

**MINUTES OF MURRAY RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MOAMA ADMINISTRATION OFFICE, 52 PERRICOOTA
ROAD, MOAMA
ON TUESDAY, 26 MARCH 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), Rod Croft (Director Planning & Environment), Jan Donald (Executive Admin Officer), Christian Austin (IT Coordinator), 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 010324

Moved: Cr Geoff Wise
Seconded: Cr Kron Nicholas

That the apology tendered on behalf of Cr Dennis Gleeson 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 FEBRUARY 2024 OF MURRAY RIVER COUNCIL

RESOLUTION 020324

Moved: Cr Neil Gorey
Seconded: Cr Kron Nicholas

That the minutes of the Ordinary Meeting of Murray River Council held on 27 February 2024 be confirmed as a true and correct record.

CARRIED

Questions without notice arising from minutes of previous meeting/s 1.02pm.

Cr Gorey raised a question on the progress of the Mayoral Minute concerning Cr Weyrich's conduct.

At 1:13 pm, Cr Thomas Weyrich left the meeting after declaring a conflict of interest.

At 1:15 pm, Cr Thomas Weyrich returned to the meeting.

Each Councillor was able to comment on the progress of the Council Resolution. Councillor Weyrich advised that after legal advice and contacting the NSW Office of Local Government, he does not have to offer an apology, undertake training and does not have to resign.

5 DISCLOSURES OF INTERESTS

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

6 DEPUTATIONS

Nil

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 REGIONAL FORUM AND NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2024

RESOLUTION 030324

Moved: Cr Nikki Cohen

Seconded: Cr Ann Crowe

1. That the Council approve the attendance of the Mayor and Cr Ann Crowe at the Regional Forum and the National General Assembly 2024 to be held in Canberra (held 2-4 July).

CARRIED

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

RESOLUTION 040324

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

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

9.1.3 2024 ANZAC DAY SERVICES

RESOLUTION 050324

Moved: Cr Ann Crowe

Seconded: Cr Neil Gorey

That the Mayor, or his representative, attends the ANZAC Day Services in the towns of Barham/Koondrook, Mathoura, Moama, Moulamein, Piangil/Tooleybuc, Wakool and Echuca on Thursday 25 April 2024, and a lay a wreath on behalf of the Murray River Council community.

Barham / Koondrook – Cr Neil Gorey

Mathoura – Cr Tom Weyrich

Moama Service – Mayor Cr Frank Crawley

Moulamein – Cr Dennis Gleeson (to be confirmed)

Piangil / Tooleybuc – Cr Ann Crowe

Wakool – Cr Gleeson or Cr Neil Gorey (to be confirmed)

Echuca – Cr Nikki Cohen

CARRIED

9.1.4 COLLABORATIVE TENDER FOR THE SUPPLY OF POWER TO LARGE SITES

RESOLUTION 060324

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

That Council approves:

1. The Chief Executive Officer considering the recommendations of the relevant lead agency responsible for managing the public tender process following the conclusion of that process; and
2. The delegation of authority to the Chief Executive Officer for the following functions insofar as they relate to this tender and/or any resulting contract:
 - a. The acceptance or rejection of the recommendation to award a contract to the successful tenderer for a term not exceeding 6 years from the commencement of the contract and for any anticipated sum.
 - b. The signing of any documents and/or correspondence which may be required to give effect to the decision to award the contract or to effectively manage the contract for the duration.
 - c. The approval of any variations and approval of any purchase orders for the term of the contract.

CARRIED

9.1.5 RECOMMENDATION TO AWARD CONTRACT 2401 - MURRAY IRRIGATION NETWORK STRUCTURAL ASSESSMENTS**RESOLUTION 070324**

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

1. Approves the tender evaluation panel recommendation to award Contract 2401, Murray Irrigation Network Structural Assessments to B G & E Pty Ltd for the lump sum of \$1,128,380.00 (including GST).
2. Authorises the Chief Executive Officer to do the following:
 - a. Sign any documents which may be necessary to give effect to this resolution;
 - b. Approve a requisition for the amount of \$1,128,380 (including GST).
 - c. Approve spend relating to any financial variation within budget, all variations being viewed on a cumulative basis.
3. Authorises the Director Infrastructure to act as Contract Superintendent.

