



**Minutes of the Council Meeting held in the Council Chambers on Wednesday 21<sup>st</sup> September, 2016 commencing at 9:15am.**

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**Min. No.** **Present:** Cr. Matthew Hannan (Mayor)  
Crs: Ross Bodey, John Bruce, Bernard Curtin, Denis Glanville, Colin Jones, Daryll Morris, John Taylor, Director of Corporate Services (Matthew Hansen), Executive Engineer (Matthew Clarke), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

**Apology**

Nil

**Declaration of Items of Pecuniary and other Interests**

Nil

**4. CONFIRMATION OF MINUTES**

**212** **RESOLVED** Crs: Bruce and Morris that the Minutes of the meeting held in the Council Chambers on Wednesday 17<sup>th</sup> August, 2016 be confirmed.

**213** **RESOLVED** Crs: Jones and Bodey that the Council here suspend standing orders and conducted question time to allow those present to address the Council.

Ms Patricia Body – observer

**Wayne Duff**

Development Application, Anthony Avenue Tocumwal

Not complying with setback for garage

Wants to build what clients want

Within the rules where possible

Clients looking for forward garage – two at Pinewood Lane.

Looking for common sense approach

Bought land to encourage development

Mix of compatible building types – two in same street with garages out front – Yes

Create aesthetically pleasing neighbourhood – yes

Local amenity – No

To suit scale capability etc of neighbourhood – yes

Positive contribution to streetscape - yes

Passive surveillance – irrelevant

**Min. No.**

Attractive streetscape through common setbacks – already doesn't exist in Anthony Avenue

Garage should not protrude beyond front of home – no

Moved garage back from 5 m to 6 m from frontage

Have not received development consent

Cr Jones – other houses with garages in front of house

Boyd Street

Anthony Avenue

Cr Curtin – aware of setback prior to developing plans

Wayne Duff – yes – thought if he paid for Development consent it would be OK.

- 214**      **RESOLVED** Crs: Glanville and Morris that the Council resume standing orders.

**5.1          FINANCE – ACCOUNTS**

**AUTHOR:** Finance Manager

**STRATEGIC OUTCOME:**    **Good government**

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

- 215**      **RESOLVED** Crs: Jones and Morris that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2016, be received and that the accounts paid as per Warrant No. 08/16 totalling \$5,436,696.36 be confirmed.

**5.2          SUSPENSION OF ALCOHOL FREE ZONE – CHANTER  
STREET BERRIGAN**

**AUTHOR:**          Director Corporate Services

**STRATEGIC OUTCOME:**    **Good government**

**STRATEGIC OBJECTIVE:**    **3.1 Create safe, friendly and  
accessible communities**

**FILE NO:** 24.128.1

- 216**      **RESOLVED** Crs: Morris and Glanville that the Council, subject to Police approval and development consent being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter



Min. No.



Rev	DATE	REVISION DETAILS	BY

SCALES:


PROJECT TITLE:  
**Lawson Drive Footpath**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 DRAWING DESCRIPTION:  
**GENERAL LAYOUT - SHEET 01**



DESIGNED BY: _____	DATE: _____	FIELD BOOK FILE: _____	DATE: _____
DRAWN BY: M. CLARKE	DATE: 20/09/16	SURVEYED BY: _____	DATE: _____
CHECKED BY: _____	DATE: _____	JOB NO: _____	
APPROVED BY: _____	DATE: _____	Sheet No: 01	No in the: 00
DRAWING NUMBER: _____01_____		SIZE: A3	REV: _____

**Min. No.**

**5.4 HALF COST SCHEME 01/14/15 FOOTPATH CONSTRUCTION  
– COBRAM STREET, BERRIGAN (EAST SIDE, ALEXANDER  
AVENUE TO THE SOUTHERN BOUNDARY OF LOT 6 DP  
521710)**

**AUTHOR:** Executive Engineer  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities  
**FILE NO:** 28.167.2 & HCS 01/14/15

**218 RESOLVED** Crs: Morris and Jones that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of footpath in Cobram street, Berrigan (east side), from the intersection of Alexander Avenue to the southern boundary of lot 6 DP 521710 and make a charge on abutting property owners in accordance with the Schedule for Scheme 01/14/15 as set out below.

