

**MINUTES OF MURRAY RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE RIVERSIDE RECEPTION CENTRE, NOORONG STREET, BARHAM NSW 2732
ON TUESDAY, 27 FEBRUARY 2024 AT 1:00 PM**

PRESENT: Cr Frank Crawley (Mayor), Cr Neil Gorey (Deputy Mayor), Cr Dennis Gleeson (Councillor), Cr Kron Nicholas (Councillor), Cr Geoff Wise (Councillor), Cr Thomas Weyrich (Councillor) – arrived late

IN ATTENDANCE: Terry Dodds (Chief Executive Officer), Lindy Leyonhjelm (Executive Assistant), Jessica McFarlane (Acting Director Planning & Environment), Jan Donald (Executive Admin Officer), Alex Green (Manager Technology & Digital Services), Christian Austin (Coordinator Technology & Digital Services), Stephen Fernando (Director Corporate Services), Jack Bond (Director Infrastructure), Sarah Ryan (Director Community & Economic Development), Sandra Gordon (Manager Governance & Risk)

1 OPENING MEETING

The Mayor held a short appropriate prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor opened the meeting with an Acknowledgement of Country.

3 APOLOGIES & APPLICATIONS FOR A LEAVE OF ABSENCE

3 LEAVE OF ABSENCE/APOLOGIES

RESOLUTION 010224

Moved: Cr Dennis Gleeson
Seconded: Cr Geoff Wise

That the apology tendered on behalf of Councillors Nikki Cohen, Thomas Weyrich & Ann Crowe 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 HELD ON 23 JANUARY 2024 OF MURRAY RIVER COUNCIL

RESOLUTION 020224

Moved: Cr Kron Nicholas
Seconded: Cr Geoff Wise

That the minutes of the Ordinary Meeting of Murray River Council held on 23 January 2024 be confirmed as a true and correct record.

CARRIED

Questions without notice arising from minutes of previous meeting/s

5 DISCLOSURES OF INTERESTS

There were no conflict of interests declarations received from Councillors or staff on any matter within the meeting.

6 DEPUTATIONS

At 1:18 pm, Cr Thomas Weyrich arrived at the meeting.

At this stage of the meeting, being 1:18pm, Mr Tim Harley made a presentation on Item 9.4.4 DA 10.2023.3561.1 Home Industry (Food Manufacturing).

At this stage of the meeting, being 1:30pm, Mr James Hatfield made a presentation on Item 9.4.4 DA 10.2023.3561.1 Home Industry (Food Manufacturing).

7 MAYORAL MINUTE(S)

7.1 MAYORAL MINUTE - COST SHIFTING ONTO LOCAL GOVERNMENT

RESOLUTION 030224

Moved: Cr Frank Crawley

That:

1. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
2. A copy of the cost shifting report be placed on Council's website so that our communities can access it; and
3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding

CARRIED

7.2 MAYORAL MINUTE - FOR COUNCIL MEETING 27 FEBRUARY 2024

RESOLUTION 040224

Moved: Cr Frank Crawley

That it be noted that Councillors have little confidence in Cr Thomas Weyrich's ability to adhere to the Councillor Code of Conduct and request him to either:

- (a) At an open Council meeting, apologise unreservedly to his fellow councillors and staff for his behaviour, commit to training on the Councillor Code of Conduct and guarantee that he will adhere to the Councillor Code of Conduct.

OR

- (b) resign from Council immediately.

In Favour: Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas and Geoff Wise

Against: Nil

CARRIED 5/0**CARRIED****RESOLUTION 050224**

Moved: Cr Neil Gorey
Seconded: Cr Geoff Wise

That Council bring forward Item 9.4.4 DA 10.2023.3561.1 Home Industry (Food Manufacturing) at this time, being 1:17pm to change the order of business.

CARRIED**8 REPORTS OF COMMITTEES**

Nil

9 REPORTS TO COUNCIL**9.1 CHIEF EXECUTIVE OFFICERS REPORT AND SUPPLEMENTARY MATTERS****9.1.1 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS****RESOLUTION 060224**

Moved: Cr Geoff Wise
Seconded: Cr Neil Gorey

That the Council resolve to receive and note the status of previous resolutions of Council (in open and closed Council) contained in the Monthly Operation Report including the Resolution Tracker Reports.

CARRIED**9.1.2 MOTION FOR SUBMISSION TO NATIONAL GENERAL ASSEMBLY ALGA CONFERENCE 2024 - RESTORATION OF THE FEDERAL ASSISTANCE GRANTS****RESOLUTION 070224**

Moved: Cr Neil Gorey
Seconded: Cr Dennis Gleeson

That Council calls on Australian Local Government Association at the National General Assembly to seek that the Federal Government to restore the Federal Assistance Grants to 1% of Commonwealth taxation revenue.

