

**MINUTES OF MURRAY RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE MATHOURA VISITOR & BUSINESS CENTRE, MULTI-FUNCTION ROOM, 23
MOAMA STREET, MATHOURA NSW 2710
ON TUESDAY, 25 JULY 2023 AT 1PM**

PRESENT: Cr Nikki Cohen, Cr Neil Gorey, Cr Thomas Weyrich, Cr Frank Crawley, Cr Kron Nicholas, Cr Dennis Gleeson

IN ATTENDANCE: Terry Dodds (Chief Executive Officer), Lindy Leyonhjelm (Executive Assistant), Rod Croft (Director Planning & Environment), 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) via Teams

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 010723

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

That the apology tendered on behalf of Cr Ann Crowe, Cr Geoff Wise and Cr Chris Bilkey 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 27 JUNE 2023 OF MURRAY RIVER COUNCIL

RESOLUTION 020723

Moved: Cr Neil Gorey

Seconded: Cr Kron Nicholas

1. That the minutes of the Extra Ordinary Meeting of Murray River Council held on 27 June 2023 be confirmed as a true and correct record.

Minutes have been adjusted to show that Cr Crowe was not present at the meeting held 27 June 2023

CARRIED

Questions without notice arising from minutes of previous meeting/s

NIL

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 this stage of the meeting, being 1:06pm, Mr Philip Crowe completed a deputation in relation to Item 11.3 - DA10.2013.90.1 ELEVATED DWELLING HOUSE in Confidential Matters.

ACCEPTANCE OF DEPUTATION

RESOLUTION 030723

Moved: Cr Thomas Weyrich

Seconded: Cr Dennis Gleeson

That Council accept the deputation Mr Philip Crowe completed in relation to Item 11.3 - DA10.2013.90.1 ELEVATED DWELLING HOUSE in Confidential Matters..

CARRIED

7 MAYORAL MINUTE(S)

Nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 CHIEF EXECUTIVE OFFICERS REPORT AND SUPPLEMENTARY MATTERS

9.1.1 LGNSW ANNUAL CONFERENCE ATTENDEES AND MOTIONS TO BE SUBMITTED

RESOLUTION 040723

Moved: Cr Thomas Weyrich

Seconded: Cr Neil Gorey

That Council:

1. Agree and confirm that the CEO, Mayor, and other Councillors attending the LGNSW Annual Conference being held 12 – 14 November 2023 at Rosehill Gardens Resort.
2. Confirm number and names of Councillors attending the conference to register attendees prior to 29 September 2023 to take advantage of the early bird special.
Attendees – Mr Terry Dodds, Cr Chris Bilkey, Cr Frank Crawley & Cr Thomas Weyrich
3. Council will agree and resolve the motions to be submitted to the LGNSW Annual conference at the 22 August 2023 Ordinary Meeting of Council.
4. Voting delegates to be confirmed for the Annual Conference and submitted by 17 October 2023

CARRIED

Mr Terry Dodds to make note and request when submitting motions that the items submitted be allocated enough time to be discussed at the conference, which is the main reason the motions are submitted.

Potential motions for submission –

Cr Weyrich – Kangaroos

Cr Weyrich – Nuclear Energy

9.1.2 MONTHLY OPERATIONAL REPORT

RESOLUTION 050723

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

That the Monthly Operational Report as of June 2023 be received and the information noted by the Council.

CARRIED

Mr Rod Croft has taken on notice the availability of street scape photos for Barham.

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

RESOLUTION 060723

Moved: Cr Nikki Cohen

Seconded: Cr Kron Nicholas

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

9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

9.2.1 SALE OF LOT 3 DP 813704 - MATHOURA LINE ROAD, MOAMA

ITEM HAS BEEN WITHDRAWN FROM JULY MEETING AND WILL BE PRESENTED AT THE AUGUST 2023 MEETING OF COUNCIL INCLUDING THE LEASE INFORMATION AS PER RESOLUTION 200523 AT THE MAY 2023 MEETING OF COUNCIL.

