



Council Meeting

Wednesday, 21st September, 2016

EXTRAORDINARY BUSINESS PAPER

Commencing at 9:00am.

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1. **APOLOGIES**
 2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
 3. **OATH/AFFIRMATION OF OFFICE**
 4. **MAYOR'S REPORT FOR THE PERIOD OCTOBER 2015 – SEPTEMBER 2016 (CR.BERNARD CURTIN)**
 5. **GENERAL MANAGER'S REPORT FOR THE PERIOD OCTOBER 2015 – SEPTEMBER 2016 (ROWAN PERKINS)**
 6. **RETURNING OFFICER'S REPORT**
 7. **ELECTION OF MAYOR**
 8. **ELECTION OF DEPUTY MAYOR**
 9. **DELEGATES TO COMMITTEES**

Items requiring Council Resolution

3. OATH/AFFIRMATION OF OFFICE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

RECOMMENDATION: - that the Oath/Affirmation of Office for Councillors now be taken before the General Manager.

REPORT:

Following recent amendments to the Local Government Act 1993, all Councillors are required to take either an Oath or an Affirmation of office.

Oaths or Affirmations must be taken at or before the first meeting of a Council after being elected.

An Oath or Affirmation should be taken as the first item of business at the first meeting.

The general manager must ensure that a record is kept of the taking of an Oath or Affirmation either through a signed statement or through the minutes of the meeting.

If a Councillor is unable to attend the first meeting of the newly elected Council he or she may take an Oath or Affirmation of office at another location before the general manager.

The Oath or Affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace.

Where an Oath or Affirmation of office is taken outside a Council meeting a Council staff member should be present.

A Councillor that fails, without reasonable excuse, to take the Oath or Affirmation of office is not entitled to attend Council meetings until they do so and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council meetings their office is automatically declared vacant and a by-election must be held.

Items requiring Council Resolution

The prescribed wording for the Oath and Affirmation of office is set out below:

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of Berrigan Shire council area and the [Berrigan Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Berrigan Shire council area and the Berrigan Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

The following Councillors here took the Oath of office

The following Councillors here took the Affirmation of office.

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Items requiring Council Resolution

4. MAYOR'S REPORT

AUTHOR: Mayor

STRATEGIC OUTCOME: Good government

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

RECOMMENDATION: - that the Mayor's report for the period October 2015 until September 2016 be noted.

REPORT:

I am pleased to present the Annual Report of the Berrigan Shire for 2016.

A tremendous amount of time was devoted to the Fit for the Future exercise that was authorised by the State Government. Our Shire's preference was to stand alone which was challenged by the Government. The enormous demand on our managers to present a strong case for Council's preference cannot be underestimated. This Council was able to show the government that it has been and will be capable of providing services to its people.

I wish to acknowledge in this report the enormous contributions made by our strong band of volunteers without whom many services would be extremely difficult to provide

Council has been most pleased with the activities provided for students by our Library service. This service in each of the four libraries offer computer services, school holiday activities in addition to the traditional services that the libraries provide.

Council continues to support education in our Shire by offering an Accommodation Scholarship for a first year university student at a Charles Sturt University. This Scholarship is available to a student who resides within the Shire irrespective of where they attend school. In addition to the above, Council provides a scholarship to the Finley TAFE College which is used to assist a student in the purchase of text books. I am very committed to assist in the long term future of the Finley TAFE College. Further support in the way of a Bush Bursary is made available to a student enrolling in the Rural Medical Facility. The purpose of the Bursary is to assist and encourage those with a commitment to medicine to consider opportunities which are available in rural areas.

Items requiring Council Resolution

Council was pleased with the support and presentation of the Annual Business and Environmental Awards. This year the Berrigan Shire became a member of the Riverina Area and it was most rewarding to have five nominations presented at the Official Ceremony in Albury.

Once again the Annual International Women's Day was held at the Berrigan Sportsground where some ninety five ladies enjoyed the guest speaker, Karen Viggers. There was much interest in her presentation, which was greeted with enthusiasm. I acknowledge the work done for this event over a number of years by our Library Manager, Anne Nevins and her Staff.

I express my appreciation for the support of my Colleagues together with the General Manager and his staff for their achievements during the last twelve months which ranks Berrigan Shire as a leader in New South Wales local government.

Cr Bernard Curtin OAM
MAYOR

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Items requiring Council Resolution

5. GENERAL MANAGER'S ANNUAL REPORT

AUTHOR: General Manager (Rowan Perkins)

STRATEGIC OUTCOME: Good government

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

RECOMMENDATION: - that the General Manager's report for the period October 2015 until September 2016 be noted.

REPORT:

This report reflects the final year of the last Council's four year term. That Council had a variety of strengths and passions that combined to create an effective governing body which also had the capacity to represent resident interests.