CARRIED

9.1.3 MOTION FOR SUBMISSION TO NATIONAL GENERAL ASSEMBLY ALGA CONFERENCE 2024 - REVIEW THE LAND REZONING PROCESSES WITH A VIEW TO REDUCE DUPLICATION WITH STATE GOVERNMENT AGENCIES AND GIVE DECISION MAKING POWER BACK TO LOCAL GOVERNMENT TO REDUCE RED TAPE AND HOUSING DELAYS.

RESOLUTION 080224

Moved: Cr Thomas Weyrich

Seconded: Cr Geoff Wise

That Council calls on Australian Local Government Association at the National General Assembly to seek that the Federal Government review the land rezoning processes with a view to reduce duplication with state government agencies and give decision making power back to Local Government to reduce red tape and housing delays.

CARRIED

9.1.4 MOTION FOR SUBMISSION TO NATIONAL GENERAL ASSEMBLY ALGA CONFERENCE 2024 - COUNCILLOR RENUMERATION

RESOLUTION 090224

Moved: Cr Kron Nicholas

Seconded: Cr Neil Gorey

That Council calls on Australian Local Government Association to resolve at the National General Assembly that the Federal Government implement remuneration requirements of Councillors:

- A. to be even across all states and across all council categories of councils (metropolitan, regional rural etc.); and
- B. they be set at a level that enables elected councillors devote a substantial amount of time (at least ½ FTE) to undertake council matters.

CARRIED

9.1.5 MONTHLY OPERATIONAL REPORT

RESOLUTION 100224

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

That the Monthly Operational Report as of January 2024 be received and the information noted by the Council.

CARRIED

9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

9.2.1 QUARTERLY BUDGET REVIEW - PERIOD ENDED 31 DECEMBER 2023

RESOLUTION 110224

Moved: Cr Neil Gorey
Seconded: Cr Kron Nicholas

That Council resolve to:

1. Adopt the budget variations as detailed within the report and any subsequent changes made to those votes, in Council's estimates of income and expenditure for 2023/2024 financial year, which includes changes to the 2023/2024 Capital Listing as updated per Attachment 3 and the following Reserve movements:
 - a. to fund Capital activities:
 - i. \$6,336,418 from General reserve
 - ii. \$1,455,581 from Sewer reserve
 - iii. \$792,127 from Water reserve
 - iv. \$2,378,334 from Waste reserve; and
 - b. from Operational activities:
 - i. \$4,259,698 to the General reserve
 - ii. \$2,660,837 to the Sewer reserve
 - iii. \$2,872,708 to the Water reserve
 - iv. \$1,268,901 to the Waste reserve.

CARRIED

9.2.2 INVESTMENTS AND RESERVES REPORT AS AT 31 JANUARY 2024

RESOLUTION 120224

Moved: Cr Neil Gorey
Seconded: Cr Dennis Gleeson

That Council resolve to receive the Investments & Reserves Report, as of 31 January 2024.

CARRIED

9.3 DIRECTOR IINFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS

Nil

9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS

- 9.4.1 MURRAY LOCAL ENVIRONMENTAL PLAN 2011- PLANNING PROPOSAL PP-2023-2003 - BEER ROAD & PERRICOOTA ROAD MOAMA TO CHANGE ZONING FROM RU1 PRIMARY PRODUCTION TO R1 GENERAL RESIDENTIAL ZONE FOR LOTS 2 & 3 DP1213161 AND LOT 15 DP1273625 AND VARY THE MINIMUM LOT FROM 120 HECTARES TO 500M2 MINIMUM LOT SIZE**

RESOLUTION 130224

Moved: Cr Geoff Wise
Seconded: Cr Kron Nicholas

That:

1. Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m².
2. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for 'Gateway Determination' in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Council staff complete all actions outlined in the Gateway Determination and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP)
4. Council notes if valid objections are received via the public exhibition process, a further report will come back to council for consideration.

In Favour: Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas, Thomas Weyrich and Geoff Wise

Against: Nil

CARRIED 6/0
CARRIED

9.4.2 MENINYA STREET PRECINCT PROJECT - FEBRUARY 2024 UPDATE

RESOLUTION 140224

Moved: Cr Dennis Gleeson
Seconded: Cr Kron Nicholas

That Council notes the "Project Status Report" prepared by the Officer.

CARRIED

9.4.3 RESPONSE TO NOTICE OF MOTION ITEM - MASTERPLAN MURRAY DOWNS, MATHOURA AND MOULAMEIN

RESOLUTION 150224

Moved: Cr Thomas Weyrich
Seconded: Cr Neil Gorey

That the Officer's report on RESPONSE TO NOTICE OF MOTION ITEM - MASTERPLAN MURRAY DOWNS, MATHOURA AND MOULAMEIN as at February 2024 be received by the Council.

