

**MINUTES OF MURRAY RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MOAMA ADMINISTRATION OFFICE, 52 PERRICOOTA
ROAD, MOAMA
ON TUESDAY, 22 OCTOBER 2024 AT 1:00 PM**

PRESENT: Cr Joy Allan, Cr Kylie Berryman, Cr Gen Campbell, Cr Dennis Gleeson, Cr Neil Gorey, Cr John Harvie, Cr Gary Pappin, Cr Geoff Wise

IN ATTENDANCE: Terry Dodds (Chief Executive Officer), Rod Croft (Director Planning & Environment), Stephen Fernando (Director Corporate Services), Jack Bond (Director Infrastructure), Sarah Ryan (Director Community & Economic Development), Sandra Gordon (Manager Governance & Risk), Jan Donald (Executive Admin Officer)

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 151024

Moved: Cr Kylie Berryman
Seconded: Cr Dennis Gleeson

That the apology tendered on behalf of Cr Bianca Hurn 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 AUGUST 2024 & EXTRA ORDINARY MEETING HELD ON 8 OCTOBER 2024

RESOLUTION 161024

Moved: Cr Dennis Gleeson
Seconded: Cr Geoff Wise

That the minutes of the Ordinary Meeting of Murray River Council held on 27 August 2024 & Extra Ordinary Meeting held on 8 October 2024 be confirmed as a true and correct record.

CARRIED

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

5 DISCLOSURES OF INTERESTS

Cr John Harvie declared an ongoing disclosure of interest, stating that his partner is employed by Murray River Council.

Cr Gen Campbell declared a Conflict of Interest with item 9.1.3 Acquisition details and proposed classification recommendation for 8 Blair Street Moama and item 9.4.2 DA 10.2024.49.1 – 38 3 Storey Motel – Request to amend Section 7.12 Levy Development Contribution Requirements to a two-part payment arrangement as listed in the agenda.

6 DEPUTATIONS

7 MAYORAL MINUTE(S)

7.1 MAYORAL MINUTE - DEPARTURE OF CEO MR TERRY DODDS

RESOLUTION 171024

Moved: Cr Geoff Wise

Seconded: Cr Kylie Berryman

That Council accept Mr Terry Dodds resignation and make note of his achievements during his tenure as CEO.

CARRIED

7.2 MAYORAL MINUTE - ACTING CEO APPOINTMENT

MOTION

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

That Council resolves to authorise the Mayor to appoint an existing Director as Acting Chief Executive Officer during the period it takes to recruit a permanent CEO.

This motion was lost and the Foreshadowed Motion become the resolution of Council.

FORESHADOWED MOTION

RESOLUTION 181024

Moved: Cr Gen Campbell

Seconded: Cr Kylie Berryman

That Council move into Suspension of Standing Orders in order to discuss the appointment of an interim CEO in more detail.

CARRIED

SUSPENSION OF STANDING ORDERS

Moved: Cr Gen Campbell

Seconded: Cr Kylie Berryman

That Council Suspend Standing Orders for debate on this matter.

RESUMPTION OF STANDING ORDERS

Moved: Cr Gary Pappin

Seconded: Cr Joy Allan

That Council Resume Standing Orders.

RESOLUTION 191024

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

APPOINTMENT OF INTERIM CEO

That Council appoint Sarah Ryan as Acting CEO from 1 November 2024 until such time as the new CEO is appointed.

CARRIED

RESOLUTION 201024

Moved: Cr Dennis Gleeson

Seconded: Cr Kylie Berryman

Council appoint the Mayor, Deputy Mayor, an external panel member, Cr Kylie Berryman and Cr Geoff Wise to the selection panel for the appointment of the new CEO. (First reserve Cr Joy Allan.)