As has been seen over the past several years, external influences, particularly other levels of government, can strongly influence the Council's position both negatively and positively. The State's Fit For the Future program, whilst ultimately producing a good result for this Council, diverted vast resources away from the Council's preferred directions and towards developing and projecting the Council's view in relation to the proposed merger with either all or the southern area of the former Jerilderie Shire Council.

The freeze on indexation of the Council's Financial Assistance Grant has continued to curtail the Council's ability to independently choose its preferred outcomes. Whilst the indexation freeze will conclude at the end of the current financial year the Council will, nonetheless, be \$250k worse off every year into the future.

A positive influence from the State level has been the \$2.5m of funding to upgrade Silo Road and its drainage. These works are nearing completion and will markedly improve operation of the grain handling facilities in the area and reduce the risk of flooding.

These drainage works complement other drainage works at Tocumwal that aim to better drain some residential areas and also cut off rural overland drainage before it impacts on the town drainage systems.

Items requiring Council Resolution

Stormwater protection works have also commenced at Berrigan and Finley to, again, divert rural overland drainage before it impacts on urban drainage systems.

The above drainage works have been funded from borrowings which have been subsidized by the State to reduce interest costs by 3%

The decision by the federal government to introduce the National Disability Insurance Scheme (NDIS) saw the Council take the difficult decision to divest itself of its Home and Community Care program. Whether this transition to consumer directed care model is ultimately in the best interest of Berrigan Shire Council and Murrumbidgee Shire Council residents will be seen over time.

The transition to the NDIS similarly threatens the Council's Early Intervention Service which provides services to residents of Berrigan, Murrumbidgee and Federation Shire Councils. Whilst no decision has yet been made in relation to the future of this service there is a real risk that the Council will be forced to make the same decision as was made with its Home and Community Care service.

The Council has been pursuing an ongoing town entry improvement program that has been initially focused on Finley and Tocumwal. While there are some real challenges with these projects, particularly around required or desired changes to electrical reticulation, results to date are positive.

The Council has taken the opportunity to link the Tocumwal Foreshore area into the town entry project through the now, almost complete, Tocumwal Foreshore Master Plan. The development of the plan will not only ensure a co-ordinated future for the Foreshore but will also assist in attracting external funding to the various component of the Plan.

Both the Finley and Tocumwal plans have included significant community consultation which will also soon be commenced at Berrigan and Barooga.

The Council's decision to undertake further subdivision works at the Tocumwal aerodrome has progressed to the point that a tender for the works will soon be presented to the Council for consideration. This work will see a further 12 lots made available after the initial 12 lots were sold. The Federal government has assisted the project with a subsidy to ensure lot prices are competitive.

The Council worked with a property owner to have its Local Environmental Plan amended to provide the opportunity for "backpacker" accommodation. This is seen as a positive step to both provide additional labour opportunities and to also broaden the cultural diversity of the area.

Items requiring Council Resolution

The Council at its August 2016 meeting adopted its End of Term report effectively concluding and reporting upon the first full cycle of the Integrated Reporting Program. The introduction of the Integrated Reporting Program in lieu of the previous Management Planning process has been a relatively positive experience for the community and the Council. This initial End of Term Report has seen a total of 393 outcomes identified for action with 282 completed, 72 on target, 25 not on target and carried forward, 1 past due and 13 either deferred or not yet due to commence. In terms of organization KPI's that means that over 90% of actions included in the Community Strategic Plan have or are being completed.

After a period of closure development approval has recently been granted to operate a primitive caravan park at the Finley Showgrounds. This approval will allow recreational vehicles to use the site for up to 72 hours. The approval formalizes the previous use of the site.

With the assistance of ClubGrants NSW the Council has been able to replace the Tocumwal skatepark. The new facility replaced to deteriorating and dated previous facility and will be officially opened in the near future.

Probably the most difficult project for the Council has been the proposed redevelopment of the Finley War Memorial and School of Arts site. Despite the community division around the proposal the Council has been able broadly achieve the wider agenda of protecting the School of Arts, provide disabled access and upgrade the amenities and increasing parking while maintain the War Memorial Hall at the site. The Council's original proposal to demolish the hall, primarily due to lack of use, has been stayed to allow the community a three year period to demonstrate sustainable use of the facility.

The Barooga Botanical Gardens toilets and work shed have now been completed and are effectively better supporting users of the gardens. These new facilities required as a result of the ever increasing use of the gardens.

Whilst the Council's direct role has significantly reduced, the effect of the Mr Fluffy insulation issue upon the community has been profound. While the State, and to a lesser extent the Council, can help residents affected by the asbestos insulation they have and are being required to make significant decisions regarding their future residential accommodation with less than ideal potential outcomes available to them.

In hindsight the year and the four year term has been a relatively successful one with good outcomes and good progress with longer term strategic projects.

These results would not have been achieved without the co-operation and commitment of the Council to whom I extend my thanks and appreciation.