CARRIED**9.1.6 MONTHLY OPERATIONAL REPORT****RESOLUTION 080324**

Moved: Cr Geoff Wise
Seconded: Cr Nikki Cohen

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

CARRIED**9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS****9.2.1 INVESTMENTS AND RESERVES REPORT AS AT 29 FEBRUARY 2024****RESOLUTION 090324**

Moved: Cr Kron Nicholas
Seconded: Cr Ann Crowe

That Murray River Council resolve to receive the Investments & Reserves Report, as of 29 February 2024

CARRIED**9.2.2 INTERNAL AUDIT FRAMEWORK, TERMS OF REFERENCE AND CHARTER****RESOLUTION 100324**

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

That the DRAFT Internal Audit Framework V#1, the DRAFT Internal Audit Charter V#3 and the DRAFT Terms of Reference V#5 be adopted and placed on public display.

CARRIED

9.2.3 MONTHLY FINANCIAL REPORT

RESOLUTION 110324

Moved: Cr Geoff Wise

Seconded: Cr Kron Nicholas

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

CARRIED

9.3 DIRECTOR IINFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS

9.3.1 ROADS & TRANSPORT DIRECTORATE 2024 LOCAL ROADS CONGRESS

RESOLUTION 120324

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That Council:

1. Notes that the Roads & Transport Directorate 2024 Local Roads Congress is being held in Sydney on Monday 3 June 2024 at NSW Parliament House.
2. Cr Gleeson to attend and if unavailable Cr Gorey will attend.
3. Approves attendance of Councillors who wish to attend.

CARRIED

9.3.2 KORALEIGH RAW WATER NETWORK - CUSTOMER CREDIT APPROVAL REQUEST

RESOLUTION 130324

Moved: Cr Geoff Wise

Seconded: Cr Thomas Weyrich

That Council approve the recommendation to provide customers with a \$500 Credit on their Koraleigh Water Accounts due to the installation of the raw water network and changes that customers need to make internally past the meter.

CARRIED

9.3.3 MURRAY IRRIGATION LIMITED VOTING RIGHTS

MOTION

Moved: Cr Geoff Wise
Seconded: Cr Nikki Cohen

That Council give Cr Dennis Gleeson the delegation to use Council's Murray Irrigation Limited voting rights at the April General Meeting. Council's vote will be to either;

Vote AGAINST the removal of the two independent directors.

FORESHADOWED MOTION

Cr Cohen Foreshadowed a motion that if the motion currently being debated is lost that Council does not exercise its voting right.

This motion was lost.

The Foreshadowed Motion then became the substantive motion.

RESOLUTION 140324

Moved: Cr Nikki Cohen
Seconded: Cr Neil Gorey

Council does not exercise its voting right.

The Foreshadowed motion now becomes the resolution of Council.

In Favour: Crs Frank Crawley, Neil Gorey, Nikki Cohen and Ann Crowe

Against: Crs Kron Nicholas, Thomas Weyrich and Geoff Wise

CARRIED 4/3

CARRIED

9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS

9.4.1 DA 10.2023.210.1 - INFORMATON & EDUCATION FACILITY & CAFE - REQUEST TO WAIVE SECTION 7.11 AND SECTION 64 DEVELOPMENT CONTRIBUTIONS

MOTION

Moved: Cr Ann Crowe
Seconded: Cr Geoff Wise

Cr Crowe and Cr Wise supported item 2 to apply a 25% discount to the total Development Contribution fees, bringing the total fees payable to \$85,682.98

That Council notes and approves **one** of the following 4 (four) options in relation to applying a discounted rate (or not) to DA 10.2023.210.1 (Section 7.11 and section 64 Development contributions):

1. To apply the total Development Contributions amount of \$114,243.97 as calculated under the Development Contributions Plan 2011.
2. To apply a 25% discount to the total Development Contribution fees, bringing the total fees payable to \$85,682.98.