**SCHEDULE: SCHEME NO. 01/14/15  
FOOTPATH CONSTRUCTION – COBRAM STREET, BERRIGAN (EAST  
SIDE, ALEXANDER AVENUE TO THE SOUTHERN BOUNDARY OF  
LOT 6 DP 521710)**

Estimated full unit rate is \$75.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

**Min. No.**

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Exc GST \$	GST \$	Total Owner's Cost Inc GST \$	Council Cost \$
LOT 11 DP561420	25.00%	24.08	\$2,167.20	\$541.80	\$54.18	\$595.98	\$1,625.40
LOT 12 DP561420	50.00%	27.13	\$2,441.70	\$1,220.85	\$122.09	\$1,342.94	\$1,220.85
LOT 1252 DP1079420	25.00%	6.1	\$549.00	\$137.25	\$13.73	\$150.98	\$411.75
LOT 9 SEC T DP7911	50.00%	20.117	\$1,810.53	\$905.27	\$90.53	\$995.79	\$905.27
LOT 10 SEC T DP7911	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40
LOT 1 DP24780752	50.00%	30.054	\$2,704.86	\$1,352.43	\$135.24	\$1,487.67	\$1,352.43
LOT 2 DP247807	50.00%	20.117	\$1,810.53	\$905.27	\$90.53	\$995.79	\$905.27
LOT 3 DP247807	50.00%	20.117	\$1,810.53	\$905.27	\$90.53	\$995.79	\$905.27
LOT 4 DP24780760	50.00%	40.857	\$3,677.13	\$1,838.57	\$183.86	\$2,022.42	\$1,838.57
LOT 5 DP247807	50.00%	21.203	\$1,908.27	\$954.14	\$95.41	\$1,049.55	\$954.14
LOT 2 DP518698	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40
LOT 3 DP518698	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40

**Min. No.**

<b>LOT 26 DP791324</b>	<b>50.00%</b>	<b>20.12</b>	<b>\$1,810.80</b>	<b>\$905.40</b>	<b>\$90.54</b>	<b>\$995.94</b>	<b>\$905.40</b>
<b>LOT 5 DP521710</b>	<b>50.00%</b>	<b>20.12</b>	<b>\$1,810.80</b>	<b>\$905.40</b>	<b>\$90.54</b>	<b>\$995.94</b>	<b>\$905.40</b>
<b>LOT 6 DP521710</b>	<b>50.00%</b>	<b>20.12</b>	<b>\$1,810.80</b>	<b>\$905.40</b>	<b>\$90.54</b>	<b>\$995.94</b>	<b>\$905.40</b>
<b>BERRIGAN SHIRE COUNCIL</b>	<b>0.00%</b>	<b>42.825</b>	<b>\$3,854.25</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$3,854.25</b>
	<b>TOTAL</b>	<b>373.32</b>	<b>\$33,598.80</b>	<b>\$14,193.23</b>	<b>\$1,419.32</b>	<b>\$15,612.55</b>	<b>\$19,405.58</b>

**Min. No.**

**5.5 HALF COST SCHEME 02/16/17 KERB AND GUTTER  
CONSTRUCTION DEAN STREET, TOCUMWAL (EAST SIDE,  
HILL STREET TO GEORGE STREET)**

**AUTHOR:** Executive Engineer

**STRATEGIC OUTCOME:** Supported and engaged communities

**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our  
communities

**FILE NO:** 28.167.4 & HCS 02/16/17

**219 RESOLVED** Crs: Jones and Taylor that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Dean Street, Tocumwal (East Side) between Hill Street and George Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 02/16/17 as set out below:

**SCHEDULE: SCHEME NO. 02/16/17**

**KERB AND GUTTER CONSTRUCTION - DEAN STREET, TOCUMWAL  
(EAST SIDE, HILL STREET TO GEORGE STREET)**

Estimated full unit rate is \$120.00 excluding GST per linear metre, inclusive of survey, design, construction and supervision.



