwell McKean

That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 24 May, 2023 be confirmed.

CARRIED

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

SUSPENSION OF STANDING ORDERS

Resolved OCM 123/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Roger Reynoldson

A motion was moved that Council suspend standing orders.

CARRIED

Citizenship Ceremony was conducted.

RESUMPTION OF STANDING ORDERS

Resolved OCM 124/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Julia Cornwell McKean

A motion was moved that Council resume standing orders.

CARRIED

Council Meeting resumed at 9:55am, following the Citizenship Ceremony.

8 REPORTS TO COUNCIL

8.1 National General Assembly Update

Resolved OCM 125/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Roger Reynoldson

This report was for information only.

CARRIED

8.2 Ruwolt's Road - Lease of Section

Resolved OCM 126/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Roger Reynoldson

That Council:

1. authorise the Mayor and CEO to sign and seal the lease document for the relevant section of Ruwolt's Road;
2. authorise the Director Infrastructure to under take the works relevant to the effective closure of the road as outlined in this report.

CARRIED

8.3 Important Information Regarding the Referendum

Resolved OCM 127/23

Moved: Cr Sarah McNaught

Seconded: Cr Julia Cornwell McKean

This report was for information only.

CARRIED

8.4 Cultural Audit

Resolved OCM 128/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Sarah McNaught

That Council award the quotation, Cultural Audit for a total value of \$31,795 (excluding GST) to Morrison Low, subject to positive reference checks.

CARRIED

8.5 Event funding application - Tocumwal Air Show 2023

Resolved OCM 129/23

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council funds the Tocumwal Air Show to the requested amount of \$10,000.

CARRIED

8.6 Tree Management Policy

Resolved OCM 130/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Edward (Ted) Hatty

That Council:

1. revoke the Tree Management Policy adopted 19 July 2017; and
2. adopt the Tree Management Policy included with this report.

CARRIED

8.7 Development Determinations for Month of May 2023

Resolved OCM 131/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Sarah McNaught

That Council receive and note this report.

CARRIED

Cr Carly Marriott requested an update on the subdivision of Lawson Drive, Barooga. Dr Joanne Ruffin (Director of Strategic Planning and Development) confirmed that the DA had been approved.

8.8 Finance - Accounts

Resolved OCM 132/23

Moved: Cr Roger Reynoldson

Seconded: Cr Edward (Ted) Hatty

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 May 2023,
- b) Confirm the accounts paid as per Warrant No. 05/23 totaling \$5,048,495.90 and
- c) Note the report on investments attached

CARRIED

8.9 Barooga Football Netball Club Netball Shelters

Resolved OCM 133/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Julia Cornwell McKean

That the Council loan Barooga Football Netball Club \$11,000 for the construction of new shelters to be located at the Netball Courts.

CARRIED

8.10 7 Flight Place

Resolved OCM 134/23

Moved: Cr Roger Reynoldson

Seconded: Cr Edward (Ted) Hatty

That Council withdraw 7 Flight Place from sale.

CARRIED

8.11 IPART Draft Report into Rate Pegging Methodology Review

Resolved OCM 135/23

Moved: Cr Sarah McNaught

Seconded: Deputy Mayor Carly Marriott

This report was for information only.

CARRIED

8.12 Review of Local Environment Plan Update

Motion

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

1. That Council endorse the attached 1) Draft Strategic Framework 2) Draft Barooga District Plan 3) Draft Finley District Plan and 4) Draft Tocumwal District Plan and 5) Draft Berrigan District Plan for public exhibition and comment.
2. That a planning proposal is prepared reflecting the changes in zoning identified in the appended and draft urban district plans
3. That the rural land use strategy is completed and once complete, a planning proposal prepared reflecting changes in zoning identified in the appended and draft urban district plans, and zoning changes recommended by the rural land use strategy.

Amendment to the Motion

That Council endorse one single planning proposal, covering both Urban and the Rural Land Use Strategy. Staff to seek a variation to the existing contract with Habitat Planning (at an additional cost to Council). Staff to ensure that a project plan with strong timelines is written into the new contact, in regard to delivering the Local Environment Plan and Land Use Strategy.

Project Plan to be presented to Council within 2 weeks of the variation to contract.

Resolved OCM 136/23

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That Council endorse one single planning proposal, covering both Urban and the Rural Land Use Strategy. Staff to seek a variation to the existing contract with Habitat Planning (at an additional cost to Council). Staff to ensure that a project plan with strong timelines is written into the new contact, in regard to delivering the Local Environment Plan and Land Use Strategy.

Project Plan to be presented to Council within 2 weeks of the variation to contract.

CARRIED

8.13 Destination Charging Grant_Status and Way Forward

Resolved OCM 137/23

Moved: Mayor Matthew Hannan

Engage with Sporties Barooga to discuss if there is an appetite to have a charger at their site, in a 50/50 partnership with Council.

To also engage with Tocumwal Foreshore Committee to discuss if there is an appetite to have a charger at their site, in a 50/50 partnership with Council.

CARRIED

8.14 Work Requests Management

Resolved OCM 138/23

Moved: Cr Roger Reynoldson

Seconded: Cr Sarah McNaught

It is recommended that Council:

1. receive the report;
2. instruct Director Infrastructure to lead the process of managing works requests through AssetFinda and identify changes required, if any in managing the same; and
3. request a quarterly report be presented to Council at its September 2023 Council meeting.

CARRIED

8.15 Development Engineering Design Standards Review

Resolved OCM 139/23

Moved: Cr Roger Reynoldson

Seconded: Cr Edward (Ted) Hatty

That Council:

1. adopt the Infrastructure Design Manual (IDM) and Water Services Association of Australia (WSAA) standards unamended as the engineering standards to inform Council and Development works.
2. direct staff to update the website references to Engineering Standards and Guidelines to suit; and
3. direct the Director Infrastructure to initiate a project to develop Council design guidelines for Sewer and Stormwater Pump Stations.