3. To apply a 50% discount to the total Development Contribution fees, bringing the total fees payable to \$57,121.98.
4. To waive the total Development Contribution fees being \$114,243.97 as calculated under the Development Contributions Plan 2011, resulting in no fees payable to Council.

RESOLUTION 150324

Moved: Cr Ann Crowe

Seconded: Cr Geoff Wise

Item number 2 became the resolution of council:

2. To apply a 25% discount to the total Development Contribution fees, bringing the total fees payable to \$85,682.98.

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

Against: Crs Nikki Cohen and Thomas Weyrich

CARRIED 5/2

CARRIED

9.4.2 DA 10.2023.300.1 - NEW DWELLING AND GARAGE - REQUEST TO WAIVE SECTION 7.12 LEVY DEVELOPMENT CONTRIBUTIONS

RESOLUTION 160324

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

1. That Council notes the officers report.
2. That Council waives the total amount of Section 7.12 Levy fees being \$8,777.36 as calculated under the Development Contributions Plan 2011, resulting in no Section 7.12 fees payable to Council.

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

Against: Nil

CARRIED 7/0

CARRIED

9.4.3 DA 10.2024.45.1 - INCREASE ALMOND PROCESSING FACILITY FROM 30,000 TONNES TO 140,000 TONNES OF FIELD WEIGHT ANUALLY INCLUDING THE INSTALLATION OF ADDITIONAL PLANT AND EQUIPMENT, EXTENTION TO HARVEST OPERATING TIMES AND INCREASED STAFFING AT THE SITE. REQUEST TO WAIVE SECTION 7.12 DEVELOPMENT CONTRIBUTIONS

MOTION

Moved: Cr Geoff Wise

Seconded: Cr Neil Gorey

That Cr Wise and Cr Gorey moved item 4 to waive the total amount of Section 64 fees.

That Council notes and resolves in principle to choose **one** of the following 4 (four) options subject to the formal outcome of the Regional Planning Panel:

1. To apply the full Development Contribution amount of \$439,492.00 in Section 64 fees as calculated under the Development Contributions Plan 2011.
2. To apply a 25% discount to the Section 64 Contribution fees, bringing the total fees payable to \$329,619.00.
3. To apply a 50% discount to the Section 64 Contribution Fees, bringing the total fees payable to \$219,746.00
4. To waive the total amount of Section 64 fees being \$439,492.00 as calculated under the Development Contributions Plan 2011, resulting in NO Section 64 fees payable to Council.

It should be noted that this recommendation is made in principle and is subject to the final assessment outcomes of the development application and ultimately approval of the Regional Planning panel.

FORESHADOWED MOTION

Cr Cohen foreshadowed a motion that if the current motion being debated is lost, Cr Cohen would move that item 1 be debated.

In Favour: Crs Neil Gorey, Kron Nicholas and Geoff Wise

Against: Crs Frank Crawley, Nikki Cohen, Ann Crowe and Thomas Weyrich

LOST 3/4

The motion before Council was lost and therefore the Foreshadowed motion became the substantive motion to apply the full Development Contribution.

RESOLUTION 170324

Moved: Cr Nikki Cohen

Seconded: Cr Thomas Weyrich

FORESHADOWED MOTION

That item 1 becomes the Foreshadowed motion:

1. To apply the full Development Contribution amount of \$439,492.00 in Section 64 fees as calculated under the Development Contributions Plan 2011.

The Foreshadowed motion now becomes the resolution of Council.

In Favour: Crs Frank Crawley, Nikki Cohen, Ann Crowe and Thomas Weyrich

Against: Crs Neil Gorey, Kron Nicholas and Geoff Wise

CARRIED 4/3

CARRIED

9.4.4 MURRAY LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO CHANGE ZONING FROM RU1 PRIMARY PRODUCTION TO R2 LOW DENSITY RESIDENTIAL AND E1 LOCAL CENTRE FOR LOTS 1-2 IN DP1283567, LOT 1 IN DP1231552 AND LOT 1-3 IN DP854487 LOCATED AT 420-508 PERRICOOTA ROAD, MOAMA NSW 2731.

