

**MINUTES OF MURRAY RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS, MOAMA ADMINISTRATION OFFICE,
52 PERRICOOTA ROAD, MOAMA
ON TUESDAY, 24 MARCH 2020 AT 6:01PM**

PRESENT: Cr Chris Bilkey (Mayor), Cr Gen Campbell (Councillor), Cr Nikki Cohen (Councillor), Cr Tony Aquino (Councillor), Cr Neil Gorey (Councillor), Cr Thomas Weyrich (Councillor), Cr Geoff Wise (Councillor)

IN ATTENDANCE: Des Bilske (General Manager), Ross Mallett (Director Corporate Services), Scott Barber (Director Engineering) (via video conference), David Wilkinson (Director Planning, Waste & Regulatory Services) (via video conference), John Harvie (Manager Economic Development & Tourism), Kerri Keogh (Manager Office of the General Manager)

The Mayor advised those present that the meeting was being webcast live on Council's website and recorded for administrative purposes.

1 OPENING MEETING

The Mayor opened the meeting by citing the opening prayer of the Council.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the Acknowledgement of Country.

3 APOLOGIES & APPLICATIONS FOR A LEAVE OF ABSENCE

RESOLUTION 010320

Moved: Cr Geoff Wise
Seconded: Cr Nikki Cohen

That the apologies tendered on behalf of Cr Ann Crowe and Cr Alan Mathers be received and accepted; and that leave of absence from the meeting be granted.

CARRIED

4 CONFIRMATION OF MINUTES

4.1 CONFIRMATION OF MINUTES - ORDINARY MEETING OF MURRAY RIVER COUNCIL HELD ON 25 FEBRUARY 2020

RESOLUTION 020320

Moved: Cr Neil Gorey
Seconded: Cr Nikki Cohen

That the minutes of the Ordinary Meeting of Murray River Council held on 25 February 2020 be confirmed as a true and correct record.

CARRIED

5 DISCLOSURES OF INTERESTS

Cr Gen Campbell declared a conflict of interests in Item 8.4.6 of the Director Planning, Waste & Regulatory Services Report on Development Application 10.2020.38.1 – 4 Lot Subdivision.

6 MAYORAL MINUTE(S)

There was not a Mayoral Minute submitted by the Mayor to the meeting.

7 REPORTS OF COMMITTEES

There were no reports of committees submitted to the meeting.

8 REPORTS TO COUNCIL

8.1 GENERAL MANAGER'S REPORT & SUPPLEMENTARY MATTERS

8.1.1 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS

RESOLUTION 030320

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That the Council receives and notes the status of previous resolutions of the Council (in open and closed Council) contained in both the manual Resolution Tracker and InfoCouncil Action Reports.

CARRIED

8.1.2 SALE OF LOT 51, GOVE DRIVE, MOAMA BUSINESS PARK

RESOLUTION 040320

Moved: Cr Gen Campbell

Seconded: Cr Geoff Wise

That the Council:

1. Approves the sale of Lot 51, Gove Drive, Moama Business Park, Moama NSW 2731, to the purchaser at the list price of \$132,000 including GST on the following terms and conditions:
 - (a) 30% down payment on signing of contract.
 - (b) A settlement period of 60 days.
 - (c) If not developed within two (2) years, Murray River Council retains the right to purchase the block back at original price.
2. Approves the execution of legal documents for the sale of Lot 51, Gove Drive, Moama Business Park, Moama NSW 2731 under the Common Seal of Council.

CARRIED

8.1.3 COUNTRY MAYOR'S ASSOCIATION OF NSW - GENERAL MEETING MINUTES, 6 MARCH 2020**RESOLUTION 050320**

Moved: Cr Neil Gorey

Seconded: Cr Tony Aquino

That the Officer's report on the Country Mayor's Association of NSW - General Meeting Minutes, 6 March 2020 be received and the information noted by the Council.

