

**MINUTES OF MURRAY RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MOAMA ADMINISTRATION OFFICE, 52 PERRICOOTA
ROAD, MOAMA
ON TUESDAY, 23 APRIL 2024 AT 1:00 PM**

PRESENT: Cr Frank Crawley (Mayor), Cr Neil Gorey (Deputy Mayor), Cr Nikki Cohen (Councillor), Cr Ann Crowe (Councillor), Cr Dennis Gleeson (Councillor), Cr Kron Nicholas (Councillor), Cr Thomas Weyrich (Councillor), Cr Geoff Wise (Councillor)

IN ATTENDANCE: Terry Dodds (Chief Executive Officer), Lindy Leyonhjelm (Executive Assistant), Rod Croft (Director Planning & Environment), Stephen Fernando (Director Corporate Services), Sarah Ryan (Director Community & Economic Development), (online) 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

Nil

4 CONFIRMATION OF MINUTES

4.1 CONFIRMATION OF MINUTES - ORDINARY MEETING HELD ON 26 MARCH 2024 OF MURRAY RIVER COUNCIL

RESOLUTION 010424

Moved: Cr Dennis Gleeson

Seconded: Cr Geoff Wise

That the minutes of the Ordinary Meeting of Murray River Council held on 26 March 2024 be confirmed as a true and correct record.

CARRIED

Questions without notice arising from minutes of previous meeting/s

5 DISCLOSURES OF INTERESTS

Cr Thomas Weyrich declared a 'Pecuniary Conflict of Interest' in CONFIDENTIAL 'Item 11.4 Notice of Motion – that a 12-month extension be given to the mortgagee in terms of their obligations under contract with MRC for purchasing and development of land in Moama Business Park'.

6 DEPUTATIONS

At this stage of the meeting, being 1:09pm, Mr Matthew O'Farrell made a presentation on Item 9.3.1 Echuca-Moama Flood Study Final Adoption.

MOTION**RESOLUTION 020424**

Moved: Cr Thomas Weyrich

Seconded: Cr Neil Gorey

That Council bring forward Item 9.3.1 Echuca-Moama Flood Study Final Adoption for resolution.

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 HOUSE COMMITTEE ON REGIONAL DEVELOPMENT, INFRASTRUCTURE AND TRANSPORT – INQUIRY INTO LOCAL GOVERNMENT SUSTAINABILITY****RESOLUTION 030424**

Moved: Cr Thomas Weyrich

Seconded: Cr Ann Crowe

That Council makes a submission to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport's inquiry into local government sustainability.

CARRIED**9.1.2 MURRAY RIVER COUNCIL LEASING AND LICENSING OF COUNCIL PROPERTY POLICY - POL-218****RESOLUTION 040424**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That Council endorses the draft Leasing and Licensing of Land Policy to be issued for public exhibition.

CARRIED

9.1.3 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS**RESOLUTION 050424**

Moved: Cr Ann Crowe
Seconded: Cr Dennis Gleeson

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**9.1.4 MONTHLY OPERATIONAL REPORT****RESOLUTION 060424**

Moved: Cr Kron Nicholas
Seconded: Cr Ann Crowe

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

CARRIED**9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS****9.2.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) DRAFT MINUTES OF MEETING HELD ON THE 26 FEBRUARY 2024****RESOLUTION 070424**

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

That the DRAFT minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on the 26 February 2024 be noted by Council.

CARRIED**9.2.2 FINANCIAL REPORT - UNAUDITED FY 2023/24 PERIOD ENDING 31 MARCH 2024****RESOLUTION 080424**

Moved: Cr Kron Nicholas
Seconded: Cr Dennis Gleeson

That Murray River Council (Council) resolve to receive the Monthly Financial Report for the period to March 2024 (FY 2023/24) and note its contents.

CARRIED

9.2.3 KPW LAWYERS HOMES OUT WEST VEHICLE**RESOLUTION 090424**

Moved: Cr Nikki Cohen

Seconded: Cr Ann Crowe

That Murray River Council (Council) resolve:

1. to transfer the ownership of vehicle asset number 3000340 a Ford Focus, registration number EBF48T, to KPW Lawyers, and
2. that the value to be placed on the registration transfer form be \$16,000, and
3. the aforesaid transfer of ownership be conditional to Council being reimbursed for all outstanding registration and insurance cost incurred on the vehicle.