RESOLUTION 180324

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

That:

1. Council re-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 Lot 1 in DP1283567 and Lots 1–3 in DP854487 from RU1 Primary Production Zone to R2 Low Density Residential Zone. Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone. Subsequently, reductions in minimum lot sizes proposed for Lots 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m². Further, the minimum lot size for the E1 Local Centre Zone is proposed to be abolished.
2. The Planning Proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement.
3. Council staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP).
4. **Council notes that this recommendation assumes that no valid objections are received prior to the public exhibition closing date of 3 April 2024. If valid objections are received via the public exhibition process, the outcomes of this recommendation are null, and void and a further report will come back to council for consideration.**

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

Against: Nil

CARRIED 7/0

CARRIED

9.4.5 PLANNING PROPOSAL TO CHANGE ZONING FROM R5 LARGE LOT TO RU5 VILLAGE AND VARY THE MIMIMUM LOT SIZE FROM 4,000M² TO 450M² AT LOT 611 DP 611 IN DP 806704, 6 CLIFTON STREET MATHOURA NSW 2710

RESOLUTION 190324

Moved: Cr Thomas Weyrich

Seconded: Cr Geoff Wise

That:

1. Council re-endorse the Planning Proposal prepared by Habitat Planning Pty to change zoning from R5 large lot to RU5 Village and vary the minimum lots size from 4000m² to 450m² for Lot 611 in DP806704 located at 6 Clifton Street, Mathoura NSW 2710.
2. The Planning Proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement.
3. Council's staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP).
4. **Council notes that this recommendation assumes that no valid objections are received prior to the public exhibition closing date of 3 April 2024. If valid objections are received via the public exhibition process, the outcomes of this recommendation are null and void and a further report will come back to council for consideration.**

<u>In Favour:</u>	Crs Frank Crawley, Neil Gorey, Nikki Cohen, Ann Crowe, Kron Nicholas, Thomas Weyrich and Geoff Wise	CARRIED 7/0 CARRIED
<u>Against:</u>	Nil	

9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS

9.5.1 2024 AUSTRALIA DAY REPORT

<p>RESOLUTION 200324</p> <p>Moved: Cr Nikki Cohen Seconded: Cr Ann Crowe</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. receive and note the 2024 Australia Day post event report; and <p style="text-align: right;">CARRIED</p>
<p>MOTION</p> <p>Moved: Cr Neil Gorey Seconded: Cr Ann Crowe</p> <ol style="list-style-type: none"> 2. approve publishing award winners prior to Australia Day 2025. <p>Motion was lost.</p>

9.5.2 DRAFT MURRAY RIVER COUNCIL ARTS AND CULTURE STRATEGY 2024-2034

<p>RESOLUTION 210324</p> <p>Moved: Cr Nikki Cohen Seconded: Cr Kron Nicholas</p> <p>Item 1 became the Resolution of Council:</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the Draft <i>Murray River Council Arts and Culture Strategy 2024 - 2034</i> for public exhibition for a 28-day period, noting the results of the public exhibition will be presented back to Council to consider the draft strategy for final adoption. <p style="text-align: right;">CARRIED</p>
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9.5.3 MURRAY RIVER COUNCIL COMMUNITY GRANTS PROGRAM - APPOINTMENT OF ASSESSMENT PANEL, ROUND 2, 2023-24

RESOLUTION 220324

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That Council:

1. Endorse the Chief Executive Officer, or his nominee, as a member of the Murray River Council Community Grants Program Assessment Panel.
2. Appoint three (3) Councillors to the Murray River Council Community Grants Program Assessment Panel to assess applications under Round 2, 2023-24.

Cr Crowe, Cr Weyrich and Cr Nicholas will be the appointed councillors.