RECOMMENDATION

That Murray River Council (Council) resolve to:

1. sell the land identified as Lot 3, DP813704 (the Land) in its current condition through competitive Expression of Interest process with no special conditions attached, and

2. authorise the appointment of Elders Rural Service (bearing Australian Company registration Number 72004045121) as the licensed real estate agent to undertake the sale of the said Land.

9.2.2 NSW RURAL FIRE SERVICE ASSETS RECOGNITION

RESOLUTION 070723

Moved: Cr Neil Gorey

Seconded: Cr Thomas Weyrich

That Council resolve to:

1. continue to account for Council land and buildings assets used by the NSW Rural Fire Service in Council asset registers and financial statements, as the Council has care, control, and management of the buildings, and
2. not account for the NSW Rural Fire Service plant and equipment in the Council asset registers and financial statements, as the Council does not have care, control and management of the plant and equipment.

CARRIED

9.2.3 WARD BOUNDARIES REALIGNMENT FOR 2024 COUNCIL ELECTIONS

RESOLUTION 080723

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

That Murray River Council resolve to adopt the proposed changes to the electoral ward boundaries and place the proposal on public display for comment and feedback.

CARRIED

9.2.4 RELATED PARTY DISCLOSURES POLICY - REVIEWED

RESOLUTION 090723

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

Murray River Council resolve to:

1. adopt the Related Party Disclosures Policy V#2 (Policy) as presented and update the Policy Register accordingly, and
2. rescind previous version of the Policy.

CARRIED

9.2.5 LIQUIDITY REPORT AS AT 30 JUNE 2023

RESOLUTION 100723

Moved: Cr Kron Nicholas

Seconded: Cr Dennis Gleeson

That the Liquidity Report, incorporating Investments as of 30 June 2023, consisting of a Liquid Asset Position of \$57,042,586 which includes investments of \$48,865,234 be received and noted by Council.

CARRIED

9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS

9.3.1 CRITICAL COMMUNICATIONS ENHANCEMENT PROGRAM

RESOLUTION 110723

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That this report on the Critical Communications Enhancement Program be received and the information noted by the Council.

CARRIED

9.3.2 JOINT MURRAY RIVER COUNCIL & EDWARD RIVER COUNCIL LOCAL EMERGENCY MANAGEMENT COMMITTEE

RESOLUTION 120723

Moved: Cr Neil Gorey

Seconded: Cr Dennis Gleeson

That the DRAFT minutes of the Joint Murray River Council & Edward River Council Local Emergency Management Committee held on 8 June 2023 be received and the information noted by the Council.

CARRIED

9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS

9.4.1 MODEL CONTAMINATED LAND POLICY

RESOLUTION 130723

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

That:

1. Council supports the amendments made to the RAMROC/REROC Model Contaminated Land Policy that as originally adopted by Council in June 2017.
2. Council approves the amended Model Contaminated Land Policy and authorises the policy to be placed on public exhibition for a period of 28-days.

CARRIED

9.4.2 DRAFT PESTICIDE USE NOTIFICATION PLAN - FOR APPROVAL AND CONSULTATION**RESOLUTION 140723**

Moved: Cr Neil Gorey

Seconded: Cr Dennis Gleeson

That Council review and approves the Draft Pesticide Use Notification Report to go out for the required 28-day public notification process.

CARRIED**9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS**

Nil

9.6 CORRESPONDENCE REPORT**9.6.1 CORRESPONDENCE REPORT****RESOLUTION 150723**

Moved: Cr Nikki Cohen

Seconded: Cr Dennis Gleeson

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

CARRIED**RESOLUTION 160723**

Moved: Cr Thomas Weyrich

Seconded: Cr Nikki Cohen

Amended motion

In addition to the above motion:

That the Mayor Cr Chris Bilkey write to Helen Dalton MP in relation to lack of response and assistance to businesses that have not be covered by current flood financial assistance program.

CARRIED**9.7 SUNDRY DELEGATES REPORT****9.7.1 SUNDRY DELEGATES REPORT****RESOLUTION 170723**

Moved: Cr Dennis Gleeson

Seconded: Cr Nikki Cohen

That the Sundry Delegates Report of the Mayor and Councillors for the period 27 June 2023 through to 24 July 2023 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 180723

Moved: Cr Dennis Gleeson

Seconded: Cr Nikki Cohen

That Council moves out of Open Council into Closed Council at 1:41pm.

