

**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, 28 MAY 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)

IN ATTENDANCE: Terry Dodds (Chief Executive Officer), Lindy Leyonhjelm (Executive Assistant), Rod Croft (Director Planning & Environment), Stephen Fernando (Director Corporate Services), Jack Bond (Director Infrastructure), Sandra Gordon (Manager Governance & Risk)

1 OPENING MEETING

The Mayor read 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 100524

Moved: Cr Ann Crowe
Seconded: Cr Thomas Weyrich

That the apology tendered on behalf of Cr Geoff Wise be received and accepted; and that leave of absence from the meeting be granted.

Cr Nikki Cohen has requested a leave of absence for the 25 June 2024 Ordinary Council Meeting; 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 APRIL 2024 OF MURRAY RIVER COUNCIL & EXTRA ORDINARY MEETING HELD ON 14 MAY 2024

RESOLUTION 110524

Moved: Cr Kron Nicholas
Seconded: Cr Neil Gorey

That the minutes of the Ordinary Meeting of Murray River Council held on 23 April 2024 & Extra Ordinary Meeting of Murray River Council held on 14 May 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 this time of the meeting, being 1:04pm, Mr John McGrath addressed the Council in regards to Item 9.1.1 Planning Proposal to reclassify 18 Lots of Murray River Council land from Community to Operational.

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 PLANNING PROPOSAL TO RECLASSIFY 18 LOTS OF MURRAY RIVER COUNCIL LAND FROM COMMUNITY TO OPERATIONAL.

RESOLUTION 120524

Moved: Cr Ann Crowe

Seconded: Cr Thomas Weyrich

That:

1. Council endorse the Planning Proposal prepared by Habitat Planning Pty Ltd to amend the Murray Local Environment Plan 2011 and Wakool Local Environment Plan 2013 to reclassify 18 lots from Community to Operational land including:
 - Barham Linton Park Drive Reserve Lot 32, DP789761
 - Mathoura Part of Soldier Memorial Gardens Lot 2, DP 1145866 & Lot 9A, DP 916470
 - Mathoura AE Murthy Park Lot C, DP403653
 - Moama Highlands Park, Lot 185, DP 1080039
 - Moama Murray Shire Reserve (East), Lot 27, DP253930
 - Moama Hickey Park, Lot 102, DP717500
 - Moama Murray Shire Reserve (West) Lot 28, DP 253930
 - Moama Ruby Court Park, Lot 75, DP 717500
 - Moama Rivergums Drive Park, Lot 57 DP 1045248,
 - Moama McMahon Park, Lot 53, DP 247666
 - Moama Ivo Ham Park, Lot 34, DP 708269

- Moama Ivo Ham Palk Walkway, Lot 33, DP 803895
- Moama Martin Street Buffer Zone, Lot 1 DP 249655
- Moama Southern Cross Homes Parkland (Regent Street Park), Lot 21 DP747384
- Tooleybuc Caccaviello Reserve, Lot 2, DP 867575
- Goodnight Goodnight Landing Reserve, Lot 46 DP 12982
- Murray Downs Swan Hill Road, Lot 73, DP 1117956

2. The Planning proposal be sent to NSW Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
3. Council staff complete all actions, as outlined in the gateway determination.
4. Council note that any subsequent disposal/repurposing plan resulting from the conversion to Operational Land will require future Council Report and resolution as per the Murray River Council Land Acquisition and Disposal Policy (POL602).
5. Council notes that the Planning Proposals to reclassify community to operational land is interlinked and should read in conjunction with:
 - the Murray River Council Buildings Strategy
 - the Murray River Council Parks and Open Space Strategy

Both of these documents form part of this month's Ordinary Council agenda.

Cr Weyrich would like his objection noted against the inclusion of Part of Soldier Memorial Gardens Mathoura Lot 2, DP 1145866 & Lot 9A, DP 916470 being part of the list to convert community land to operational land.

In Favour: Crs Frank Crawley, Neil Gorey, Ann Crowe and Dennis Gleeson

Against: Crs Nikki Cohen, Kron Nicholas and Thomas Weyrich

CARRIED 4/3

CARRIED

9.1.2 PLANNING PROPOSAL TO RECLASSIFY 22 LOTS OF MURRAY RIVER COUNCIL LAND FROM COMMUNITY TO OPERATIONAL FOR DRAINAGE RESERVES.

