



Minutes of the Council Meeting held in the Council Chambers on Wednesday 17th August, 2016 commencing at 9:15am.

Min. No. **Present:** Cr. Bernard Curtin (Mayor)

Crs: John Bruce, Matthew Hannan, Brian Hill, Denis Glanville, Colin Jones, Daryll Morris, Director of Corporate Services (Matthew Hansen), Director Technical Services (Fred Exton), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

Apology

185 **RESOLVED** Crs: Morris and Hill that an apology for non-attendance be received from Cr Andrea O'Neill.

Declaration of Items of Pecuniary and other Interests

NIL

Confirmation of Minutes

4. CONFIRMATION OF MINUTES

186 **RESOLVED** Crs: Hill and Jones that the Minutes of the meeting held in the Council Chambers on Wednesday 20th July, 2016 be confirmed.

5. CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

5.1 GENERAL MANAGER'S END OF YEAR PERFORMANCE REVIEW

This item is classified CONFIDENTIAL under section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the personal details of a particular individual.

5.2 FINLEY SCHOOL OF ARTS UPGRADE

This item is classified CONFIDENTIAL under section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

- 187 RESOLVED** Crs: Morris and Glanville that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

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And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2)(a) and 10A(2)(d)(i) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

5.1 General Manager's End of Year Performance Review
5.2 Finley School of Arts Upgrade

Council closed its meeting at 9:25am. The staff, public and media left the Chamber.

The meeting adjourned at 11:10am and reconvened at 11:25am.

Fred Exton, Laurie Stevens and Matthew Hansen returned to the Chamber at 11:25am.

190 RESOLVED Crs: Morris and Hill that the Council move out of closed and into open Council.

Open Council resumed at 11:30am.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

**5.1 GENERAL MANAGER'S END OF YEAR
PERFORMANCE REVIEW**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance
by Council of Council operations
and reporting**

FILE NO: PF

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“that the Council, having considered the General Manager’s Total Remuneration Package, increase the value of this by 2.5% effective from 17th August, 2016 and further that the Mayor advise the General Manager of the results of his performance and salary review by memo.”

5.2 FINLEY SCHOOL OF ARTS UPGRADE

AUTHOR: DIRECTOR CORPORATE SERVICES

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 5.101.3

“that the Council note the report prepared in relation to the proposed Finley School of Arts upgrade.”

6.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

191 RESOLVED Crs: Morris and Jones that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 July, 2016 be received and that the accounts paid as per Warrant No. 07/16 totalling \$5,338,523.76 be confirmed.

6.2 FINANCIAL REVIEW

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

192 RESOLVED Crs: Morris and Hannan that the Council note the fourth quarterly review of the 2015/16 budget and vote the funds contained therein as shown in Appendix “E”.

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**6.3 LEGAL DOCUMENTS TO BE SIGNED UNDER SEAL
OF COUNCIL**

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance
by Council of Council operations
and reporting

FILE NO: 25.138.1

193 RESOLVED Crs: Hill and Glanville that the Council sign and seal
the following documents:

1. Certificate of 2015/16 Rates and Charges levied and
brought to account, as at 30 June, 2016
2. Certificate of 2016/17 Rates and Charges levied, as at 12
July, 2016.

6.4 RMS BLOCK GRANT

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built
landscapes

STRATEGIC OBJECTIVE: 4.4 Connect local, regional and
national road, rail, and aviation
infrastructure

FILE NO: 28.128.1

194 RESOLVED Crs: Hannan and Glanville that the Council enter into
the Regional Roads Block Grant Agreement 2016/17 with the NSW
Roads and Maritime Services.

6.5 CONTRIBUTION – LEGAL EXPENSES

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.3 Strengthen strategic
relationships and partnerships
with community, business and
government

FILE NO: 14.165.7

195 RESOLVED Crs: Hill and Glanville that the Council contributes
\$322.43 to Local Government NSW towards the legal expenses of
Cowra Shire Council as requested.