CARRIED

8.1.4 2020 ANZAC DAY SERVICES**RESOLUTION 060320**

Moved: Cr Tony Aquino

Seconded: Cr Thomas Weyrich

That the Council note the advice from the NSW State Government that ANZAC Day Services in NSW have been cancelled, therefore, attendance by the Mayor, or his representative, is no longer required at the ANZAC Day Services in each of the towns of Barham/Koondrook, Mathoura, Moama, Moulamein, Piangil/Tooleybuc, Wakool and Echuca on Saturday 25 April 2020.

CARRIED

8.2 DIRECTOR CORPORATE SERVICES REPORT & SUPPLEMENTARY MATTERS**8.2.1 FINANCIAL STATEMENTS & INVESTMENTS AS AT 29 FEBRUARY 2020****RESOLUTION 070320**

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

That:

1. The Officer's report on Council's Financial Statements, Bank Reconciliations and Investments as at 29 February 2020 be received and noted by the Council.
2. The report detailing Council's position of \$48,338,152.81 as at 29 February 2020 is received by the Council.
3. The report detailing Council's investment balance of \$45,765,983.14 as at 29 February 2020 is received by the Council.

CARRIED

8.2.2 MURRAY RIVER COUNCIL AUDIT & RISK COMMITTEE MEETING MINUTES**RESOLUTION 080320**

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

That the Murray River Council Audit & Risk Committee Meeting Minutes for meetings held on 25 November 2019 and 24 February 2020 be received and the information noted by the Council.

CARRIED

8.2.3 MURRAY RIVER COUNCIL RISK MANAGEMENT POLICY - REVIEW**RESOLUTION 090320**

Moved: Cr Gen Campbell

Seconded: Cr Neil Gorey

That the Murray River Council Risk Management Policy be adopted and placed in Council's Policy Register.

CARRIED

8.2.4 TRANSFER OF COUNCIL LAND FOR MOULAMEIN PRESCHOOL**RESOLUTION 100320**

Moved: Cr Gen Campbell

Seconded: Cr Geoff Wise

That Council land located at Lot 5, Section 7, DPO758713, being 11 Turora Street, Moulamein, be transferred to Moulamein Preschool and amalgamated with the Preschool's existing block at Lot 4, Section 7, DP758713, being 15 Turora Street, Moulamein.

CARRIED

8.3 DIRECTOR ENGINEERING REPORT & SUPPLEMENTARY MATTERS**8.3.1 MAJOR PROJECTS PROGRESS UPDATE****RESOLUTION 110320**

Moved: Cr Nikki Cohen

Seconded: Cr Tony Aquino

That the Council receives and notes the Officer's report on the Major Projects Progress Update as at 6 March 2020.

CARRIED

8.3.2 INSTALLATION OF SMART WATER METERS - BARHAM PETITION**RESOLUTION 120320**

Moved: Cr Gen Campbell

Seconded: Cr Thomas Weyrich

That the Council receive and note the signed petition, as submitted by Ruth Arthur of Barham on 5 February 2020, by residents of Barham, Wakool and Moulamein protesting to the installation of raw water meters.

CARRIED

8.3.3 REQUEST FOR TENDER C2001 - CONSTRUCTION OF PICNIC POINT BOAT RAMP AND ASSOCIATED WORKS**RESOLUTION 130320**

Moved: Cr Thomas Weyrich

Seconded: Cr Gen Campbell

That the Council:

1. Awards Contract Number C2001 for Construction of Picnic Point Boat Ramp and Associated Works to Tenderer 3 for the sum of \$385,000 excluding GST conditional upon Council securing additional funding of \$150,000 from Boating Now Round 2, or alternatively Boating Now Round 3.
2. Approves the allocation of \$150,000 from uncommitted funds as a back-up should Council not secure additional grant funding under the Boating Now Program.

CARRIED

8.3.4 REQUEST FOR TENDER C2004 - BRIDGE DECK CRACKS SURFACE DEFECTS REPAIRS AND SEAL FOR VARIOUS BRIDGE SITES**RESOLUTION 140320**

Moved: Cr Neil Gorey

Seconded: Cr Gen Campbell

That the Council awards Tender Number C2004 - Bridge deck cracks surface defects repairs and seal for various bridge sites to Tenderer 1 for the sum of \$447,647 excluding GST.