**Min. No.**

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$	RMS Cost \$
LOT 19 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 20 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 2 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 1 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 1 DP321047	25.00%	25.14	\$3,620.16	\$905.04	\$90.50	\$995.54	\$905.04	\$1,810.08
LOT 2 DP321047	25.00%	25.15	\$3,621.60	\$905.40	\$90.54	\$995.94	\$905.40	\$1,810.80
LOT 20 SEC 2 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 1 DP530287	25.00%	22.11	\$3,183.84	\$795.96	\$79.60	\$875.56	\$795.96	\$1,591.92
LOT 2 DP530287	25.00%	28.14	\$4,052.16	\$1,013.04	\$101.30	\$1,114.34	\$1,013.04	\$2,026.08
LOT 11 DP555203	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
BERRIGAN SHIRE COUNCIL	0.00%	77.72	\$11,191.68	\$0.00	\$0.00	\$0.00	\$5,595.84	\$5,595.84
	<b>TOTAL</b>	<b>480</b>	<b>\$ 69,120.00</b>	<b>\$14,482.08</b>	<b>\$ 1,448.21</b>	<b>\$ 15,930.29</b>	<b>\$ 20,077.92</b>	<b>\$ 34,560.00</b>

**Min. No.**

**5.6 HALF COST SCHEME 03/16/17 KERB AND GUTTER  
CONSTRUCTION JERILDERIE STREET, BERRIGAN – EAST  
SIDE (HORSFALL STREET TO ORR STREET)**

**AUTHOR: Executive Engineer**

**STRATEGIC OUTCOME: Supported and engaged communities**

**STRATEGIC OBJECTIVE: 1.3 Connect and protect our  
communities**

**FILE NO: 28.167.2 & HCS 03/16/17**

**210 RESOLVED** Crs: Morris and Jones that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Jerilderie Street, Berrigan (East Side) between Horsfall Street and Orr Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 03/16/17 as set out below.

**SCHEDULE: SCHEME NO. 03/16/17**

**K KERB AND GUTTER CONSTRUCTION JERILDERIE STREET,  
BERRIGAN – EAST SIDE (HORSFALL STREET TO ORR STREET)**

Estimated full unit rate is \$120.00 excluding GST per linear metre, inclusive of survey, design, construction and supervision.

**Min. No.**

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$	RMS Cost \$
LOT 1 DP786301	25.00%	25	\$3,000.00	\$750.00	\$75.00	\$825.00	\$750.00	\$1,500.00
LOT 2 DP786301	25.00%	52.47	\$6,296.40	\$1,574.10	\$157.41	\$1,731.51	\$1,574.10	\$3,148.20
LOT 3 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 4 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 5 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 6 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 1 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 2 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 3 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 4 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 5 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
<b>BERRIGAN SHIRE COUNCIL</b>	<b>0.00%</b>	<b>97.55</b>	<b>\$11,706.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$5,853.00</b>	<b>\$5,853.00</b>
	<b>TOTAL</b>	<b>537</b>	<b>\$64,440.00</b>	<b>\$13,183.50</b>	<b>\$1,318.35</b>	<b>\$14,501.85</b>	<b>\$19,036.50</b>	<b>\$32,220.00</b>

**Min. No.**

**5.7 HALF COST SCHEME 04/16/17 FOOTPATH CONSTRUCTION  
CARTER STREET BERRIGAN (SOUTH SIDE, JERILDERIE  
STREET TO BAROOGA STREET)**

**AUTHOR:** Executive Engineer  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities  
**FILE NO:** 28.167.2 & HCS 04/16/17

**220 RESOLVED** Crs: Glanville and Curtin that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of footpath in Carter Street, Berrigan (South Side) between Jerilderie Street and Barooga Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 04/16/17 as set out below.

**SCHEDULE: SCHEME NO. 04/16/17  
FOOTPATH CONSTRUCTION CARTER STREET BERRIGAN (SOUTH  
SIDE, JERILDERIE STREET TO BAROOGA STREET)**

Estimated full unit rate is \$90.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

**Min. No.**

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
LOT 1 DP1146793	25%	13.95	\$1,506.60	\$376.65	\$37.67	\$414.32	\$1,092.29
LOT 2 DP808886	50%	16.00	\$1,728.00	\$864.00	\$86.40	\$950.40	\$777.60
LOT 3 DP1146793	0%	15.12	\$1,632.96	\$0.00	\$0.00	\$0.00	\$1,632.96
LOT 1 DP748872	25%	34.90	\$3,769.20	\$942.30	\$94.23	\$1,036.53	\$2,732.67
LOT 2 DP1146793 9	50%	15.12	1632.96	\$816.48	\$81.65	\$898.13	\$734.83
Road Reserve	0.00%	12	\$1,296.00	\$0.00	\$0.00	\$0.00	\$1,296.00
	<b>TOTAL</b>	<b>107.09</b>	<b>\$ 11,565.72</b>	<b>\$ 2,999.43</b>	<b>\$ 299.94</b>	<b>\$ 3,299.37</b>	<b>\$ 8,266.35</b>