CARRIED

8.16 Dawe Ave Half Cost Scheme Footpath

This report was for information only.

8.17 Berrigan War Memorial Swimming Pool Steps

Resolved OCM 140/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor

That the council contribute 50% of the cost of the All Ability Swimming Pool Steps at Berrigan War Memorial Swimming Pool

CARRIED

8.18 Citizenship Ceremony

This report was for information only.

8.19 Tocumwal Station Freight Upgrade

This report was for information only.

8.20 Telstra Lease

Resolved OCM 141/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Julia Cornwell McKean

Council endorsed to intrust staff to sign and seal the documents.

CARRIED

8.21 Development Application 60 23 DA DA M 153 SUPPELS ROAD BAROOGA

Recommendation

This application is for a review of conditions of the original DA consent for deferred commencement. The review application is in accordance with Section 8.2 *Determinations and decisions subject to review* of the Environmental Planning and Assessment Act 1979. No recommendation from Council Officers is provided.

Amendment to recommendation

That as per 6.7(2) *despite any other provision of this Plan, development consent may be granted to development on land in a river front area, only for the following purposes. Option D) extensive agriculture and intensive plant agriculture* is applicable for this application.

Resolved OCM 142/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Julia Cornwell McKean

That as per 6.7(2) *despite any other provision of this Plan, development consent may be granted to development on land in a river front area, only for the following purposes. Option D) extensive agriculture and intensive plant agriculture* is applicable for this application.

CARRIED

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL MATTERS

Resolved OCM 143/23

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

10.1 Offer Regards AirPark

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

10.2 Finley Saleyards Update

This matter is considered to be confidential under Section 10A(2) - (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED

During closed Council, the following recommendations were resolved.

10.1 Offer Regards AirPark

Resolved OCM 144/23

Moved: Cr Roger Reynoldson

Seconded: Cr Edward (Ted) Hatty

That Council decline the offer from Mr Viceconte.

CARRIED

10.2 Finley Saleyards Update

Resolved OCM 145/23

Moved: Deputy Mayor Carly Marriott

Council Staff to arrange for a draft lease to be compiled prior to the meeting with the Agents. The lease must contain wording that ensure the WHS, animal obligations and audit requirements is the responsibility of the Lessee.

CARRIED

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

Cr Ted Hatty

- Requested an update on the Poly Pipe Proposal – Tocumwal
- Requested an update on American Social
 - o Auction is complete. Council will hold funds, as Council are awaiting advice from Solicitors.
- Requested an update on the Keogh Drive works.
 - o Rohit Srivastava (Director Infrastructure) advised that the works have begun.

11.1 Tocumwal Foreshore Building

Resolved OCM 144/23

Moved: Cr Edward (Ted) Hatty

Seconded: Deputy Mayor Carly Marriott

Council Staff to re-engage with the interested parties for the lease of the Tocumwal Foreshore Building upstairs space.

CARRIED

Cr Sarah McNaught

- Requested clarification around the 'Professional Services' expression of interest (EOI) that is currently out.
 - o Karina Ewer (Chief Executive Officer) advised that the EOI is for a range of services ranging from; arborists, legal services, marketing specialists and real estate advisors.

Cr Julia Cornwell McKean

- Barooga Tennis Courts – Financials.

Cr Roger Reynoldson

- Country Womens Association fundraising for the beautification of Berrigan Cemetery.
- Tennis Courts in Berrigan – letter in regards to upgrade.

Cr Carly Marriott

- Issues with the solar at Tocumwal Library.
- Requested the footpath for Hughes St, Barooga be considered in the budget.

11.2 Hughes Street, Barooga - Footpath Costings

Action

Rohit Srivastava to investigate quotes for a footpath to be laid in Hughes St, Barooga.

12 COUNCILLOR REPORTS

12.1 Mayor's Report

- 24.05: Country University Centre meeting
- 25.05 – 26.05: Country Mayors Association Meeting in Sydney
- 26.05: Cross Border Commissioner meeting – Tocumwal Ambulance Station
- 29.05: ARIC Meeting'
- 30.05: Meeting with the stock Agents for Finley Saleyards
- 01.06: LGNSW Awards Night
- 07.06: RAMJO briefing
- 12.06 – 16.06: Australian Local Government Association Conference
 - o Opportunity with Senator Perin Davey
- 19.06: Rotary changeover dinner
- 20.06: Shared footpath opening
- 20.06: Albury Wodonga Hospital zoom meeting
- 20.06: Lions changeover dinner

Resolved OCM 145/23

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That the Mayor's Report be received.

CARRIED

12.2 Verbal Reports from Delegates

Cr Carly Marriott

- Libraries meeting
- Finley Saleyards meeting

Cr Julia Cornwell McKean

- ARIC meeting
- Cross Border Commissioner – Tocumwal Ambulance Station
- ARIC special meeting
- Southern Riverina ABC Radio – Womens Mentoring

Cr Sarah McNaught

- Zone 29 Red Cross conference
- Finley Saleyards meeting

Cr Ted Hatty

- Crown Lands Groups of Management meeting
- Tourism Reference Group
- Productivity Commission in Deniliquin
- Aerodrome User Group Meeting
- War Memorial Hall
- Lions changeover dinner – Tocumwal

Karina Ewer

- 11 Barooga Street
- Country Mayors – Private Members bill in regards to RFS
- Thank you to Joanne Ruffin for her service

Resolved **OCM 146/23**

Moved: **Mayor Matthew Hannan**

That the Councillors' Reports be received.

CARRIED

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on 19 July 2023 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Mayor, closed the meeting at 12:38pm.