CARRIED**9.2.4 POWER PURCHASE AGREEMENT - DELEGATION TO THE CHIEF EXECUTIVE OFFICER****RESOLUTION 100424**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That Murray River Council (Council) delegate to its Chief Executive Officer (CEO) the necessary delegations to enable the CEO to negotiate, enter into, and sign one or more Power Purchase Agreements, with a total contract value not exceeding Twelve Million Dollars (\$12,000,000)

CARRIED**9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS****9.3.1 ECHUCA-MOAMA FLOOD STUDY FINAL ADOPTION****RESOLUTION 110424**

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

1. To consider submissions following formal community consultation; and
2. To seek adoption of the Final Draft Echuca Moama Flood Study Report.

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

Against: Cr Nikki Cohen

CARRIED 7/1**CARRIED**

9.3.2 MID MURRAY LOCAL EMERGENCY MANAGEMENT COMMITTEE (INCORPORATING EDWARD RIVER COUNCIL & MURRAY RIVER COUNCIL)**RESOLUTION 120424**

Moved: Cr Neil Gorey
Seconded: Cr Kron Nicholas

That the DRAFT minutes of the Mid Murray Local Emergency Management Committee (incorporating Edward River Council & Murray River Council) together with the Mid Murray Local Rescue Committee held on 22 February 2024 be received and the information noted by the Council.

CARRIED**9.3.3 2024 MURRAY DARLING ASSOCIATION ANNUAL GENERAL MEETING****RESOLUTION 130424**

Moved: Cr Dennis Gleeson
Seconded: Cr Geoff Wise

That Council lodge a Submission of Motions to the 2024 Murray Darling Association Annual General Meeting scheduled for 10 July 2024.

CARRIED**9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS**

Nil

9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS**9.5.1 MOAMA LIONS COMMUNITY VILLAGE COMMITTEE OF MANAGEMENT - REQUEST FOR REIMBURSEMENT OF LOAN REPAYMENTS****RESOLUTION 140424**

Moved: Cr Neil Gorey
Seconded: Cr Geoff Wise

That Council does not approve reimbursement of the principal and interest repayments for the loan obtained to construct new units at 10 & 12 Council Street Moama to Moama Lions Community Village Committee of Management.

CARRIED**9.5.2 SECTION 355 COMMITTEE MEETING MINUTES AS AT MARCH 2024****RESOLUTION 150424**

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That Council receive and note the March Section 355 Committee report

CARRIED

9.5.3 CADLWELL HALL COMMITTEE AGM

RESOLUTION 160424

Moved: Cr Geoff Wise

Seconded: Cr Ann Crowe

That Council

1. Revoke existing members of the Caldwell Hall Committee of Management and
 - (a) Pursuant to Section 355 of the Local Government Act 1993 appoint new committee members nominated at the May 2023 AGM.

CARRIED

9.5.4 MOULAMEIN CENTENARY RESERVE - COMMITTEE DISSOLVED

RESOLUTION 170424

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That Council

1. Revoke existing members of the Moulamein Centenary Reserve Committee of Management;
2. Dissolve the Moulamein Centenary Reserve Committee of Management pursuant to Section 355 of the Local Government Act 1993;
3. Hold the balance of funds in a reserve pending a further report to Council.

CARRIED

9.5.5 MOAMA LIONS COMMUNITY VILLAGE MANAGEMENT COMMITTEE - REQUEST FOR REIMBURSEMENT OF RATES

RESOLUTION 180424

Moved: Cr Nikki Cohen

Seconded: Cr Ann Crowe

That Council approve reimbursement of rates paid on the vacant land at 10 & 12 Council Street Moama to Moama Lions Community Village Committee of Management.

CARRIED

9.5.6 MATHOURA RETIREMENT VILLAGE COMMITTEE OF MANAGEMENT - REQUEST FOR REIMBURSEMENT OF RATES**RESOLUTION 190424**

Moved: Cr Nikki Cohen
Seconded: Cr Thomas Weyrich

That Council approve reimbursement of rates paid on the vacant land at 12 Mathoura Street, Mathoura to the Mathoura Retirement Village Committee of Management.

