

**MINUTES OF MURRAY RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MOAMA ADMINISTRATION OFFICE, 52 PERRICOOTA
ROAD, MOAMA
ON TUESDAY, 22 NOVEMBER 2022 AT 1PM**

PRESENT: Cr Chris Bilkey (Councillor), Cr Nikki Cohen (Councillor), Cr Ann Crowe (Councillor), Cr Neil Gorey (Councillor), Cr Frank Crawley, Cr Kron Nicholas, Cr Geoff Wise, Cr Dennis Gleeson

IN ATTENDANCE: Lindy Leyonhjelm (Executive Assistant), Rod Croft (Director Planning & Environment), Stephen Fernando (Director Corporate Services), Sarah Ryan (Acting 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

3.1 LEAVE OF ABSENCE/APOLOGIES

RESOLUTION 0671122

Moved: Cr Neil Gorey
Seconded: Cr Nikki Cohen

That the apologies tendered on behalf of Cr Thomas Weyrich 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 18 OCTOBER & EXTRA ORDINARY MEETING HELD ON 2 NOVEMBER 2022 OF MURRAY RIVER COUNCIL

RESOLUTION 071122

Moved: Cr Kron Nicholas
Seconded: Cr Neil Gorey

That the minutes of the Ordinary Meeting of Murray River Council held on 18 October 2022 and Extra Ordinary Meeting of Murray River Council held on 2 November 2022 and 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

7 MAYORAL MINUTE(S)

7.1 MAYORAL MINUTE - DECLARATION OF STATEWIDE ROAD EMERGENCY

RESOLUTION 081122

Moved: Cr Nikki Cohen

Seconded: Cr Dennis Gleeson

That Murray River Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency.

CARRIED

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 CHIEF EXECUTIVE OFFICERS REPORT AND SUPPLEMENTARY MATTERS

9.1.1 2022 SCHOOL PRESENTATION FUNCTIONS

RESOLUTION 091122

Moved: Cr Nikki Cohen

Seconded: Cr Dennis Gleeson

That Councillors determine their attendance at each of the annual presentation functions of the district schools who have requested Councillor attendance (and in some cases to present the Council sponsored award), as detailed in the report.

CARRIED

Attendees to School presentations:

Organisation:	Event Date & Time	Councillor attending
Barham High School	15/12	Cr Neil Gorey
Barham Public School	15/12	Cr Neil Gorey
Bunnaloo Public School	15/12	Cr Geoff Wise
Deniliquin Christian School	8/12	Cr Frank Crawley
Deniliquin High School	13/12	Cr Dennis Gleeson

Deniliquin South Public School	9/12	Cr Dennis Gleeson
Mathoura Public School	13/12	Cr Nikki Cohen
Moama Anglican Grammar	13/12	Cr Kron Nicholas
Moama Public School	12/12	Cr Chris Bilkey
Moulamein Public School	N/A	No representative required
St Michael's Parish School Deniliquin	8/12	Cr Frank Crawley
Tooleybuc Central School	12/12	Cr Ann Crowe
Wakool Burraboi Public School	12/12	Cr Dennis Gleeson

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

RESOLUTION 101122

Moved: Cr Ann Crowe

Seconded: Cr Neil Gorey

That the Council receives and notes 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 MONTHLY OPERATIONAL REPORT

RESOLUTION 111122

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That the Officer's report on Monthly Operational Report as of October 2022 be received and the information noted by the Council.

CARRIED

9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

9.2.1 DRAFT INFORMATION AND RECORDS MANAGEMENT POLICY

RESOLUTION 121122

Moved: Cr Neil Gorey

Seconded: Cr Frank Crawley

That the DRAFT Information and Records Management Policy V#2 be adopted and placed on public display.

CARRIED

9.2.2 CODE OF CONDUCT (COUNCILLORS) POLICY V#4 - FINAL ADOPTION**RESOLUTION 131122**

Moved: Cr Frank Crawley

Seconded: Cr Nikki Cohen

That:

1. The Code of Conduct (Councillors) Policy V#4 be adopted and placed in the Policy Register.
2. Previous versions of the Code of Conduct Policy be rescinded.