**Min. No.**

**5.8 KERB AND GUTTER CONSTRUCTION JERSEY STREET  
(EAST SIDE), AND TUPPAL ROAD (SOUTH SIDE),  
TOCUMWAL BETWEEN THE RAILWAY TRACK AND  
CHANTER STREET**

**AUTHOR:** Executive Engineer  
**STRATEGIC OUTCOME:** Sustainable natural and built landscapes  
**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our  
communities

**FILE NO:** HSC 01-16-17; 03-16-17

**221 RESOLVED** Crs: Jones and Bruce

1. that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Jersey Street (East Side), and Tuppal Road (South Side), Tocumwal between the railway track and Chanter Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 01/16/17 as set out below.
2. that the owner lot 9 Sec 38 DP758981 Tocumwal NSW 2714 be given an extension of time for payments from 4 equal payments over 3 years to 7 equal payments over 6 years for the total combined cost of both half cost schemes: HSC 01/16/17 and HSC 03/14/15.

**SCHEDULE: SCHEME NO. 01/16/17  
KERB AND GUTTER CONSTRUCTION JERSEY STREET (EAST  
SIDE), AND TUPPAL ROAD (SOUTH SIDE), TOCUMWAL BETWEEN  
THE RAILWAY TRACK AND CHANTER STREET**

Estimated full unit rate is \$120.00 excluding GST per linear metre,  
inclusive of survey, design, construction and supervision.

**Min. No.**

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Inc GST \$	Council Cost \$
LOT 9 DP758981	50%	49.71	\$5,965.20	\$2,982.60	\$298.26	\$3,280.86	\$2,982.60
LOT 1 DP344664	25%	50.2	\$6,024.00	\$1,506.00	\$150.60	\$1,656.60	\$4,518.00
LOT A DP346493	25%	50.54	\$6,064.80	\$1,516.20	\$151.62	\$1,667.82	\$4,548.60
LOT 1 DP514751	50%	70.24	\$8,428.80	\$4,214.40	\$421.44	\$4,635.84	\$4,214.40
LOT 2 DP514751	50%	10.1	\$1,212.00	\$606.00	\$60.60	\$666.60	\$606.00
LOT 10 SEC 35 DP758981	50%	50.27	\$6,032.40	\$3,016.20	\$301.62	\$3,317.82	\$3,016.20
LOT 1 SEC 35 DP758981	50%	50.52	\$6,062.40	\$3,031.20	\$303.12	\$3,334.32	\$3,031.20
LOT 7 DP111594	50%	29.83	\$3,579.60	\$1,789.80	\$178.98	\$1,968.78	\$1,789.80
LOT 117 DP752296	25%	22.1	\$2,652.00	\$663.00	\$66.30	\$729.30	\$1,989.00
LOT 117 DP752297	50%	128.6	\$15,432.00	\$7,716.00	\$771.60	\$8,487.60	\$7,716.00
BERRIGAN NSW 2712	0.00%	29.9	\$3,588.00	\$0.00	\$0.00	\$0.00	\$3,588.00
<b>TOTAL</b>		<b>542.01</b>	<b>\$65,041.20</b>	<b>\$27,041.40</b>	<b>\$2,704.14</b>	<b>\$29,745.54</b>	<b>\$37,999.80</b>

**Min. No.**

**5.9 ANNUAL RETURNS – VOLUNTEER COMMITTEES OF  
MANAGEMENT**

**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: 04.074.1**

**222 RESOLVED** Crs: Morris and Glanville that the Council note the annual returns submitted by the following Volunteer Committees of Management