CARRIED

9.4.4 DA 10.2023.356.1 HOME INDUSTRY (FOOD MANUFACTURING)**RESOLUTION 160224**

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

1. The officer's report be received and noted by Council.
2. Development Application 10.2023.356.1 for a Home Industry (Food Manufacturing) be refused development consent due to the following reasons:
 - (a) Pursuant to section 4.15 (1)(a)(i) of the *Environmental Planning & Assessment Act 1979*, the proposed development is inconsistent with the objectives of the R1 General Residential zone under the Murray Local Environmental Plan 2011. The application as submitted does not demonstrate compliance with this section of the LEP and is substantially deficient in relevant information to make a thorough and adequate assessment of the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.
 - (b) Pursuant to section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with definition of "home industry" under the Murray Local Environmental Plan 2011. The application as submitted does not demonstrate compliance with this section of the LEP and is substantially deficient in relevant information to make a thorough and adequate assessment of the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.
 - (c) Pursuant to section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with Chapter 2, Clause 2.6 of Murray Development Control Plan 2012, particularly in relation to car parking. The application as submitted does not demonstrate compliance with the section of the LEP and is substantially deficient in relevant information to make a thorough and adequate assessment of the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.
 - (d) Pursuant to section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the development. It is considered that the application is substantially void of sufficient information to accurately and confidently determine the actual use and impacts at the site as further outlined in part 3.4(c) of the town planning assessment component of this report.
 - (e) Pursuant to section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979* the development is not in the public interest as further discussed in part 3.5(d). The application as submitted is substantially deficient in relevant information to make a meaningful assessment of the development in relation to the impacts on adjoining property owners and those who forwarded objections to the development. This is further outlined in Part 2.3 of the town planning assessment component of this report.

In Favour: Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas and Thomas Weyrich

Against: Cr Geoff Wise

CARRIED 5/1**CARRIED**

3. Council notes that if the development application 10.2023.356.1 is deemed refusal (supporting the officer's recommendation) then Council officers will act on relevant steps under the *Environmental Planning and Assessment Act 1979* to issue an order to cease the use of the property as a business (Home Industry – Food Manufacturing).

RESOLUTION 170224

Moved: Cr Geoff Wise
Seconded: Cr Dennis Gleeson

AMENDED MOTION

3. On the event that Council resolves to refuse development application number 10.2023.356.1 (DA), in keeping with the recommendation of the report, then Council also resolve:
- a. to afford the applicant of the DA a period of 12 months to cease operations at the identified located, and such ceasing to occur irrespective of whether or not an additional development application has been submitted and is pending a decision, and
 - b. to authorise the Chief Executive Officer (CEO) to take any and all actions available to Council, to enforce the cessation of business at the premises as envisaged through the refused DA, and
 - c. that a condition of the concession afforded through resolution 3a above be that, should there be any complaints about the activities being undertaken at the subject premises of the DA, that the applicant cooperate with Council officers investigating such complaints, including affording access to such offices to the said premises, and
 - d. that in the event that the applicant refuses to cooperate with any such investigations, then that the concession granted to the applicant through resolution 3a above cease forthwith, such determination to be made by the CEO, and the CEO be authorised to undertake the actions as envisaged in resolution 3b above.

In Favour: Crs Frank Crawley, Neil Gorey, Dennis Gleeson, Kron Nicholas, Thomas Weyrich and Geoff Wise

Against: Nil

CARRIED 6/0

CARRIED

9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS**9.5.1 TOOLEYBUC, PIANGIL ACTION GROUP****RESOLUTION 180224**

Moved: Cr Dennis Gleeson
Seconded: Cr Neil Gorey

That Council

1. Revoke existing members of the Tooleybuc, Piangil Action Group (Tooleybuc Bridge Keepers Cottage) Committee of Management and
 - (a) Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the November 2023 AGM.

CARRIED

9.5.2 ADOPTION OF FINAL ECONOMIC DEVELOPMENT & TOURISM STRATEGY 2024-2034**RESOLUTION 190224**

Moved: Cr Thomas Weyrich

Seconded: Cr Neil Gorey

That Council:

1. Council notes the information outlined in the council report in relation to the Final Murray River Council Economic Development and Tourism Strategy 2024-2034.
2. Council adopts the Final version of the Murray River Council Economic Development and Tourism Strategy 2024-2034.
3. Council note that Council resources will be required to implement the Strategy.

CARRIED

9.5.3 SECTION 355 COMMITTEE MEETING MINUTES AS AT JANUARY 2024**RESOLUTION 200224**

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

That Council receive and note the January 2024 Section 355 Committee Report.