RESOLUTION 130524

Moved: Cr Dennis Gleeson

Seconded: Cr Neil Gorey

That:

1. Council endorse the Planning Proposal prepared by Habitat Planning Pty Ltd to amend the Murray Local Environment Plan 2011 and Wakool Local Environment Plan 2013 to reclassify 22 lots from Community to Operational land, to correct historical classification errors, including:
 - Moama Barnes Road-Graham Street Buffer Lot 126 DP 1264832
 - Moama Business Park Drainage Basin Lot 11 DP 1103416
 - Moama Lakeview Park Lot 16 DP 1084308
 - Moama Lea Court Buffer Lot 23 DP 256000

- Moama Beer Road Business Park Buffer Lot 56 DP 1175457
- Moama Perricoota Run Drainage Reserve Lot 91 DP 1220526
- Moama Dungala Estate Lot 33 DP 1259774
- Moama Dungala Estate Lot 34 DP 1259774
- Moama Barbers Paddock Lot 34 DP 1209212
- Moama Barbers Paddock Lot 104 DP 1256111
- Moama Business Park Drainage Basin (South) Lot 17 DP 1175457
- Moama Pump Station No. 27 – Ghost Gum Place Lot 95 DP 1201662
- Moama Pump Station No. 30 – Winbi 2 Lot 131 DP 1226905
- Moama Perricoota Road, Winbi & Merool Drainage Basin Lot 2 DP 1255836
- Moama Marsanne Drive Reserve Lot 171 DP 1245186
- Moama Dungala Drainage Reserve Lot 115 DP 1268382
- Moama Hermitage Drive Reserve Lot 226 DP 1261570
- Moama Perricoota Road Buffer Lot 61 DP 1082147
- Moama Barber Court Buffer Lot 9 DP 841556
- Moama Marsanne Drive Reserve Lot 121 DP 1238057
- Moama Lakeview Drainage Basin Lot 194 DP 1251358
- Barham Vinecombe Lane Reserve Lot 23 DP 1240379

2. The Planning Proposal be sent to NSW Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979

3. Council staff complete all actions, as outlined in the Gateway Determination.

4. Council notes that the Planning Proposals to reclassify community to operational land is interlinked and should read in conjunction with:

- the Murray River Council Buildings Strategy
- the Murray River Council Parks and Open Space Strategy

Both of these documents form part of this month's Ordinary Council agenda.

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

Against: Nil

CARRIED 7/0

CARRIED

BRING FORWARD RESOLUTIONS

RESOLUTION 140524

Moved: Cr Nikki Cohen
Seconded: Cr Thomas Weyrich

That the Council brings forward Items 9.3.1 and 9.4.1 to be resolved at this time (following Items 9.1.1 and 9.1.2) on the basis that they are interlinked.

CARRIED**9.1.3 SHARED SERVICES****RESOLUTION 150524**

Moved: Cr Thomas Weyrich
Seconded: Cr Nikki Cohen

That council notes and condones the endeavours of the Administration to commence investigating shared services.

CARRIED**9.1.4 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS****RESOLUTION 160524**

Moved: Cr Neil Gorey
Seconded: Cr Nikki Cohen

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**9.1.5 MONTHLY OPERATIONAL REPORT****RESOLUTION 170524**

Moved: Cr Nikki Cohen
Seconded: Cr Thomas Weyrich

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

CARRIED**SUSPENSION OF STANDING ORDERS**

RESOLUTION 180524

Moved: Cr Thomas Weyrich

Seconded: Cr Neil Gorey

That the Council suspend standing orders at this time, being 1:44pm.

CARRIED

RESUMPTION OF STANDING ORDERS**RESOLUTION 190524**

Moved: Cr Kron Nicholas

Seconded: Cr Neil Gorey

That the Council resume standing orders at 2:28pm.

CARRIED

9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS**9.2.1 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) MEETING HELD ON 6 MAY 2024****RESOLUTION 200524**

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That the Minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 6 May 2024 be received and the information noted by the Council.

CARRIED

9.2.2 INTERNAL AUDIT FRAMEWORK, TERMS OF REFERENCE AND CHARTER - FINAL ADOPTION**RESOLUTION 210524**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That

1. The Internal Audit Framework V#1, the Terms of Reference V#5 and the Charter V#3 be adopted and placed in the Policy Register; and
2. All previous versions be rescinded.

CARRIED

9.2.3 QUARTERLY BUDGET REVIEW - PERIOD ENDED 31 MARCH 2024**RESOLUTION 220524**

Moved: Cr Kron Nicholas
Seconded: Cr Dennis Gleeson

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. \$2,925,442 from General reserve
 - ii. \$1,085,375 from Sewer reserve
 - iii. \$991,036 from Water reserve
 - iv. \$2,449,621 from Waste reserve; and
 - b. from Operational activities:
 - i. \$4,794,646 to the General reserve
 - ii. \$2,915,165 to the Sewer reserve
 - iii. \$2,850,330 to the Water reserve
 - iv. \$1,776,776 to the Waste reserve.