CARRIED

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL**9.1 CHIEF EXECUTIVE OFFICERS REPORT AND SUPPLEMENTARY MATTERS****9.1.1 OLG NSW CIRCULAR TO COUNCILS - COUNCILLOR CONDUCT AND MEETING PRACTICES - DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE****RECOMMENDATION**

1. That Council review the information provided on the Councillor Conduct Framework by NSW Government Office of Local Government Circular to Councils – Department of Planning, Housing and Infrastructure.
2. That Council either:

- a) Provide feedback and submit response to the discussion paper as requested by NSW Government Office of Local Government prior to the closing date of 15 November 2024.

OR

- b) That Council provide feedback to LGNSW and NSW Country Mayors for consideration by our two Associations in drafting their submissions.

RESOLUTION 211024

Moved: Cr Neil Gorey

Seconded: Cr Gen Campbell

The following **recommendation** became the resolution of Council.

1. That Council review the information provided on the Councillor Conduct Framework by NSW Government Office of Local Government Circular to Councils – Department of Planning, Housing and Infrastructure.
2. That Council provide feedback to LGNSW and NSW Country Mayors for consideration by our two Associations in drafting their submissions.

CARRIED

9.1.2 STATE OF THE REGION REPORT 2021-2024

RESOLUTION 221024

Moved: Cr Dennis Gleeson

Seconded: Cr Geoff Wise

That the Officer's report on State of the Region Report 2021-2024 as at 11 October 2024 be received and the information noted by the Council.

CARRIED

At 2:22 pm, Cr Gen Campbell & Cr Gleeson left the meeting. Cr Gleeson returned 2.26pm

9.1.3 ACQUISITION DETAILS AND PROPOSED CLASSIFICATION RECOMMENDATION FOR 8 BLAIR STREET, MOAMA.

RESOLUTION 231024

Moved: Cr Geoff Wise

Seconded: Cr Neil Gorey

That:

1. Council resolves to give public notice under Section 34 of the *Local Government Act 1993* ("the Act") of a proposed resolution to classify lots identified as Lot 1 DP 216296 and Lot 2 DP 137250 (8 Blair Street, Moama) as Operational Land in accordance with Section 31 of the Act.
2. Council register on title and apply a Restriction on Use that applies to part or all of the land for car parking purposes.

CARRIED

At 2:32 pm, Cr Gen Campbell returned to the meeting.

9.1.4 RESOLUTIONS OF THE COUNCIL - RESOLUTION TRACKER & INFOCOUNCIL ACTION REPORTS**RESOLUTION 241024**

Moved: Cr Geoff Wise

Seconded: Cr Neil Gorey

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 REMEMBRANCE DAY SERVICES - 11 NOVEMBER 2024**RESOLUTION 251024**

Moved: Cr Dennis Gleeson

Seconded: Cr Kylie Berryman

1. That the Mayor, or a representative, attend and lay a wreath at the Remembrance Day Service in Mathoura at the War Memorial, Soldiers Memorial Gardens on Monday 11 November 2024, commencing at 10:40am.
2. That the Mayor, or a representative, attend and lay a wreath at the Cenotaph, Kerrabee Soundshell Moama on Monday 11 November 2024, commencing at 10:55 am.

Cr Kylie Berryman and Cr Joy Allan will attend the Mathoura ceremony.

Mayor Cr John Harvie will attend the Moama ceremony and extends the invitation to all councillors who are available.

CARRIED

9.1.6 MONTHLY OPERATIONAL REPORT**RESOLUTION 261024**

Moved: Cr Dennis Gleeson

Seconded: Cr Geoff Wise

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

CARRIED

9.1.7 DATES AND PLACES OF COUNCIL MEETINGS FROM OCTOBER 2024 THROUGH TO SEPTEMBER 2025**RESOLUTION 271024**

Moved: Cr Gary Pappin

Seconded: Cr Joy Allan

That the Officer's report on the dates and places of Council meetings from October 2024 through to September 2025 be received and the information noted by the Council.

Meeting date for Wakool to be determined.