CARRIED**9.5.7 2024 MOAMA LIGHTS - MRC RISK MANAGEMENT FRAMEWORK****RESOLUTION 200424**

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

That Council receive and note the report concerning the 2024 Moama Lights event being evaluated within Council's Risk Management Framework.

CARRIED**9.5.8 MATHOURA RETIREMENT VILLAGE COMMITTEE OF MANAGEMENT - REQUEST FOR REIMBURSEMENT OF LOAN REPAYMENTS****RESOLUTION 210424**

Moved: Cr Geoff Wise
Seconded: Cr Neil Gorey

That Council does not approve reimbursement of the principal and interest repayments for the loan obtained to construct new units at 12 Mathoura Street, Mathoura to Mathoura Retirement Village Committee of Management.

CARRIED**9.5.9 MOAMA LIGHTS - CORPORATE SPONSORSHIP****RESOLUTION 220424**

Moved: Cr Geoff Wise
Seconded: Cr Neil Gorey

That Council resolve to:

1. Rescind Resolution 301123 to not renew the Corporate Sponsorship Agreement between Transgrid and Murray River Council for the delivery of the 2024 Moama Lights event and delegate authority to the CEO to terminate the agreement, and:
 - (a) Council contributes the required funding (reallocating from Darts) and runs the 2024 event.

2. Renew the Corporate Sponsorship Agreement between Transgrid and Murray River Council for the delivery of the 2024 Moama Lights event and delegate authority to the CEO to negotiate the terms of a renewed agreement and sign the contract documents.

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

Against: Crs Nikki Cohen and Thomas Weyrich

CARRIED 6/2

CARRIED

9.5.10 DRAFT SOUTHERN RIVERINA REGIONAL DROUGHT RESILIENCE PLAN

RESOLUTION 230424

Moved: Cr Neil Gorey

Seconded: Cr Dennis Gleeson

That Council:

1. Endorses the Draft Southern Riverina Regional Drought Resilience Plan;
2. Places the Draft Southern Riverina Regional Drought Resilience Plan on public exhibition for a period of 28 days; and
3. Receives a further report regarding the Draft Southern Riverina Regional Drought Resilience Plan at the June 2024 Council meeting.

CARRIED

9.6 CORRESPONDENCE REPORT

9.6.1 CORRESPONDENCE REPORT

RESOLUTION 240424

Moved: Cr Nikki Cohen

Seconded: Cr Kron Nicholas

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 250424

Moved: Cr Nikki Cohen

Seconded: Cr Ann Crowe

That the Sundry Delegates Report of the Mayor and Councillors for the period 1 March 2024 through to 31 March 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

10.1 NOTICE OF MOTION - THAT POLICY # 101 CODE OF MEETING PRACTICE BE AMENDED AT SECTION 5.11

RESOLUTION 260424

Moved: Cr Ann Crowe

Seconded: Cr Neil Gorey

That Policy # 101 Code of Meeting Practice be amended at Section 5.11 "Giving notice of business to be considered at Council meeting" by adding the following sentence: "The Notice of Motion must include a separate rationale sufficient that councillors, staff and the general public understand the reason for its submission"

CARRIED

10.2 NOTICE OF MOTION - COUNCIL GIVES AN UPDATE ON THE DELIVERY OF THE MOULAMEIN MAIN STREET REDEVELOPMENT PROJECT, INCLUDING THE TIMELINES INVOLVED AND COMMUNITY ENGAGEMENT.

RESOLUTION 270424

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

That Murray River Council gives an update on the delivery of the Moulamein Main Street Redevelopment Project, including the timelines involved and community engagement. Following the meeting, a media release to be issued, updating the community on this project.

CARRIED

At 2:42 pm, Cr Kron Nicholas left the meeting.

11 CONFIDENTIAL MATTERS

RESOLUTION 280424

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

That Council moves out of Open Council into Closed Council at 2:48pm.

CARRIED

At 2:44 pm, Cr Kron Nicholas returned to the meeting.