CARRIED

9.5.4 SECTION 355 COMMITTEE MEETING MINUTES AS AT FEBRUARY 2024

RESOLUTION 230324

Moved: Cr Geoff Wise

Seconded: Cr Neil Gorey

That Council receive and note the February section 355 Committee report

CARRIED

9.5.5 BARHAM MICRO ABATTOIR - COMPLETION OF CONTRACT

RESOLUTION 240324

Moved: Cr Ann Crowe

Seconded: Cr Geoff Wise

That Council:

1. Rescind Item 5 of *Resolution 230120* (23 January 2020): The Barham Micro-Abattoir project be fully funded from grant funding and lease fees; and that no ratepayer funds be committed to the project;
2. Approve the expenditure of Council's operational funds (\$100,000) to engage a suitably qualified contractor to complete the rectification works as recommended by NSW Department of Primary Industries; and
3. Delegate authority to the CEO to seek to recover the costs of the rectification works pursuant to the Design Services Contract for Barham Micro Abattoir.

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

Against: Cr Thomas Weyrich

CARRIED 6/1

CARRIED

9.6 CORRESPONDENCE REPORT

9.6.1 CORRESPONDENCE REPORT**RESOLUTION 250324**

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

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 260324**

Moved: Cr Ann Crowe
Seconded: Cr Neil Gorey

That the Sundry Delegates Report of the Mayor and Councillors for the period 1 February 2024 through to 29 February 2024 be received and the information noted by the Council; and reasonable out of pocket expenses be met by Council.

Cr Kron Nicholas attended the following additional functions and meetings noted below in addition to those listed within this report:

13 February 2024	Murray River Council Budget Meeting
21 February 2024	Botanical Garden Group meeting to determine future of gardens and letters re Botanical Garden management
27 February 2024	Murray River Council Ordinary Meeting

CARRIED

10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE**10.1 NOTICE OF MOTION - COUNCIL REVIEW ITS PARKS AND GARDENS MAINTENANCE PROGRAM IN PICNIC POINT AND MATHOURA.****MOTION**

Moved: Cr Thomas Weyrich
Seconded: Cr Nikki Cohen

That Council review its Parks and Gardens maintenance program in Picnic Point and Mathoura.

Motion was lost.

11 CONFIDENTIAL MATTERS**RESOLUTION 270324**

Moved: Cr Ann Crowe

Seconded: Cr Neil Gorey

That Council moves out of Open Council into Closed Council at 2.43pm.

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 for Unpaid Rates

This matter is considered to be confidential under Section 10A(2) - a and 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 personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

11.2 Mathoura on the Map Committee - Australia Day Acquittal

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 Resourcing the Automated Depot at the Moama Waste Management Facility

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).

11.4 Moama Lions Community Village Committee - Monthly Service Fee

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).

11.5 Contract 2402 - Moama Sewerage Scheme Upgrade Consultancy

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.

11.6 Recommendation for the sale of Former Moama Preschool site, Regent 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.

11.7 Reversal of Raw Water Consumption Charges

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 280324

Moved: Cr Geoff Wise
Seconded: Cr Ann Crowe

That Council moves out of Closed Council into Open Council at 3.13pm.

CARRIED

RESOLUTION 290324

Moved: Cr Geoff Wise
Seconded: Cr Ann Crowe

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

CARRIED

11.1 SALE OF LAND FOR UNPAID RATES**RESOLUTION 300324**

Moved: Cr Geoff Wise
Seconded: Cr Neil Gorey

That Murray River Council (Council) resolve to:

1. in keeping with Chapter 17, Part 2, Division 5 of the Local Government Act 1993 (Act), undertake the sale of the properties identified in Attachment 1 to this report, through an auction process for the recovery of Rates and Charges levied on such properties and are now overdue for payment, and
2. appoint Wood O'Brien Pty Ltd. (ABN 66 126 829 214), doing business as Charles L. King & Co., franchisee for First National Real Estate as the selling agent for the properties to be sold, and
3. authorise the Chief Executive Officer (CEO) to undertake the necessary activities to give effect to the sale of such land, including setting the reserve price of each property based on valuation advice received from the appointed selling agents, entering into & executing any contractual documents, and affixing the Council seal to any deeds of sale.