CARRIED

9.2 DIRECTOR CORPORATE SERVICES REPORT AND SUPPLEMENTARY MATTERS

9.2.1 PROPOSED ROAD NAME, MURRINDAAL PARK PTY LTD STAGED SUBDIVISION, LOT 1 DP 1283567, LOTS 1-3 DP 854487, 420-508 PERRICOOTA ROAD, MOAMA NSW 2731

RECOMMENDATION

Moved: Cr Dennis Gleeson

Seconded: Cr Neil Gorey

1. Council approve the road names; Murrindaal Drive, Eucalyptus Court, Ambrosia Circuit, Boronia Drive, Melaleuca Way, Lomandra Way, Callistemon Street, Jacaranda Way, Lilly Pilly Lane, Waratah Avenue, Black Wattle Drive, Grevillea Way within the staged subdivision of Lot 1 DP 1283567, Lots 1-3 DP 854487, 420-508 Perricoota Road, Moama NSW 2731.

RESOLUTION 281024

AMENDED MOTION

Moved: Cr Dennis Gleeson

Seconded: Cr Neil Gorey

Lay the report on the table and ask the author to discuss the matter further with the proponent in relation to the names Waratah Avenue and Grevillea Way with the report resubmitted to Council at a later date.

CARRIED

9.2.2 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC) HELD ON THE 5TH AUGUST 2024

RESOLUTION 291024

Moved: Cr Gen Campbell

Seconded: Cr Kylie Berryman

That Council notes the Minutes of the Audit Risk and Improvement Committee (ARIC) held on the 5th August 2024.

Cr Gen Campbell thanked Richard Ham for his role as Chair of the ARIC committee during his tenure.

.CARRIED

9.2.3 DISCLOSURES OF INTEREST**RESOLUTION 301024**

Moved: Cr Gen Campbell

Seconded: Cr Gary Pappin

That Council notes the Disclosure of Interest Returns by Councillors and Designated Persons have been tabled.

CARRIED

9.2.4 2024-2025 SCHEDULE OF FEES - UPDATED**RESOLUTION 311024**

Moved: Cr Kylie Berryman

Seconded: Cr Neil Gorey

That Murray River Council (Council) provisionally resolve (subject to public display of the Updated 2024-25 Schedule of Fees for 28 days), in keeping with Chapter 15, Part 10 the Local Government Act 1993, to adopt the Schedule of Fees as appearing as Attachment 1 to this report.

CARRIED

9.2.5 FINANCIAL REPORT - UNAUDITED FY 24/25 PERIOD ENDING 30 SEPTEMBER 2024**RESOLUTION 321024**

Moved: Cr Geoff Wise

Seconded: Cr Dennis Gleeson

That Murray River Council (Council) resolve to receive the Monthly Financial Report for the period to September 2024 (FY 2024/25) and note its contents.

CARRIED

9.2.6 FINANCIAL DELEGATIONS - CEO**MOTION**

Moved: Cr Gary Pappin

Seconded: Cr Geoff Wise

That Council grants to the CEO:

1. A purchasing delegation of up to \$500,000 **AND**
2. Authority to approve the payment of budgeted items essential to Council as listed in the Delegation of Authority (Council to Mayor and CEO) Policy.

In Favour: Crs Joy Allan, Dennis Gleeson, Neil Gorey, John Harvie and Gary Pappin

Against: Crs Kylie Berryman, Gen Campbell and Geoff Wise

CARRIED 5/3

9.3 DIRECTOR INFRASTRUCTURE REPORT AND SUPPLEMENTARY MATTERS**9.3.1 MURRAY DOWNS BOAT RAMP - REQUEST FOR ADDITIONAL FUNDING****RESOLUTION 331024**

Moved: Cr Neil Gorey

Seconded: Cr Geoff Wise

That Murray River Council resolve to approve additional capital works funding, in keeping with the recommendation contained in the Conclusion section of the report, to construct a formal access road, hardstand area, and drainage for the Murray Downs Boat Ramp.