- Barooga Advancement Group
- Barooga Community Botanical Gardens
- Barooga Recreation Reserve
- Berrigan Conservation Group and Tidy Towns
- Berrigan War Memorial Hall
- Berrigan War Memorial Swimming Pool
- Finley Recreation Reserve
- Finley Showgrounds
- Finley War Memorial Hall and School of Arts
- Retreat Hall
- Tocumwal Friends of the Library
- Tocumwal Historic Aerodrome Museum
- Tocumwal Rail Preservation Group
- Tocumwal Swimming Pool

**5.10 TOCUMWAL HISTORIC AERODROME MUSEUM  
COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 30.160.3**

**223 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Tocumwal Historic Aerodrome Museum Committee of Management.



**Min. No.**

- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the TOCUMWAL HISTORIC AERODROME MUSEUM Committee of Management:

President     Bob Brown  
Secretary/   Gina Brown  
Treasurer    Lea Grant  
Committee    David Grant

**5.11        TOCUMWAL SWIMMING POOL COMMITTEE OF  
MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME:     Good government**

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

**FILE NO: 26.160.3**

**224        RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Tocumwal Swimming Pool Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the TOCUMWAL SWIMMING POOL Committee of Management:

President/     Jill Barnett  
Secretary  
Treasurer    Lynne Cooper  
Committee    Wayne Priestley, Maria Merrington, Kevin McCumstie, Sue  
                         Petersen, Penny and Randall Jones, Anne Logie.

**5.12        TOCUMWAL FRIENDS OF THE LIBRARY COMMITTEE OF  
MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME:     Good government**

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

**FILE NO: 03.095.2**

**225        RESOLVED** Crs: Glanville and Bruce that the Council:

**Min. No.**

- A) Revoke existing members of the Tocumwal Friends of the Library Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Friends of the Library Committee of Management:

President Lois Johnson  
Secretary Esther Bryan  
Treasurer Gayle Blakey  
Committee Ann Way, Janice Whitten, Rosita Baker, Josie Johnson,  
Barbara Davis

**5.13 RETREAT HALL COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 05.101.5**

**226 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Retreat Hall Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the RETREAT HALL Committee of Management:

President Steven Kydd  
Secretary Rosemary Tilley  
Treasurer Kerryanne Kydd  
Committee Stephen Barnes, John Beer, Lorraine Beer, Dorothy Wright,  
Marg Maxwell, Gill Taylor, Col Taylor, Ruth Kydd

**Min. No.**

**5.14 FINLEY SCHOOL OR ARTS AND WAR MEMORIAL HALL  
COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 05.101.3**

**227 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Finley School of Arts and War Memorial Hall Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY SCHOOL OF ARTS AND WAR MEMORIAL HALL Committee of Management:

President Ross Whittaker  
Secretary Jan Gray  
Treasurer Ross Whittaker  
Committee Robyn Purves, Helen Armstrong, Noel and Fran Avard,  
Heather Davis, Christine Lawlor, Ted Gray, Jim Sibraa

**5.15 FINLEY SHOWGROUNDS AND SPORTING COMPLEX  
COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 21.101.8**

**228 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Finley Showgrounds and Sporting Complex Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY SHOWGROUNDS AND SPORTING COMPLEX Committee of Management:

President Bill Rowlands  
Secretary Carol Kennedy  
Treasurer Carol Kennedy

**Min. No.**

Committee Matt Mueller, Trent Royston, Keith Kennedy, David Webb,  
Gordon Close, Graeme Fisher, Ros Gustin, Kerry Lund,  
Roger Sutton, Tim Pryse

**5.16 BERRIGAN WAR MEMORIAL SWIMMING POOL  
COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 26.160.1**

**229 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Berrigan War Memorial Swimming Pool Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BERRIGAN WAR MEMORIAL SWIMMING POOL Committee of Management:

President Sue Chisholm

Secretary Doris Fowler

Treasurer Jude Lawrence

Committee Peter Cobb, Barbara Fox, Gayle Andreskie, Tom Pyle,  
Heather Pyle, Gary Lehre

**5.17 BERRIGAN WAR MEMORIAL HALL COMMITTEE OF  
MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 05.101.1**

**230 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Berrigan War Memorial Hall Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BERRIGAN WAR MEMORIAL HALL Committee of Management:

**Min. No.**

President Neville Dalgliesh  
Secretary Ian Rendell  
Treasurer Bruce Rendell  
Committee Barry and Marnie Steer, Steve Malcolm