CARRIED

9.5.4 COMMUNITY SERVICES - CLIENT SATISFACTION SURVEY RESULTS**RESOLUTION 210224**

Moved: Cr Neil Gorey

Seconded: Cr Dennis Gleeson

That Council receive and note the Community Services client satisfaction results.

CARRIED

9.5.5 BARHAM MICRO ABATTOIR - VARIATION TO LEASE**RESOLUTION 220224**

Moved: Cr Dennis Gleeson

Seconded: Cr Geoff Wise

That Council approve a variation to the Agreement to Lease to delay the commencement of lease payments until 1 June 2024.

CARRIED

9.5.6 ECONOMIC DEVELOPMENT ASSISTANCE POLICY V#2**RESOLUTION 230224**

Moved: Cr Geoff Wise
Seconded: Cr Neil Gorey

That the Economic Development Assistance Policy V#2 be adopted and placed in the Policy Register.

CARRIED**9.5.7 EXTENSION OF OPTION TO LEASE DEED - LOT 140 DP 1103606, TCHELERY ROAD MOULAMEIN****RESOLUTION 240224**

Moved: Cr Dennis Gleeson
Seconded: Cr Neil Gorey

That Council receive and note the Extension of Option to Lease request from MPower.

CARRIED**9.6 CORRESPONDENCE REPORT****9.6.1 CORRESPONDENCE REPORT****RESOLUTION 250224**

Moved: Cr Geoff Wise
Seconded: Cr Dennis Gleeson

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

CARRIED**9.7 SUNDRY DELEGATES REPORT****9.7.1 SUNDRY DELEGATES REPORT****RESOLUTION 260224**

Moved: Cr Dennis Gleeson
Seconded: Cr Neil Gorey

That the Sundry Delegates Report of the Mayor and Councillors for the period 1 January 2024 through to 31 January 2024 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.

CARRIED

10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL MATTERS**RESOLUTION 270224**

Moved: Cr Neil Gorey

Seconded: Cr Dennis Gleeson

That Council moves out of Open Council into Closed Council at 2:39pm.

CARRIED**RECOMMENDATION**

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:

11.1 Recommendation for the sale of 3 MRC-owned lots - Council Street, Moama

This matter is considered to be confidential under Section 10A(2) - 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 competitor of the council.

11.2 Recommendation for the sale of 44 Nyang Street, Moulamein

This matter is considered to be confidential under Section 10A(2) - 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 competitor of the council.

11.3 Meninya Street Precinct Project - Horseshoe Lagoon Project Costs

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.

RESOLUTION 320224

Moved: Cr Dennis Gleeson

Seconded: Cr Geoff Wise

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

CARRIED

11.1 RECOMMENDATION FOR THE SALE OF 3 MRC-OWNED LOTS - COUNCIL STREET, MOAMA**RESOLUTION 280224**

Moved: Cr Thomas Weyrich
Seconded: Cr Geoff Wise

That this report be withdrawn until further information is obtained surrounding the future use of this land.

CARRIED**11.2 RECOMMENDATION FOR THE SALE OF 44 NYANG STREET, MOULAMEIN****RESOLUTION 290224**

Moved: Cr Geoff Wise
Seconded: Cr Dennis Gleeson

That Murray River Council (Council) resolve to authorise the Chief Executive Officer (CEO) to undertake the necessary activities, including the entering into and signing of the required contractual arrangements to sell the land identified as Lot 1 DP 810764 and attached residential building (the property), through an open market approach of Competitive Direct Sale, as suggested in the attached Valuation Report.

CARRIED**11.3 MENINYA STREET PRECINCT PROJECT - HORSESHOE LAGOON PROJECT COSTS****RESOLUTION 300224**

Moved: Cr Thomas Weyrich
Seconded: Cr Frank Crawley

1. That Council note the information provided by the Officer related to the Horseshoe Lagoon Capital Works Enhancement Project funded under the Stronger Country Community Fund.

Cr Weyrich moved **OPTION A** & Cr Crawley seconded **OPTION A** for purposes of debate.

2. That Council, notes and resolves to adopt **one** (1) of the following two options:

Option A) Council provide an additional \$180,000 of budget from unspent internal project funds from the Meninya Street South Car Park to cover the total construction scope of works for Horseshoe Lagoon Capital Enhancement Works.

Option B) Council provide an additional \$100,000 of budget from unspent internal project funds from the Meninya Street South Car Park to cover total construction costs **excluding** car parking and stormwater management works.

OPTION A was resolved by Council

CARRIED

RESOLUTION 310224

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

That Council moves out of Closed Council into Open Council at 2:57pm.

CARRIED

12 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3:00pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 26 March 2024, commencing at 1:00 PM, in 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 27 FEBRUARY 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 26 MARCH 2024.

.....
MAYOR

.....
CEO

UNCONFIRMED