CARRIED

9.2.3 CODE OF CONDUCT (EMPLOYEES) POLICY V#4 - FINAL ADOPTION**RESOLUTION 141122**

Moved: Cr Nikki Cohen

Seconded: Cr Neil Gorey

That the Code of Conduct (Employees) Policy V#4 be adopted and placed in the Policy Register.

CARRIED

9.2.4 CODE OF CONDUCT (COMMITTEES) POLICY V#4 - FINAL ADOPTION**RESOLUTION 151122**

Moved: Cr Frank Crawley

Seconded: Cr Neil Gorey

That the Code of Conduct (Committees) Policy V#4 be adopted and placed in the Policy Register.

Please note: policy will need to be circulated to all committees.

CARRIED

9.2.5 CYBER SECURITY POLICY V#1 - FINAL ADOPTION**RESOLUTION 161122**

Moved: Cr Ann Crowe

Seconded: Cr Geoff Wise

That the Cyber Security Policy V#1 be adopted and placed in the Policy Register.

CARRIED

9.2.6 CODE OF MEETING PRACTICE POLICY V#5 - FINAL ADOPTION**RESOLUTION 171122**

Moved: Cr Frank Crawley

Seconded: Cr Neil Gorey

That

1. The Code of Meeting Practice Policy V#5 be adopted and placed in the Policy Register; and
2. Previous Code of Meeting Practice Policies be rescinded.

CARRIED

9.2.7 COUNCILLORS EXPENSES AND FACILITIES POLICY V#4 - FINAL ADOPTION**RESOLUTION 181122**

Moved: Cr Neil Gorey

Seconded: Cr Ann Crowe

That:

1. The Councillors Expenses and Facilities Policy V#4 be adopted and placed in the Policy Register; and
2. Previous Councillors Expenses and Facilities Policies be rescinded.

CARRIED

9.2.8 DELEGATION OF AUTHORITY (MAYOR AND CEO) POLICY V#5 - FINAL ADOPTION**RESOLUTION 191122**

Moved: Cr Frank Crawley

Seconded: Cr Ann Crowe

That:

1. The Delegation of Authority (Mayor and CEO) Policy V#5 be adopted and placed in Policy Register; and
2. Previous Delegation of Authority (Mayor and CEO) Policies be rescinded.

CARRIED

9.2.9 MURRAY RIVER COUNCIL 2021-2022 ANNUAL REPORT**RESOLUTION 201122**

Moved: Cr Dennis Gleeson

Seconded: Cr Geoff Wise

That the Murray River Council 2021-2022 Annual Report be noted by the Council.

CARRIED

9.2.10 LIQUIDITY REPORT AS AT 31 OCTOBER 2022**RESOLUTION 211122**

Moved: Cr Frank Crawley
Seconded: Cr Geoff Wise

That the Officer's Report, incorporating Investments as at 31 October 2022, consisting of a Liquid Asset Position of \$ 43,438,068 which includes investments of \$ 41,480,139 be received and noted by Council.

CARRIED**9.2.11 QUARTERLY BUDGET REVIEW - PERIOD ENDED 30 SEPTEMBER 2022****RESOLUTION 221122**

Moved: Cr Geoff Wise
Seconded: Cr Dennis Gleeson

That the budget variations as detailed within the report and any subsequent changes made to those votes be included in Council's estimates of income and expenditure for 2022/2023 financial year.

CARRIED**9.3 DIRECTOR IINFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS****9.3.1 PROPOSED ASSET DECOMMISSIONING****RESOLUTION 231122**

Moved: Cr Frank Crawley
Seconded: Cr Nikki Cohen

That the Officer's report on Proposed Asset Decommissioning as at 22 November 2022 be received and the information noted by the Council.

CARRIED**9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS****9.4.1 AMENDMENT TO MURRAY LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO RECLASSIFY LAND FROM COMMUNITY LAND TO OPERATIONAL LAND, REZONING OF LAND FROM RU1 TO IN1, AND REMOVAL OF MINIMUM LOT SIZE PROVISIONS - LOT 1 DP 793207 - COBB HIGHWAY, MOAMA****RESOLUTION 241122**

Moved: Cr Geoff Wise
Seconded: Cr Ann Crowe

That:

1. The Officer's report be received and noted by Council.
2. The Planning Proposal be endorsed and sent to NSW Department of Planning and Environment (DPE) for a 'Gateway Determination' in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Council staff be endorsed to complete all actions as outlined in the Gateway Determination and endorsed to complete any alteration to the Planning Proposal which may be required throughout the course of the process.