CARRIED

8.3.5 REQUEST FOR TENDER C2005 - SUPPLY & DELIVERY OF READY MIX CONCRETE & QUARRY MATERIALS**RESOLUTION 150320**

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

That the Council approve the tenders from EB Mawson Sons Pty Ltd T/A Mawsons, Boral Construction Materials T/A Boral Resources Vic and Lawrence Business Trust T/A Lawrence Brothers Quarries Pty Ltd to form the panel of approved suppliers for the supply and delivery of ready mix concrete and quarry products based on the schedule of rates and supply matrix, for a contact period of three (3) years from the date of the Letter of Acceptance, noting the option to extend at Council's absolute discretion for an additional two (2) years.

CARRIED

8.4 DIRECTOR PLANNING, WASTE & REGULATORY SERVICES REPORT & SUPPLEMENTARY MATTERS**8.4.1 PLANNING, WASTE & REGULATORY SERVICES DIRECTORATE - MONTHLY ACTIVITY REPORT****RESOLUTION 160320**

Moved: Cr Gen Campbell

Seconded: Cr Geoff Wise

That the Officer's report on Planning, Waste & Regulatory Services Directorate - Monthly Activity Report for the period 1 February to 29 February 2020 be received and the information noted by the Council.

CARRIED

8.4.2 MURRAY RIVER COUNCIL DRAFT EVENTS POLICY**RESOLUTION 170320**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That:

1. The Council adopt the Murray River Council Draft Events Policy, as set out and appended to this report, and use this document for the purposes of determining applications for events with immediate effect.
2. The Murray River Council Draft Events Policy be placed on public exhibition for a period of 28 days; and that a further report to Council be presented after the exhibition period with any recommended changes to the draft Policy as a result of the exhibition of the document.
3. Along with other referral agencies, the Murray River Council Draft Events Policy be sent to the Local Emergency Management Committee for their comment and that their comments and those of other referral agencies are reported back to Council as part of the follow up report to the Council.

CARRIED

8.4.3 MURRAY RIVER COUNCIL DRAFT LOCAL STRATEGIC PLANNING STATEMENT**RESOLUTION 180320**

Moved: Cr Neil Gorey
Seconded: Cr Nikki Cohen

That the Council:

1. Provide approval of the Draft Murray River Council Local Strategic Planning Statement.
2. Proceed to public consultation for the Draft Local Strategic Planning Statement in accordance with the Communication and Engagement Plan, as attached to this report.

CARRIED

8.4.4 PLANNING PROPOSAL - REZONING OF LAND ADJOINING CYGNET LANE, MURRAY DOWNS FROM RU1 PRIMARY PRODUCTION TO IN1 GENERAL INDUSTRIAL**RESOLUTION 190320**

Moved: Cr Geoff Wise
Seconded: Cr Neil Gorey

That:

1. The Officer's report on the Planning Proposal for the rezoning of land adjoining Cygnet Lane, Murray Downs from RU1 Primary Production to IN1 General Industrial be received and noted by the Council.
2. The submitted Planning Proposal be amended to also include the most southern part of Lot 16 DP 835451 located between the end of Cygnet Lane, Murray Downs and Lot 11 DP 748011.
3. The Planning Proposal be sent to NSW Department of Planning, Industry and Environment (DPIE) for a 'Gateway Determination' in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. Council's staff complete all actions, as outlined in the Gateway Determination.
5. Once all required actions outlined in the Gateway Determination are completed, Council proceed with the Planning Proposal and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new Local Environmental Plan (LEP).
6. Once Parliamentary Counsel's Opinion is received, Council's General Manager exercise the Minister's functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* and make (signs) the new LEP (if delegation received within the Gateway Determination).
7. Council forward the new LEP to DPIE for gazettal and online notification on the NSW Legislation Website.