Items requiring Council Resolution

I would also like to express my appreciation to the Council, all of the Council staff, especially the senior management team without whom the Council's goals could not be delivered.

Rowan Perkins

GENERAL MANAGER

RESOLUTION

Items requiring Council Resolution

6. RETURNING OFFICER'S REPORT**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**RECOMMENDATION:** - that any ballot required to fill the position of Mayor or Deputy Mayor be a secret ballot conducted under the preferential system.

REPORT:

In accordance with S1 Schedule 7 of the Local Government (General) Regulation 2005 the General Manager is the Returning Officer for the election of Mayor and Deputy Mayor.

Schedule 7 of the Regulations provide the basis for the Election of Mayor by Councillors.

A Nomination Form as required by the Regulations is provided with the agenda and is **required to be completed prior to the Extraordinary Meeting commencing**. Nomination forms should be completed and lodged with the Returning Officer or into the Ballot Box at the Chamber entrance prior to the commencement of the meeting.

The election of the Mayor, if more than one Councillor is nominated, may be by preferential ballot or ordinary ballot or by open voting (show of hands).

No mention is made of the election of Deputy Mayor, however, if two or more candidates nominate I suggest a similar process take place to that of the Mayor.

A nomination form for both positions is circulated with this agenda.

Items requiring Council Resolution

7. ELECTION OF MAYOR

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

RECOMMENDATION: - that the Election for the position of Mayor of
Berrigan Shire for the two years ending September, 2018 be conducted.

REPORT:

It would be appropriate to here conduct the Mayoral election in accordance
with the Returning Officer's Report.

Note that the position of Mayor is for a two year period following recent
amendments to the Local Government Act.

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Items requiring Council Resolution

8. ELECTION OF DEPUTY MAYOR

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

RECOMMENDATION: - that the Election for the position of Deputy Mayor of Berrigan Shire for the period ending September 2017 be conducted.

REPORT:

It would be appropriate to here conduct the Deputy Mayoral election in accordance with the Returning Officer's Report.

There is no obligation for the Council to elect a Deputy Mayor, however the position provides practical support to the Mayor either because of absence or duplication.

The Local Government Act states, inter alia:

231 Deputy Mayor

1. The councillors may elect a person from among their number to be the deputy mayor.
2. The person may be elected for the mayoral term or a shorter term.
3. The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
4. The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

The above recommendation reflects the status quo whereby the Deputy Mayor has been elected for a one year term. The Council can, of course, elect the Deputy Mayor another period or election not to have a Deputy Mayor.

Items requiring Council Resolution

9. DELEGATES TO COMMITTEES

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

RECOMMENDATION: - that the Council nominates representatives to the various Committees.

REPORT:

At the 16th September, 2015 Extraordinary Council Meeting the following Councillors were elected to the various Council committees:

1. **Technical Services**
All Councillors with a quorum of 2
2. **Corporate Services**
All Councillors with a quorum of 2.
3. **Business and Economic Development**
Crs. J Bruce, C Jones, D Morris and B Curtin with a quorum of 2.
4. **Barooga Advancement Group**
Crs. A O'Neill and J Bruce
5. **Tocumwal Swimming Pool Committee of Management**
Crs. C Jones and D Glanville.
6. **Finley Recreation Reserve Committee of Management**
Crs. B Hill and M Hannan
7. **Finley Showground and Sporting Complex Committee of Management**
Crs. B Hill (Chair) **Note:** this Committee of Management has requested that it be allowed to appoint its own Chair. The Council can accede to this request, continue to appoint the Chair or appoint a Councillor to the Committee. There is no requirement for the Council to appoint a Councillor as a member of the Committee.
8. **Finley Tidy Towns Committee of Management**
Cr B Hill

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Items requiring Council Resolution

9. **Finley War Memorial Swimming Pool Committee of Management**
Cr B Hill
10. **Risk Management Committee**
Mayor
11. **Tocumwal Aerodrome Users Group**
Cr C Jones as the Chairperson.
12. **Youth Development Committee**
Crs. B Hill and M Hannan

Also, that the following Councillors were appointed as Delegates to regional organisations.

1. **Central Murray County Council**
Crs B Hill and C Jones were elected as the Council's delegates for a 4 year term from September 2012 – appointment necessary.
2. **Delegates to Murray Darling Association.**
Crs. B Curtin and C Jones.
3. **Rural Fire Service District Liaison Committee**
Crs. B Curtin and Director Corporate Services and Cr A O'Neill as alternate delegate.
4. **Bush Fire Management Committee**
Crs. B Curtin and A O'Neill and Director Technical Services.
5. **RAMROC**
Mayor, General Manager (designated positions).
6. **Public Libraries New South Wales (PLNSW)**
Cr D Glanville
7. **Western Joint Regional Planning Panel**
Cr A O'Neill and B Curtin (alternate)