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 Outsourced IT Services Contract Renewal

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

11.2 Mayoral Minute - Chief Executive Officer Annual Performance Review 2023/24

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

11.3 Sale of Mathoura Line Road Land (Lot 3, DP 813704) - Proposal for Option to Purchase Land

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

11.4 Notice of Motion - That a 24-month extension be given to the Mortgagee in terms of their obligations under contract with MRC for purchasing and development of land in Moama Business Park

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

RESOLUTION 290424

Moved: Cr Geoff Wise
Seconded: Cr Kron Nicholas

That Council moves out of Closed Council into Open Council at 3:35pm.

CARRIED**RESOLUTION 300424**

Moved: Cr Ann Crowe
Seconded: Cr Nikki Cohen

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

CARRIED

11.1 OUTSOURCED IT SERVICES CONTRACT RENEWAL**RESOLUTION 310424**

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

That Murray River Council (Council) resolve to authorise the Chief Executive Officer (CEO) to enter into and sign a contractual arrangement with Centorrino Technologies (CT), in keeping with the proposal attached to the report as Attachment 1, for the provision of Managed IT Services, including the provision of 2.6 embedded FTEs as Help Desk Support Officers, for a period of no more than three years.

CARRIED**11.2 MAYORAL MINUTE - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2023/24****RESOLUTION 320424**

Moved: Cr Frank Crawley
Seconded: Cr Kron Nicholas

That Murray River Council (Council) resolve:

1. to note the Mayoral Minute and support the priorities outlined in the report for the Chief Executive Officer to be included in the Performance Agreement for 2024/25, and
2. to congratulate the Chief Executive Officer (CEO) Terry Dodds on his outstanding performance in the year under review and encourage his personal attention to the priorities listed in the Performance Agreement for 2024/25, and.
3. in order to assist Council in making judgements on the most appropriate remuneration package that should apply the CEO role for a local government entity the size and nature of Murray River Council, that range based on the NSW Remuneration Tribunal for Senior Executive Service (noting that Local Government General Managers are subject to the same remuneration guidelines), and that the level be as specified in the section titled "Recommendation" within the body of this report, and
4. that having regard for the overall rating of 4.5 out of 5 assigned to the 2023/24 performance review of the CEO, the CEO's Total Remuneration Package (TRP) be increased by 4.5%, resulting in a TRP for the CEO for the year 2024/25 as detailed in the section titled "Recommendation" within the body of this report.

CARRIED**11.3 SALE OF MATHOURA LINE ROAD LAND (LOT 3, DP 813704) - PROPOSAL FOR OPTION TO PURCHASE LAND****MOTION****MOTION WAS LOST**

Moved: Cr Ann Crowe
Seconded: Cr Neil Gorey

That Murray River Council (Council) resolve to:

1. authorise the Chief executive Officer (CEO), or duly appointed delegate, to enter into negotiations with the **Proposer** (as identified in the report) to establish an Option Agreement for the sale of Lot 3 of Deposited Plan 813704, located on Mathoura Line Road, Moama (the **Land**), subject to the maximum option period identified below, and
Maximum Period of Option: (to be determined during debate),
2. require the **CEO** to present the final details of the negotiated agreement to **Council** for debate and adoption, prior to entering into the said Option Agreement.

At 3:07 pm, Cr Thomas Weyrich left the meeting.

11.4 NOTICE OF MOTION - THAT A 12-MONTH EXTENSION BE GIVEN TO THE MORTGAGEE IN TERMS OF THEIR OBLIGATIONS UNDER CONTRACT WITH MRC FOR PURCHASING AND DEVELOPMENT OF LAND IN MOAMA BUSINESS PARK

RESOLUTION 330424

Moved: Cr Neil Gorey
Seconded: Cr Geoff Wise

That Murray River Council grants a 12-month extension to the Mortgagee of 5 Wild Court Moama, in terms of meeting his obligations under contract with MRC, the Mortgagor. As part of the agreement, the Mortgagee is to complete the final two payments before the close of the contract. The Mortgagee to be given title to the lot immediately.

CARRIED

At 3:14 pm, Cr Thomas Weyrich returned to the meeting.

12 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3:39pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 28 May 2024, commencing at 1:00 PM, 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 23 APRIL 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 28 MAY 2024.

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MAYOR

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CEO