CARRIED

In Favour: Crs Chris Bilkey, Gen Campbell, Nikki Cohen, Tony Aquino, Neil Gorey, Thomas Weyrich and Geoff Wise

Against: Nil

Absent: Crs Ann Crowe and Alan Mathers

CARRIED 7/0

8.4.5 CORRECTION TO ZONING OF LOT 521 DP 716628 - 77 REGENT STREET, MOAMA**RESOLUTION 200320**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That:

1. The Officer's report on the correction to zoning of Lot 521 DP 716628, 77 Regent Street, Moama be received and noted by the Council.
2. The request to correct the zoning of the subject site be sent to NSW Department of Planning, Industry and Environment (DPIE) for approval in accordance with Section 3.22 'Expedited amendments of environmental planning instrument' of the *Environmental Planning and Assessment Act 1979* (the Act).
3. Council's staff complete all subsequent necessary actions, as determined by DPIE.

CARRIED

In Favour: Crs Chris Bilkey, Gen Campbell, Nikki Cohen, Tony Aquino, Neil Gorey, Thomas Weyrich and Geoff Wise

Against: Nil

Absent: Crs Ann Crowe and Alan Mathers

CARRIED 7/0**8.4.6 DEVELOPMENT APPLICATION 10.2020.38.1 - 4 LOT SUBDIVISION**

Cr Gen Campbell declared a significant non-pecuniary conflict of interests in this matter, due to personal reasons, took no part in discussion, tabled a written notice to the General Manager and left the meeting at 7:05pm.

MOTION

Moved: Cr Geoff Wise

Seconded: Cr Thomas Weyrich

1. That the Officer's report on Development Application 10.2020.38.1 – 4 Lot Subdivision be received and noted by the Council.
2. That Development Application 10.2020.38.1 for a 4 Lot Subdivision be granted Deferred Commencement development consent in accordance with Section 4.16 (3) of the *Environmental Planning and Assessment Act 1979*, subject to the conditions outlined at the end of the report.

The MOTION was LOST

In Favour: Crs Chris Bilkey and Geoff Wise

Against: Crs Nikki Cohen, Tony Aquino, Neil Gorey and Thomas Weyrich

Absent: Crs Ann Crowe and Alan Mathers

Declare Interest: Cr Gen Campbell

LOST 2/4

FORESHADOWED MOTION

Moved: Cr Nikki Cohen
Seconded: Cr Thomas Weyrich

That the Council defer consideration of Development Application 10.2020.38.1 for a 4 Lot Subdivision until the interested parties (both for and against the Development Application) can present to the Council on the matter.

The FORESHADOWED MOTION was TIED 3-3

In Favour: Crs Nikki Cohen, Tony Aquino and Thomas Weyrich

Against: Crs Chris Bilkey, Neil Gorey and Geoff Wise

Absent: Crs Ann Crowe and Alan Mathers

Declare Interest: Cr Gen Campbell

EQUAL

The FORESHADOWED MOTION was CARRIED on the Mayor's casting vote

The FORESHADOWED MOTION became the RESOLUTION.

RESOLUTION 210320

Moved: Cr Nikki Cohen
Seconded: Cr Thomas Weyrich

That the Council defer consideration of Development Application 10.2020.38.1 for a 4 Lot Subdivision until the interested parties (both for and against the Development Application) can present to the Council on the matter.

CARRIED

In Favour: Crs Chris Bilkey, Nikki Cohen, Tony Aquino and Thomas Weyrich

Against: Crs Neil Gorey and Geoff Wise

Absent: Crs Ann Crowe and Alan Mathers

Declare Interest: Cr Gen Campbell

CARRIED 4/2

At this stage of the meeting, being 7:22pm, Cr Gen Campbell returned to the meeting.

8.5 CORRESPONDENCE REPORT**8.5.1 CORRESPONDENCE REPORT****RESOLUTION 220320**

Moved: Cr Nikki Cohen
Seconded: Cr Neil Gorey

That the Correspondence Report be received and the information noted by the Council.