CARRIED

9.2.4 FINANCIAL REPORT - UNAUDITED FY 23/24 PERIOD ENDING 30 APRIL 2024

RESOLUTION 230524

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

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

CARRIED

9.2.5 NSW RURAL FIRE SERVICE ASSETS RECOGNITION

RESOLUTION 240524

Moved: Cr Dennis Gleeson
Seconded: Cr Ann Crowe

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

9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS**9.3.1 DRAFT BUILDINGS STRATEGY 2024-2034****RESOLUTION 250524**

Moved: Cr Dennis Gleeson

Seconded: Cr Neil Gorey

That Council:

1. Endorse the Draft *Murray River Council Buildings Strategy 2024-2034* (the Strategy) (attachment 1) to go out for public exhibition for the required 28-day period.
2. Notes the Strategy is interlinked and should read in conjunction with:
 - the Planning Proposals to reclassify community to operational land and
 - the Murray River Council *Parks and Open Space* Strategy

Both of these documents form part of this month's Ordinary Council agenda.

Notes that all public submissions received in relation to the draft Strategy will be presented at the next Ordinary Council meeting, where valid public submissions will be included in the final *Murray River Council Buildings Strategy 2024-2034* for final adoption.

CARRIED

9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS**9.4.1 DRAFT PARKS & OPEN SPACE STRATEGY 2024-2034****RESOLUTION 260524**

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That Council:

1. Endorse the Draft *Murray River Council Parks and Open Space Strategy 2024-2034* (the Strategy) (attachment 2) to go out for public exhibition for the required 28-day period.
2. Notes the Strategy is interlinked and should read in conjunction with:
 - the Planning Proposals to reclassify community to operational land and
 - the Murray River Council Buildings Strategy

Both of these documents for part of this month's Ordinary Council agenda.

3. Notes that all public submissions received in relation to the draft Strategy will be presented at the next Ordinary Council meeting, where valid public submissions will be included in the final *Murray River Council Parks and Open Space Strategy 2024-2034* for final adoption.

CARRIED

9.4.2 ADDITION TO THE SCHEDULE OF FEES AND CHARGES**RESOLUTION 270524**

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

1. That Council agree to an amendment to the Council 2023/24 fees and charges in relation to Planning Proposal Scoping Reports - review and provide feedback to include a fee of \$1500 for 'Basic' and 'Standard' proposals and \$3500 for 'complex' and "principal" proposals, as defined in the Local Environmental Plan Making Guideline by the Department of Planning and Environment.
2. That Council, as per Section 610F of the *Local Government Act 1993*, place the amended fee on public exhibition for a period of 28 days.

CARRIED

9.4.3 MENINYA STREET PRECINCT PROJECT - MAY UPDATE

RESOLUTION 280524

Moved: Cr Ann Crowe
Seconded: Cr Thomas Weyrich

That the officer's report on Meninya Street Precinct Project - May Update as at 15th May 2024 be received and the information noted by the Council.

CARRIED

9.4.4 MATHOURA TRANSFER STATION OPENING HOURS

RESOLUTION 290524

Moved: Cr Thomas Weyrich
Seconded: Cr Ann Crowe

That Council

1. Rescind Point 2 of Resolution 151023, due to inaccuracies in the times for opening hours at the Mathoura Waste and Resource Recovery Facility.
2. Endorse the opening hours of the Mathoura Waste and Resource Recovery Facility being open Thursday and Sunday from 8am – 4pm.

CARRIED

9.4.5 ADDITION TO THE SHEDULE OF FEES AND CHARGES

RESOLUTION 300524

Moved: Cr Neil Gorey
Seconded: Cr Ann Crowe

1. That Council agree to an amendment to the Council 2024/25 fees and charges in relation to Private Sanitary Drainage Plan from \$50 to \$25.
2. That Council, as per Section 610F of the *Local Government Act 1993*, place the amended fee on public exhibition for a period of 28 days.

CARRIED

9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS**9.5.1 MRC COMMUNITY FINANCIAL ASSISTANCE PROGRAM FRAMEWORK 2024-25****RESOLUTION 310524**

Moved: Cr Ann Crowe

Seconded: Cr Kron Nicholas

That

1. Council adopt the DRAFT Community Financial Assistance Policy V#3 and place it on public display
2. Council note the updated Community Financial Assistance Program Framework 2024-25 document, including the list of annual allocation recipients.