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Camillus O’Kane entered the Chamber at 11:40am.

**6.6 DEVELOPMENT APPLICATION 122/16/DA/DN
PONTOON AT 157 TUPPAL ROAD, TOCUMWAL**

AUTHOR: TOWN PLANNER

**STRATEGIC OUTCOME: Sustainable natural and built
landscapes**

**STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our
natural resources and built
landscapes**

FILE NO: 122/16/DA/DN

196 RESOLVED Crs: Morris and Hannan that Development Application 122/16/DA/DN for the Construction of a Pontoon be refused.

Division:

In Favour: Crs: Bruce, Curtin, Glanville, Hannan, Hill, Jones and
Morris

Against: Nil

**6.7 VARIATION OF THE BERRIGAN DEVELOPMENT
CONTROL PLAN 2014 NEEDED TO APPROVE
DEVELOPMENT APPLICATION 12/17/DA/D1 – BEING
THE CONSTRUCTION OF A BRICK VENEER
DWELLING & ATTACHED GARAGE**

AUTHOR: TOWN PLANNER

**STRATEGIC OUTCOME: Sustainable natural and built
landscapes**

**STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our
natural resources and built
landscapes**

FILE NO: 12/17/DA/D1

197 RESOLVED Crs: Morris and Glanville that the Council defer its consideration of Development Application 12/17/DA/D1 for the Construction of a brick veneer dwelling & attached garage pending receipt of further information.

Division:

In Favour: Crs: Bruce, Curtin, Glanville, Hannan, Hill, Jones and
Morris

Against: Nil

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**6.8 DEVELOPMENT APPLICATION 138/16/DA/DM FOR A
PRIMITIVE CAMPING GROUND AT FINLEY
SHOWGROUNDS / NEWELL HIGHWAY**

AUTHOR: TOWN PLANNER

**STRATEGIC OUTCOME: Sustainable natural and built
landscapes**

**STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our
natural resources and built
landscapes**

FILE NO: 138/16/DA/DM

198 RESOLVED Crs: Morris and Jones that Development Application
138/16/DA/DM for a Primitive Camping Ground be approved
subject to the following conditions:

1. Approved Plans

The development shall be implemented in accordance with the details set out on the plans BSC-001 & BSC-002 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Approval to Operate

An approval to operate the Primitive Camping Ground under the provision of *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* must be obtained prior to any occupation of the site.

3. Compliance with Regulation

The Primitive Camping Ground must be operated in accordance with the provisions of Subdivision 9 Clause 132 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

4. Delineation of Each Camping Site

Each camping site must be clearly delineated as identified in approved plan to ensure that all users of the site comply with the provision of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

5. Maximum length of stay for users

Each camping site must only be used for a maximum of 72 hours. No permanent camping is to be permitted at this site.

6. Management and Operation

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The Primitive Camping Ground is to be managed by the s355 Committee of Council being the Finley Showgrounds Committee of Management. No other volunteers or other members of the public are to be responsible for the management and/or operation of the Camping Ground.

7. Erosion & Sediment Control

Prior to the commencement of any site works appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.

8. Access & Existing Activities undertaken on site

The Users of the Primitive Camping Ground must not conduct any activity or behave in a manner which would have an impact on the environment, which would restrict public use or would impede any existing activities undertaken on the site to ensure that the enjoyment of the Crown land is sustained and retained for public use.

9. Responsibility of Applicant to ensure control and safety of the site

The applicant shall be responsible for all rehabilitation and future maintenance works associated with the development. This includes the implementation of pollution control and occupational health & safety measures to ensure the safety of all persons engaged in any work related to this development.

Division:

In Favour: Crs: Bruce, Curtin, Glanville, Hannan, Hill, Jones and
Morris

Against: Nil

6.9 FINLEY SCHOOL OF ARTS UPGRADE

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 05.101.3

Min. No.