CARRIED

8.6 SUNDRY DELEGATES REPORT

8.6.1 SUNDRY DELEGATES REPORT

RESOLUTION 230320

Moved: Cr Nikki Cohen

Seconded: Cr Thomas Weyrich

That the Sundry Delegates Reports of the Mayor and Councillors for the period 25 February to 23 March 2020 be received by the Council and reasonable out of pocket expenses be met by Council.

CARRIED

The Mayor, on behalf of **Cr Alan Mathers**, advised the Council that, in addition to his report, he also attended:

- **24 Mar:** Teleconference with MRSG Executive & Socio-Economic Review Panel of the Murray Darling Basin Plan;

However, the following event which was included in Cr Mathers' report was cancelled and therefore he did not attend:

- **23 Mar:** General Manager Performance Review – Moama

Cr Thomas Weyrich advised the Council that, in addition to his report, he also attended:

- Mathoura Retirement Village Management Committee Meeting – Mathoura

Cr Neil Gorey advised the Council that, in addition to his report, he also attended:

- **17 Mar:** Barham Recreation Reserve Management Committee Meeting – Barham

Cr Ann Crowe advised the Council (via email after the meeting) that the following event which was included in her report was cancelled and therefore she did not attend:

- **23 Mar:** General Manager Performance Review – Moama

9 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE

There were no notice of motions/questions with notice submitted by Councillors to the meeting.

10 CONFIDENTIAL MATTERS**RESOLUTION 240320**

Moved: Cr Thomas Weyrich

Seconded: Cr Neil Gorey

That as provided in the Local Government Act 1993, Section 10A(2), and the public interest in protecting confidential information outweighs the public interest in ensuring accountability through open meetings, the Council move into Closed Council at 7:25pm to consider the confidential report(s) listed below:

10.1 Manager Economic Development and Tourism - Monthly Report

This matter is considered to be confidential under Section 10A(2) - c, d(i) and d(ii) 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, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

10.2 Four Post Crown Reserve and Camp

This matter is considered to be confidential under Section 10A(2) - c and d(i) 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 and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CARRIED

RESOLUTION 250320

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

That Council moves out of Closed Council into Open Council at 7:36pm.

CARRIED

RESOLUTION 260320

Moved: Cr Geoff Wise

Seconded: Cr Nikki Cohen

That the Council brings forward the resolutions from Closed Council into Open Council and these be read aloud.

CARRIED

10.1 Manager Economic Development & Tourism – Monthly Report

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

RESOLVED That the Manager Economic Development & Tourism – Monthly Report for the month of March 2020 be received and the information noted by the Council.

10.2 Four Post Crown Reserve and Camp

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

RESOLVED That the Council:


1. Agree to become crown reserve manager for the Four Post Reserve.
2. Seek expressions of interest to operate the Four Post Camp.
3. Negotiate a lease with the organisation or individual whose expression of interest will deliver the best outcome for use of the Four Post Camp and for Council.
4. Delegate authority to the Mayor and General Manager to negotiate terms of management of the Four Post Reserve with NSW Crown Lands and to sign all documents under the Common Seal of Council.
5. Delegate authority to the Mayor and General Manager to negotiate suitable lease terms with the successful applicant to lease the Four Post Reserve and to sign all documents under the Common Seal of Council.
6. Ask the General Manager to provide a report detailing all terms of management and lease agreements signed in relation to the Four Post Reserve and Camp.

11 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7:38PM.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 28 April 2020, commencing at 6:00PM, in the Council Chambers, Moama Administration Office, 52 Perricoota Road, Moama.

THESE MINUTES ARE SIGNED AS A TRUE AND ACCURATE RECORD OF THE PROCEEDINGS OF THE ORDINARY MEETING OF THE MURRAY RIVER COUNCIL HELD ON 24 MARCH 2020, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 28 APRIL 2020.



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MAYOR