**5.18 BERRIGAN CONSERVATION AND TIDY TOWN COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 11.128.1**

**231 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Berrigan Conservation and Tidy Town Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BERRIGAN CONSERVATION AND TIDY TOWN Committee of Management:

President Mark Ryan  
Secretary Carol Cottam  
Treasurer Jude Lawrence  
Committee Maree Ryan, Robin Cobb, Peter Cobb, Jiquette Sloan, Clara Way, Robert Way, Christina Renneberg, John Lane, Leigh Rogers, Andrea O'Neil, Carla Von Brockhusen, Alan Lawrence, David Batten

**5.19 BAROOGA RECREATION RESERVE COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 21.101.2**

**232 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Barooga Recreation Reserve Committee of Management.

**Min. No.**

- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BAROOGA RECREATION RESERVE Committee of Management:

President Ray Nye  
Secretary/ Michael O'Dwyer  
Treasurer  
Committee Max Steward, Wes Sutton, Ben O'Dwyer, Sheilah Keamy,  
Dub Kruz, Kristie Primmer, Jordan Flanagan, Tania Poole,  
Tim Nolan, Vince Ballerini

**5.20 BAROOGA COMMUNITY BOTANICAL GARDENS  
COMMITTEE OF MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 21.101.1**

**233 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Barooga Community Botanical Gardens Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BAROOGA COMMUNITY BOTANICAL GARDENS Committee of Management:

President Lynn Knight  
Secretary Ruth Burnett  
Treasurer Murray Burnett  
Committee Jan Cullen, Ray Wright, Wendy Wright, C Wigg, I Twigg, M  
Nixon, G Brentnall, G Backhouse

**Min. No.**

**5.21 BAROOGA ADVANCEMENT GROUP COMMITTEE OF  
MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 02.036.1**

**234 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Barooga Advancement Group Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BAROOGA ADVANCEMENT GROUP Committee of Management:

President Darrell Bowden

Secretary Neil Duffield

Treasurer Nicole Foster

Committee Natasha Bignell, Barry Kennedy, Sue Kennedy, Tom Saggars, Jennifer Small, Bob Davis, Lyn thatcher, Dennis thatcher, Lyn Mountney, Jackie Klaver, Trevor Ellison, Mel Bowden, Lee May, Ian Yeaman, Sheila Duffield, Lyn Woodhead

**5.22 FINLEY RECREATION RESERVE COMMITTEE OF  
MANAGEMENT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO:**

**235 RESOLVED** Crs: Glanville and Bruce that the Council:

- A) Revoke existing members of the Finley Recreation Reserve Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY RECREATION RESERVE Committee of Management:

President Barry Dawe

Secretary Matt Whitty

**Min. No.**

Treasurer Paul Evans  
Committee Russell Anderson, Rick Gardiner, Pat Kelly, Russell Anderson, Chris Shaw, Helen Lewis, Lynda Whiley, Ashley Haynes, Lindsay Donkin, Amanda Lyons, Michael Archer, Paul Evans

The meeting adjourned at 10.49 am and reconvened at 11.00 am.

**5.23 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**

**236 Moved** Crs: Bruce and Morris that the Council accept the quotation provided by GPG Architecture and Design to provide design documentation and project management for the redevelopment of the Finley School of Arts at an estimated cost of \$73,240

**Amendment moved** Crs Taylor and Bodey that the Council defer a decision regarding the appointment of GPG Architects and Design to provide design documentation and project management for the redevelopment of the Finley School of Arts at an estimated cost of \$73,240 until the result of the ClubGrants grant application is known.

The amendment was put and lost.

The motion was put and was carried.

**237 RESOLVED** Crs: Curtin and Glanville that the Council here suspend standing orders.

Mr Shannan O'Brien, Sydney Harbour Kayaks addressed the meeting in relation to the Massive Murray Paddle.

Wants to make the Murray River a paddling destination of choice

Previously run by charity

Now a commercial operation

Champion at entry level paddling and growth of sport

Two nights at Tocumwal

Charity model – low economic value

Move to use accommodation, restaurants, cafes etc in lieu of football grounds and supermarkets.