- 199** **RESOLVED** Crs: Morris and Glanville that Council defer consideration of the Finley School of Arts upgrade until the September 2016 Council meeting.

6.10 **END OF TERM REPORT**

AUTHOR: **Strategic & Social Planning Coordinator**
STRATEGIC OUTCOME: **Good government**
STRATEGIC OBJECTIVE: **2.1 Berrigan Shire 2022 objective and strategies inform Council planning and community led projects**

- 200** **RESOLVED** Crs: Morris and Jones that the Council adopt the End of Term Report presented as appendix "L", at this the last Ordinary Council meeting of the outgoing Council for subsequent publication as an attachment to the 2015/16 Annual Report to be published by 30th November, 2016.

ITEMS FOR NOTING

- 7.1 FINLEY SHOWGROUNDS AND SPORTING COMPLEX COMMITTEE OF MANAGEMENT
- 7.2 2016 NSW LOCAL ROADS CONGRESS COMMUNIQUÉ
- 7.3 V04-16-17 SUPPLY AND DELIVERY OF CUT-BACK BITUMEN
- 7.4 RAMROC MEETING NOTES
- 7.5 RH DOUGHERTY AWARDS
- 7.6 DEVELOPMENT DETERMINATIONS FOR MONTH OF JULY 2016

- 201** **RESOLVED** Crs: Jones and Glanville that Items for Noting numbered 7.1 to 7.6 Inclusive be received and noted.

COMMITTEE REPORTS

- 8.1** **MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 3RD AUGUST, 2016**

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202 **RESOLVED** Crs: Glanville and Jones that recommendations numbered 1 to 4 inclusive of the Committee Meeting held on 3rd August, 2016 be adopted.

4. END OF TERM REPORT

AUTHOR: Strategic & Social Planning Coordinator
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2023 objective and strategies inform Council planning and community led projects

FILE NO:

RECOMMENDATION NO. 1 - that the Council note the draft End of Term Report presented as appendix "A", and generally endorse its format and content.

5. FUNDING APPLICATION: BERRIGAN SPORTIES SHOW AND SHINE, SWAP MEET AND FARMERS MARKET

AUTHOR: Economic Development Officer
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 08.063.3

RECOMMENDATION NO. 2 - that the Council supports the quoted radio, newspaper and print advertising for the Berrigan Show and Shine, Swap Meet and Farmers Market of \$5,554.70

6. FINLEY HIGH SCHOOL YOUTH FUTURES FORUM

AUTHOR: Economic Development Officer
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.1 Invest in local job creation, retention and innovation

FILE NO: 08.129.2

RECOMMENDATION NO. 3 - that the Council note the report in relation to the Finley High School Youth Futures Forum.

7. NEWELL HIGHWAY PROMOTIONS COMMITTEE

AUTHOR: Economic Development Officer
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 08.078.1

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RECOMMENDATION NO. 4 - that the Council note the report in
relation to the Newell Highway Promotions Committee.

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8.2 MINUTES FOR TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 3rd AUGUST, 2016

203 RESOLVED Crs: Morris and Hill that recommendation numbered 1 to 4 inclusive of the Technical Services Committee Meeting held on 3rd August, 2016 be adopted.

4. TOCUMWAL FORESHORE MASTERPLAN

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 05.101.7

RECOMMENDATION NO. 1 - that Liesl Malan Landscape Architects be advised that the draft Tocomwal Foreshore Masterplan Report is acceptable subject to the amendments set out below, and that following receipt of the final document, including amendments, it be issued to the Tocomwal Foreshore Committee of Management for comment and placed on display for 30 days calling for comment from the public, subject to the following amendments:

1. The executive summary being completed
2. Formatting and spelling errors being corrected
3. The references to Blue Green Algae being removed.
4. Plant room, change rooms and amenities to be indicated on plans in the vicinity of the splash park
5. The big cod being included as a mascot for splash park
6. Reference to plant room maintenance by committee being removed as all pool plant maintenance is done by Council employees
7. The notation at bottom of splash park sheet re workshop notes etc to be developed/removed
8. The reference to pedestrian crossings on the plans being reworded to 'outstands for pedestrians' as pedestrian crossings wording gives connotation of formal crossings that will not be achievable
9. The varieties of street trees proposed for Deniliquin Rd (Plane trees) and Anzac Avenue (Zelcova) to be Jeffersred Maples to

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provide a consistent avenue and theme from the highway to Murray Street.