In Favour: Crs Joy Allan, Dennis Gleeson, Neil Gorey, John Harvie and Geoff Wise

Against: Crs Kylie Berryman, Gen Campbell and Gary Pappin

CARRIED 5/3

CARRIED

At 3:39 pm, Cr Dennis Gleeson left the meeting.

9.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS**9.4.1 MURRAY LOCAL ENVIRONMENTAL PLAN 2011- PLANNING PROPOSAL PP-2023-2003 - BEER ROAD & PERRICOOTA ROAD MOAMA TO CHANGE ZONING FROM RU1 PRIMARY PRODUCTION TO R1 GENERAL RESIDENTIAL ZONE FOR LOTS 2 & 3 DP1213161 AND LOT 15 DP1273625 AND VARY THE MINIMUM LOT FROM 120 HECTARES TO 500M2 MINIMUM LOT SIZE****RECOMMENDATION**

That:

1. Council 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 Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m².
2. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement in accordance with the *Environmental Planning and Assessment Act 1979*.
3. Council staff complete all actions outlined in the Gateway Determination and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP).

ITEM 9.4.1 IS SUPERSEDED BY A SUPPLEMENTARY REPORT ITEM 9.4.3 WHICH WAS BOUGHT FORWARD HERE.

At 3:42 pm, Cr Dennis Gleeson returned to the meeting.

At 3:53 pm, Cr Gen Campbell left the meeting.

9.4.2 DA 10.2024.49.1 - 38 SUITE 3 STOREY MOTEL - REQUEST TO AMEND SECTION 7.12 LEVY DEVELOPMENT CONTRIBUTION REQUIREMENTS TO A TWO-PART PAYMENT ARRANGEMENT.

RESOLUTION 341024

Moved: Cr Geoff Wise

Seconded: Cr Joy Allan

1. That Council notes the officers report.
2. That Council agrees to a payment arrangement via two instalments that follows the staging of the development with the total amount of Section 7.12 Levy fees being \$163,399.08 as calculated under the Development Contributions Plan 2011 prior to the Occupation Certificate being issued and that the Council advise the applicant to seek a modification to the consent to reflect the decision of Council and to formally implement the proposed amendments.
3. That the modification to the consent be approved under delegated authority.

In Favour: Crs Joy Allan, Dennis Gleeson, Neil Gorey, John Harvie, Gary Pappin and Geoff Wise.

Against: Nil

CARRIED

At 3:58 pm, Cr Gen Campbell returned to the meeting.

9.4.3 UPDATE TO MURRAY LOCAL ENVIRONMENTAL PLAN 2011- PLANNING PROPOSAL PP-2023-2003 - BEER ROAD & PERRICOOTA ROAD MOAMA TO CHANGE ZONING FROM RU1 PRIMARY PRODUCTION TO R1 GENERAL RESIDENTIAL ZONE FOR LOTS 2 & 3 DP1213161 AND LOT 15 DP1273625 AND VARY THE MINIMUM LOT FROM 120 HECTARES TO 500M2 MINIMUM LOT SIZE

RESOLUTION 351024

Moved: Cr Geoff Wise

Seconded: Cr Kylie Berryman

That:

1. Council notes the submission made by Transport for New South Wales on 14th October 2024 (received by Council 14 days after the submission closing date).
2. Council allows the submission to be considered, managed and responded to under delegation of the CEO.
3. Council 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 Lots 2 and 3 in DP1213161 and 15 in DP1273625 from RU1 Primary Production Zone to R1 General Residential Zone and to vary the minimum lot sizes for subject allotments from 120 hectares to a minimum lot size of 500m².

4. The Planning proposal be sent to NSW Department of Planning and Environment (DPE) for final endorsement in accordance with the *Environmental Planning and Assessment Act 1979*.
5. Council staff complete all actions outlined in the Gateway Determination under delegation and send the planning proposal to the NSW Parliamentary Counsels Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan 2011 (LEP)

At 3:52 pm, Cr Kylie Berryman left the meeting prior to the final vote being taken.