CARRIED

9.5.2 TOOLEYBUC BRIDGE KEEPERS COTTAGE LEASE**RESOLUTION 320524**

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That:

1. Council leases the Tooleybuc Bridge Keepers Cottage to Echuca Discoveries Swan Hill

CARRIED

9.5.3 SECTION 355 COMMITTEE MEETING MINUTES AS AT APRIL 2024**RESOLUTION 330524**

Moved: Cr Ann Crowe

Seconded: Cr Dennis Gleeson

That Council receive and note the April Section 355 Committee report

CARRIED

9.5.4 MURRAY RIVER COUNCIL COMMUNITY GRANTS PROGRAM, 2023-24 - ROUND 2 ALLOCATION OF FUNDS**RESOLUTION 340524**

Moved: Cr Nikki Cohen

Seconded: Cr Ann Crowe

That:

1. Council funds the below projects under Round 2 of the 2023-24 Community Grants Program.
2. Council notes that the program is under subscribed.

Group	Project Title	Total Amount Requested	Total Project Cost	Amount Recommended
Western Murray Land Improvement Group	Murray Connect - Volunteers Program	\$3,000.00	\$10,000.00	Amount Requested In Full
Mathoura Cancer Fundraiser Inc	Mathoura Speed Shear	\$1,800.00	\$7,850.00	Part Funding \$1,000
Echuca Moama Cycling Club	Winter Race Season, 'Come and Try'	\$3,000.00	\$13,000.00	Ineligible outstanding debt to MRC
Kerang Legacy Group	Legacy Morning Tea Events	\$3,000.00	\$11,600.00	Amount Requested In Full
Moulamein Football Netball Club	Promoting Child Safe in Sport & Refurbishment of Seating	\$1,807.00	\$2,000.00	Amount Requested In Full
Echuca Moama Athletics	Adult equipment - hurdles	\$792	\$5,792	Amount Requested In Full
Tooleybuc Manangatang Football Netball Club	5 G Wifi booster	\$2,985.00	\$5,000	Amount Requested In Full
TOTAL FUNDS AVAILABLE \$30,000		\$16,384.00	\$32,850.00	<u>\$12,584.00</u>
CARRIED				

9.5.5 BRIDGE ART COMMITTEE INC - UNDER THE BRIDGE ARTWORK PROJECT UPDATE

RESOLUTION 350524

Moved: Cr Neil Gorey

Seconded: Cr Nikki Cohen

That Council receive and note an update on the 'Under the Bridge Artwork Project'.

CARRIED

9.5.6 MOAMA LIONS COMMUNITY VILLAGE - TENANCY AGREEMENTS

RESOLUTION 360524

Moved: Cr Ann Crowe

Seconded: Cr Nikki Cohen

That Council approves the transition of all existing tenancy agreements governed by the Retirement Villages Act 1999 to new standard form agreements governed by the Residential Tenancies Act 2010 and authorises the CEO or his delegate to sign the contract documents.

CARRIED

9.6 CORRESPONDENCE REPORT

9.6.1 CORRESPONDENCE REPORT**RESOLUTION 370524**

Moved: Cr Dennis Gleeson

Seconded: Cr Neil Gorey

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 380524**

Moved: Cr Ann Crowe

Seconded: Cr Thomas Weyrich

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

Cr Ann Crowe reported on her attendance at the following meetings and functions:

- 10 April: Koraleigh Raw Water Opening
- 24 April: Pre-Briefing & Council meeting Moama
- 25 April: Anzac Day Ceremony – Piangil

10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL MATTERS**RESOLUTION 390524**

Moved: Cr Ann Crowe

Seconded: Cr Nikki Cohen

That Council moves out of Open Council into Closed Council at 3:28pm.

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 Award of Tender MRC-2404 - Raw and Filtered Watermain Renewals

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.

RESOLUTION 410524

Moved: Cr Dennis Gleeson
Seconded: Cr Thomas Weyrich

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

CARRIED**RESOLUTION 420524**

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 AWARD OF TENDER MRC-2404 - RAW AND FILTERED WATERMAIN RENEWALS****RESOLUTION 400524**

Moved: Cr Nikki Cohen
Seconded: Cr Neil Gorey

That Council:

1. Approves the award of Contract 2404 – Raw and Filtered Water Main Renewals (packages A, B, D, & E) to S & R Engineering and Construction Pty Ltd for the lump sum price of \$614,520.00 including GST; and Raw and Filtered Water Main Renewals (Package C) to NL Drainage for the lump sum price of \$28,270.00 including GST; and
2. Authorises the Chief Executive Officer to:
 - a. sign any documents which may be necessary to give effect to the award of contract;
 - b. allocate sufficient funds from the water and sewer reserves to allow additional budget for this project;
 - c. approve a purchase order for the sum of \$614,520.00 including GST; and \$28,270.00 including GST; and
 - d. approve contract variations, including any financial variations which do not result in cumulative spend exceeding the original budget.

CARRIED

12 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3:37pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 25 June 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 28 MAY 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 25 JUNE 2024.

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MAYOR

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CEO