10. Amphitheatre sheet – swimming reference to be completed
11. Visitor Information Centre sheet – Public toilet issue at the VIC to be incorporated into the splash park stage.
12. Visitor Information Centre sheet – Wording re location to be amended
13. River Walk sheet – length of path to be indicated
14. Staging and Preliminary Estimates to be:

Staging	Project ID	Description	Specialist(s) required	Priority	Approx. cost (all final costs to be confirmed by BSC)	
Stage 1	Initial design stage			Very High	sub total	\$ 22,500.00
					contingency @ 25%	\$ 5,625.00
					Stage 1 Total	\$ 28,125.00
* Stage 2	Splash park incorporating Public Toilets & VIC ground floor redevelopment			High	sub total	\$ 150,000.00 from Stage 6
					contingency @ 35%	\$ 354,600.00
					contingency @ 35%	\$ 124,110.00
					Stage 2 Total	\$ 478,710.00 \$628,710
Stage 3	Riverside walk, (incl. viewing platforms & associated bank works including pile fields)			Medium	sub total	\$ 280,100.00
					contingency @ 35%	\$ 98,035.00
					Stage 3 Total	\$ 378,135.00
Stage 4	Streetscape works			Medium	sub total	\$ 950,000.00
					contingency @ 35%	\$ 332,500.00
					Stage 4 Total	\$ 1,282,500.00
Stage 5	Amphitheatre (including associated bank stabilisation and mooring point for the Cobba)			Medium	sub total	\$ 124,500.00
					contingency @ 35%	\$ 43,575.00
					Stage 5 Total	\$ 168,075.00
Stage 6	VIC and plaza			Medium	sub total	\$ 728,000.00 \$578,000
					contingency @ 35%	\$ 254,800.00
					Stage 6 Total	\$ 982,800.00 \$832,800
Stage 7	Spine path (remainder of levee and path network)			Low	sub total	\$ 132,200.00
					contingency @ 35%	\$ 46,270.00
					Stage 7 Total	\$ 178,470.00

- The above costings are based on masterplan level design and are subject to business case development, design development and documentation
- Whilst every effort has been taken to ensure the accuracy of these figures, Liesl Malan Landscape Architects cannot accept liability arising from use thereof.
- Refer to the documents in the appendix for further detail and break down of staging.

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**5. PROPOSED KERB AND GUTTER CONSTRUCTION –
JERILDERIE STREET BERRIGAN (NORTH SIDE –
HORSFALL TO ORR STREET)**

AUTHOR: Executive Engineer
STRATEGIC OUTCOME: Sustainable natural and built
landscapes
STRATEGIC OBJECTIVE: 1.3 Connect and protect our
communities
FILE NO: HC03/16/17

RECOMMENDATION NO. 2 - that in accordance with Council's policy: Administration of contributory footpath and kerb and gutter schemes pursuant to clauses 217,218 & 219 of the Roads Act 1993, a half cost scheme be initiated for the proposed kerb and gutter along Jerilderie Street from Horsfall Street to Orr Street, Berrigan, at a distributed cost in the proportions of:

1. Roads and Maritime Services (RMS) 50% contribution
2. Berrigan Shire Council 25% contribution
3. Affected Property Owners 25% contribution

**6. HSC02/16/17 - PROPOSED KERB AND GUTTER
CONSTRUCTION – DEAN STREET, TOCUMWAL
(EAST SIDE – HILL STREET TO GEORGE STREET)**