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 Sale of Land to Recover Unpaid Rates and Charges

This matter is considered to be confidential under Section 10A(2) - b 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 discussion in relation to the personal hardship of a resident or ratepayer.

11.2 Sale of Lot 3 DP 813704 - Mathoura Line Road, Moama

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.

11.3 DA10.2013.90.1 ELEVATED DWELLING HOUSE

This matter is considered to be confidential under Section 10A(2) - g 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RESOLUTION 190723

Moved: Cr Thomas Weyrich
Seconded: Cr Nikki Cohen

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

CARRIED

RESOLUTION 200723

Moved: Cr Nikki Cohen
Seconded: Cr Neil Gorey

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

CARRIED

11.1 SALE OF LAND TO RECOVER UNPAID RATES AND CHARGES**RESOLUTION 210723**

Moved: Cr Nikki Cohen
Seconded: Cr Kron Nicholas

Murray River Council resolve to:

1. authorise, pursuant to Section 713 of the Local Government Act 1993 (Act), the Chief Executive Officer, or their delegate, to commence the process of initiating legal proceedings to recover overdue rates, annual charges, interest on overdue balances, and costs related to recovery actions, including where necessary, as a last resort, the sale of the land against which the overdue amounts have been charged, and
2. require a follow-up report be provided to Council with a final recommendation of properties to be sold for the recovery of overdue amounts, such report to include a timeline for said sale process and the date on which the auctions are to occur.

CARRIED

11.2 SALE OF LOT 3 DP 813704 - MATHOURA LINE ROAD, MOAMA**RECOMMENDATION**

ITEM HAS BEEN WITHDRAWN FROM THE JULY MEETING AND WILL BE PRESENTED AT THE AUGUST 2023 MEETING OF COUNCIL, INCLUDING THE LEASE INFORMATION AS PER RESOLUTION 200523 AT THE MAY 2023 MEETING OF COUNCIL.

11.3 DA10.2013.90.1 ELEVATED DWELLING HOUSE**RESOLUTION 220723**

Moved: Cr Neil Gorey
Seconded: Cr Dennis Gleeson

1. The officers report be received and noted by Council.
2. Development Application 10.2013.90.1 (DA 090/13) for the construction of a dwelling house on Lots 20 and 21 DP 262658, Chanter Street, Moama, be refused development consent due to the following reasons:
 - a) The application is inconsistent with Section 7.4 'Development on river front areas' of the Murray Local Environmental Plan (LEP) 2011, as the dwelling house is proposed to be setback less than the required 100m from the top of the bank of the Murray River.
 - b) The proposal is inconsistent with the flood hazard applicable to the subject land. As a consequence the application:
 - is inconsistent with Section 5.21(3) of the Murray LEP 2011 resulting in the development not satisfying Section 4.15(1)(a)(i) of the Act;
 - does not provide sufficient justification to adequately address Section 4.15(1)(c) of the Act as to the suitability of the site for the development;
 - is inconsistent with Chapter 6 Strategic Land Use Plan of the Murray Development Control Plan (DCP) 2012 which outlines 'No urban or intensification of development on land not protected by town flood levee'; and
 - is inconsistent with the objectives of the Murray Development Control Plan 2012 (Murray DCP 2012) Chapter 11 - Flood Prone Land and in particular Table 1. The resulting non-compliance results in the development not satisfying Section 4.15(3A) of the Act.
 - c) The application is inconsistent with Chapter 5 River Murray lands of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

CARRIED

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

Against: Nil


CARRIED 6/0

12 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 2:05pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 22 August 2023, commencing at 1pm, in Mathoura Visitor & Business Centre, Multi-function room, 23 Moama Street, Mathoura NSW 2710.

THESE MINUTES ARE SIGNED AS A TRUE AND ACCURATE RECORD OF THE PROCEEDINGS OF THE ORDINARY MEETING OF THE MURRAY RIVER COUNCIL HELD ON 25 JULY 2023, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 22 AUGUST 2023.



... ..
DEPUTY MAYOR



... ..
CEO