CARRIED

11.2 MATHOURA ON THE MAP COMMITTEE - AUSTRALIA DAY ACQUITTAL**RESOLUTION 310324**

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

Supporting option 1 below.

That

- 1) Council raises an invoice for repayment of \$3,352 grant funds provided to Mathoura on the Map Committee to run 2024 Australia Day event, because evidence of expenditure has not been provided as requested, and in addition;

- i) Mathoura on the Map Committee are no longer eligible for any future funding from Council, and
- ii) Council seek an alternative committee to undertake future Australia Day activities.

OR

- 2) Council use its own funds to repay the \$3,352 grant monies not acquitted by Mathoura on the Map Committee to reimburse the Australia Day Council, for incorrect expenditure without evidence from Mathoura on the Map Committee, and in addition;
 - i) Mathoura on the Map Committee are no longer eligible for any future funding from Council, and
 - ii) Council seek an alternative community committee to undertake future Australia Day activities.

CARRIED

RESOLUTION 320324

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

- 1) Council raises an invoice for repayment of \$3,352 grant funds provided to Mathoura on the Map Committee to run 2024 Australia Day event, because evidence of expenditure has not been provided as requested, and in addition;
 - i) Mathoura on the Map Committee are no longer eligible for any future funding from Council, and
 - ii) Council seek an alternative committee to undertake future Australia Day activities.

CARRIED

11.3 RESOURCING THE AUTOMATED DEPOT AT THE MOAMA WASTE MANAGEMENT FACILITY

RESOLUTION 330324

Moved: Cr Geoff Wise
Seconded: Cr Neil Gorey

- 1. That Council notes the information contained in this report, in particular the financial expenses and the positive return on investment section outlined in the discussion.
- 2. That Council note the recruitment of 4 (four) full-time equivalent staff to operate the Automated Depot being constructed at the Moama Waste Management Facility to process beverage containers eligible for a rebate under the NSW Container Deposit Scheme.

CARRIED

11.4 MOAMA LIONS COMMUNITY VILLAGE COMMITTEE - MONTHLY SERVICE FEE

RESOLUTION 340324

Moved: Cr Ann Crowe
Seconded: Cr Nikki Cohen

That Council agree to Moama Lions Community Village Management Committee recommendation to increase the monthly service fee:

- (a) That the increased fee be applied on and from 1st July 2024
- (b) That the increased fee be included in Council's register of fees and charges.

CARRIED

11.5 CONTRACT 2402 - MOAMA SEWERAGE SCHEME UPGRADE CONSULTANCY

RESOLUTION 350324

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That Council:

1. Consider the information provided by the Project Manager for the Moama Sewerage Scheme Upgrade Consultancy Contract (Options Study Review and Concept Design) by way of background;
2. Retrospectively endorse the acceptance of the quotation for work under Contract 2402 to NSW Public Works Department of Regional NSW (ABN 19 948 325 463) for a lump sum amount of \$398,750.00 (including GST); and
3. Grant a delegated authority to the Chief Executive Officer, allowing for:
 - (a) the signing of this Contract;
 - (b) the approval of a Purchase Order in the amount of \$398,750.00 (including GST); and
 - (c) the approval of variations within budget.

CARRIED

11.6 RECOMMENDATION FOR THE SALE OF FORMER MOAMA PRESCHOOL SITE, REGENT STREET, MOAMA.

RESOLUTION 360324

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

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 11 DP 236459 and Lot 12 DP 236459 (the land parcel) through an open market approach of either Expression of Interest or Competitive Direct Sale, as suggested in the attached Valuation Report.

CARRIED

11.7 REVERSAL OF RAW WATER CONSUMPTION CHARGES

RESOLUTION 370324

Moved: Cr Thomas Weyrich

Seconded: Cr Ann Crowe

That Murray River Council resolve to note and endorse the proposed reversal of Raw Water Consumption Charges amounting to \$2,234.65 to the person(s) identified in the report.

CARRIED

12 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3.24pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 23 April 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 26 MARCH 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 23 APRIL 2024.


.....
MAYOR


.....
CEO