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

Against: Nil

CARRIED 8/0

CARRIED

9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS

9.5.1 GRANTS UPDATE NOVEMBER 2022

RESOLUTION 251122

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

That Council receive and note the October 2022 Funding Report.

CARRIED

9.5.2 SECTION 355 COMMITTEE REPORT - NOVEMBER 2022

RESOLUTION 261122

Moved: Cr Nikki Cohen

Seconded: Cr Geoff Wise

That Council receive and note the September Section 355 Committee Report.

CARRIED

9.6 CORRESPONDENCE REPORT

9.6.1 CORRESPONDENCE REPORT

RESOLUTION 271122

Moved: Cr Nikki Cohen

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 281122

Moved: Cr Frank Crawley
Seconded: Cr Neil Gorey

That the Sundry Delegates Report of the Mayor and Councillors for the period 17 October 2022 through to 21 November 2022 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 RESCISSION - 10.2 MOTION 'THAT INDIVIDUAL COUNCILLORS HAVE THE OPTION TO RECEIVE THEIR MONTHLY BUSINESS PAPERS EITHER IN PRINT FORM OR ELECTRONICALLY' THAT WAS LOST AT THE 27 SEPTEMBER 2022 COUNCIL MEETING BE RESCINDED.

RESOLUTION 291122

Moved: Cr Nikki Cohen
Seconded: Cr Dennis Gleeson

That

1. The resolution 10.2 titled That individual councillors have the option to receive their monthly business papers either in print form or electronically that was lost at the meeting of 27 September 2022 be rescinded.
2. That Councillors consider providing an inclusive work environment by allowing a printed version of the business papers to those Councillors that request it. The printed version should only include the open council papers, confidential papers will be provided electronically only.

In Favour: Crs Chris Bilkey, Nikki Cohen, Ann Crowe, Neil Gorey, Geoff Wise and Dennis Gleeson

Against: Crs Frank Crawley and Kron Nicholas

CARRIED 6/2

CARRIED

11 CONFIDENTIAL MATTERS**RESOLUTION 301122**

Moved: Cr Nikki Cohen
Seconded: Cr Kron Nicholas

That Council moves out of Open Council into Closed Council at 2:01pm.

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 to award Contract MRC 2110 - Construction of Cell 5, Leachate Pond and Leachate Management System at the Moama Landfill

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.

RESOLUTION 3131122

Moved: Cr Nikki Cohen
Seconded: Cr Ann Crowe

That Council moves out of Closed Council into Open Council at 2:12pm.

CARRIED

RECOMMENDATION

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

11.1 RECOMMENDATION TO AWARD CONTRACT MRC 2110 - CONSTRUCTION OF CELL 5, LEACHATE POND AND LEACHATE MANAGEMENT SYSTEM AT THE MOAMA LANDFILL**RESOLUTION 321122**

Moved: Cr Frank Crawley
Seconded: Cr Kron Nicholas

That Council:

1. Notes the Tender Evaluation Report attached under Attachment 1 for an overview of the Completed Tender Process.
2. Accepts the tender from Northern Construction Group (Aust) Pty Ltd for \$1,952,127.28 (Ex GST) for Tender Number MRC 2210 – Construction of Landfill Cell 5 and Leachate Pond
3. Accepts the tender from Run Energy Pty Ltd for \$627,346.99 (Ex GST) for Tender Number MRC 2210B - Leachate Management System Installation
4. Authorise the CEO to sign the contract documents and authorise any contract variations within budget.

CARRIED

12 CONCLUSION OF MEETING

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 2:14pm.

The next Ordinary Meeting of Murray River Council will be held on Tuesday 13 December 2022, commencing at 1pm, 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 22 NOVEMBER 2022, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 13 DECEMBER 2022.

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MAYOR

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CEO