In Favour: Crs Joy Allan, Dennis Gleeson, Neil Gorey, John Harvie, Gary Pappin and Geoff Wise

Against: Cr Gen Campbell

CARRIED 6/1

9.5 DIRECTOR COMMUNITY AND ECONOMIC DEVELOPMENT REPORT AND SUPPLEMENTARY MATTERS

9.5.1 MURRAY RIVER COUNCIL COMMUNITY GRANTS PROGRAM - APPOINTMENT OF ASSESSMENT PANEL, ROUND 1, 2024-25

RESOLUTION 361024

Moved: Cr Joy Allan

Seconded: Cr Dennis Gleeson

That Council:

1. Endorse the Chief Executive Officer, or his/her 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 1, 2024-25.

Nominations for the Assessment Panel to consist of Cr Joy Allan, Cr Gary Pappin & Cr Bianca Hurn.

CARRIED

9.5.2 SECTION 355 COMMITTEE MEETING MINUTES AS AT SEPTEMBER 2024

RESOLUTION 371024

Moved: Cr Gen Campbell

Seconded: Cr Dennis Gleeson

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

CARRIED

At 4:11 pm, Cr Dennis Gleeson left the meeting.

9.5.3 2024 MOAMA LIGHTS – POST EVENT REPORT**RESOLUTION 381024**

Moved: Cr Gen Campbell

Seconded: Cr Geoff Wise

That Council approve the discontinuation of the Moama Lights event due to growing financial risks, increasing resource demands, and the event's reduced competitive edge.

In Favour: Crs Joy Allan, Gen Campbell, Neil Gorey, John Harvie and Gary Pappin

Against: Cr Geoff Wise

CARRIED 5/1

At 4:19 pm, Cr Gary Pappin left the meeting.

At 4:20 pm, Cr Gary Pappin returned to the meeting.

9.6 CORRESPONDENCE REPORT**9.6.1 CORRESPONDENCE REPORT****RESOLUTION 391024**

Moved: Cr Joy Allan

Seconded: Cr Gen Campbell

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

CARRIED

9.7 SUNDRY DELEGATES REPORT

Nil

10 NOTICE OF MOTIONS/QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL MATTERS**RESOLUTION 401024**

Moved: Cr Geoff Wise

Seconded: Cr Gen Campbell

That Council moves out of Open Council into Closed Council at 4:22pm.

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 Proposed Sale of former Moama Preschool site, as per previous Resolution of Council 360324

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.

11.2 Moama Water Treatment Plant - Land purchase

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

RESOLUTION 411024

Moved: Cr Gen Campbell

Seconded: Cr Gary Pappin

That Council moves out of Closed Council into Open Council at 4.33pm.

CARRIED

RESOLUTION 421024

Moved: Cr Gen Campbell

Seconded: Cr Gary Pappin

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

CARRIED

11.1 PROPOSED SALE OF FORMER MOAMA PRESCHOOL SITE, AS PER PREVIOUS RESOLUTION OF COUNCIL 360324**ITEM WITHDRAWN**

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.

11.2 MOAMA WATER TREATMENT PLANT – LAND PURCHASE**RESOLUTION 431024**

Moved: Cr Gen Campbell

Seconded: Cr Gary Pappin

That Council resolve to authorise the CEO to;

- i. purchase the land of 74 Boundary Road (Lot 2 DP 875080) at no more than the recommended valuation (including additional negotiation comments in the Discussion section).
- ii. lease/rent out the dwelling at market value through a real estate agent.
- iii. use the Council Seal on any contract documents, if required.
- iv. and that upon purchase that the land be classified as operational land.

CARRIED**12 CONCLUSION OF MEETING****THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4:37 PM.**

The next Ordinary Meeting of Murray River Council will be held on Tuesday 26 November 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 22 OCTOBER 2024, IN ACCORDANCE WITH A RESOLUTION OF THE COUNCIL ON 26 NOVEMBER 2024.

.....
MAYOR.....
ACTING CEO