AUTHOR: Executive Engineer
STRATEGIC OUTCOME: Sustainable natural and built
landscapes
STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our
natural resources and built
landscapes
FILE NO: HSC02/16/17

RECOMMENDATION NO. 3 - that in accordance with Council's policy: Administration of contributory footpath and kerb and gutter schemes pursuant to clauses 217,218 & 219 of the Roads Act 1993, a half cost scheme be initiated for the proposed kerb and gutter along Dean Street (east side) from George Street to Hill Street, Tocumwal at a distributed cost in the proportions of:

1. Roads and Maritime Services (RMS) 50% contribution
2. Berrigan Shire Council 25% contribution
3. Affected Property Owners 25% contribution

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7. PROPOSED DRAINAGE, KERB AND GUTTER CONSTRUCTION – JERSEY STREET, TOCUMWAL

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.167.4

RECOMMENDATION NO. 4 - that:

1. The Council installs a parking lane, and underground stormwater drainage along the eastern side of Jersey Street, Tocumwal from Tuppal Road to Chanter Street.
2. \$50,000 is moved from the McAlister Street budget to the Chanter Street budget to cover the cost of the additional works along Jersey Street, Tocumwal for the widening of the road, installation of underground stormwater drainage and installation of kerb and gutter from Chanter Street to Tuppal Road.
3. In accordance with Council's policy: Administration of contributory footpath and kerb and gutter schemes pursuant to clauses 217,218 & 219 of the Roads Act 1993, a half cost scheme be initiated for the proposed kerb and gutter along Jersey Street from Chanter Street to Tuppal Road, Tocumwal.

MAYORS REPORT

Cr. Curtin reported that he had attended the following during the period:

- Finley High School Careers Expo
- RAMROC
- Lions Club Changeover
- Meeting with Moira Mayor & GM
- Tocumwal Chamber Presidents meeting
- Berrigan Information night
- Committee meetings
- RH Dougherty Awards
- Food Bowl Inland Rail
- Country Mayors meeting
- Council dinner

204 RESOLVED Crs: Glanville and Morris that the Mayors report be received.

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DELEGATES REPORTS

Cr Hill

- Finley High School Careers Expo
- Finley Showgrounds Committee of Management
- Finley Recreation Reserve
- Council Dinner

Cr Morris

- Finley Chamber of Commerce
- Council Dinner

Cr Hannan

- Finley RSL Sub Branch
- Finley Recreation Reserve
- Council Dinner

Cr Glanville

- Local Health Advisory Committee x 2
- International Childrens Games debrief
- Council Dinner

Cr Jones

- Tocumwal Aerodrome Users Group
- Tocumwal Chamber of Commerce
- Tocumwal Memorial Hall meeting
- Council Dinner

Cr Bruce

- Council Dinner

GENERAL BUSINESS

Cr Bruce

- Barooga Botanical Garden Toilet Cleaning
- Election ads – no information re polling places; pre poll
- Finley Hall – quarterly statement

Cr Jones

- Jersey Street Half Cost Scheme meeting
- Nick Cleary to address Tocumwal Chamber of Commerce

Cr Glanville

- Nil

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Cr Hannan

- Murray Street footpath

Cr Morris

- McDonalds Road – all weather access
- Barrier at Tongs Street
- Order of Australia medal recipients' board – how much?

205 **RESOLVED** Crs: Morris and Glanville that Council investigate cost of OAM recipients' board for Council Chambers.

Cr Hill

- Council to pick up bins after Finley Show
- Thank you to everyone

Cr Curtin

- Nil

Development Manager

- Nil

Director Corporate Services

- Tocumwal War Memorial Hall Committee
- Grants

Director Technical Services

- Tender for Tocumwal Aerodrome Subdivision Construction

General Manager

- Nil

Mayor

- Thank you to Councillors and staff and to Crs Andrea O'Neill and Brian Hill.

There being no further business the meeting closed at 1:13pm.