309 registrations and 309 x 1.5



**Min. No.**

Ground crew  
Paddling brochure?  
Paddling facilities?  
Signage  
Easy put in place

**238**      **RESOLVED** Crs: Glanville and Morris that the Council resume standing orders.

**5.24      MURRAY DARLING ASSOCIATION ANNUAL CONFERENCE**

**AUTHOR: General Manager**

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

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

**FILE NO: 11.106.2**

**239**      **RESOLVED** Crs: Jones and Taylor that Councillors Jones and Bodey attend the Murray Darling Association Annual Conference at Dubbo on 26<sup>th</sup> and 27<sup>th</sup> October 2016.

**5.25      ROAD CLOSURE**

**AUTHOR: Development Manager**

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

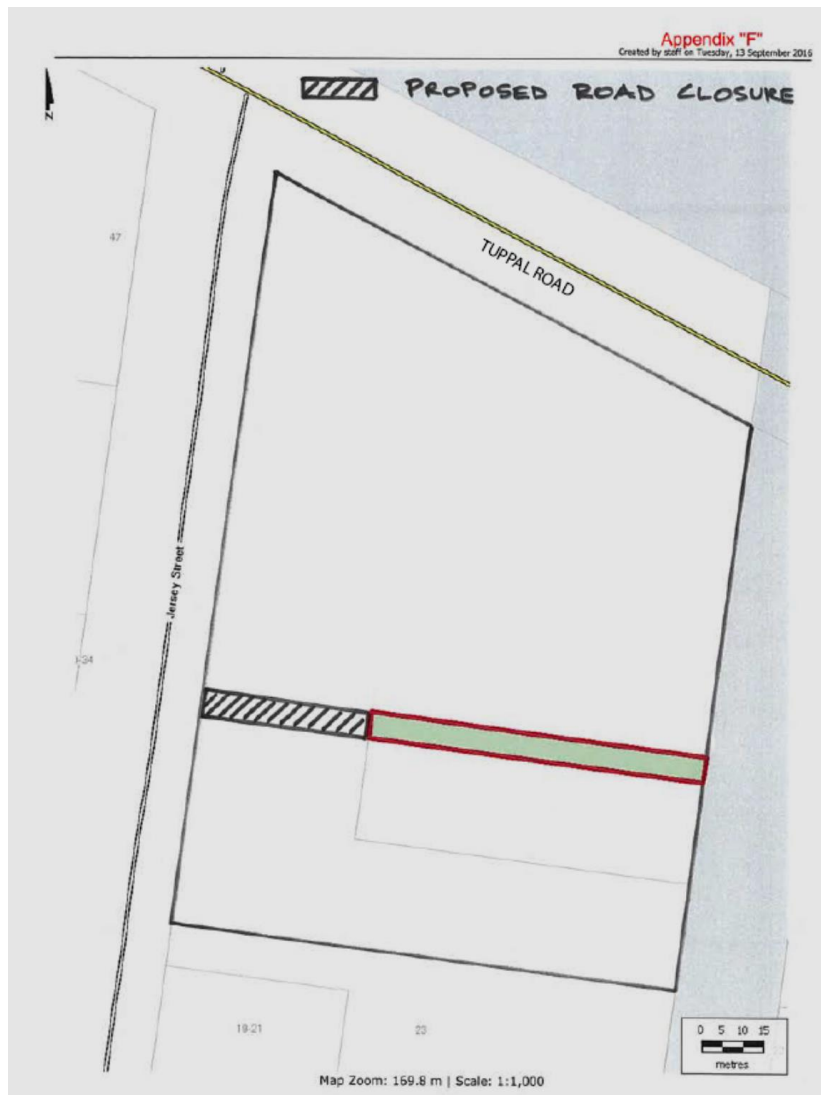
**STRATEGIC OBJECTIVE:      1.1 Support sustainable use of our  
natural resources and built landscapes**

**FILE NO: 28.152.1**

**240**      **RESOLVED** Crs: Morris and Bodey that the Council supports the closure of the lane as shown on the plan below and that the Council:

1.      Submit an application to NSW Department of Primary Industries – Lands to close the road.
2.      Upon closure and creation of title to the land that Council transfer the land to the adjoining owner at current market value.
3.      Advise the applicant that all costs associated with the road closure are to be met prior to the transfer of the land.

**Min. No.**



**5.26 ROAD CLOSURE**

**AUTHOR:** Development Manager

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

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

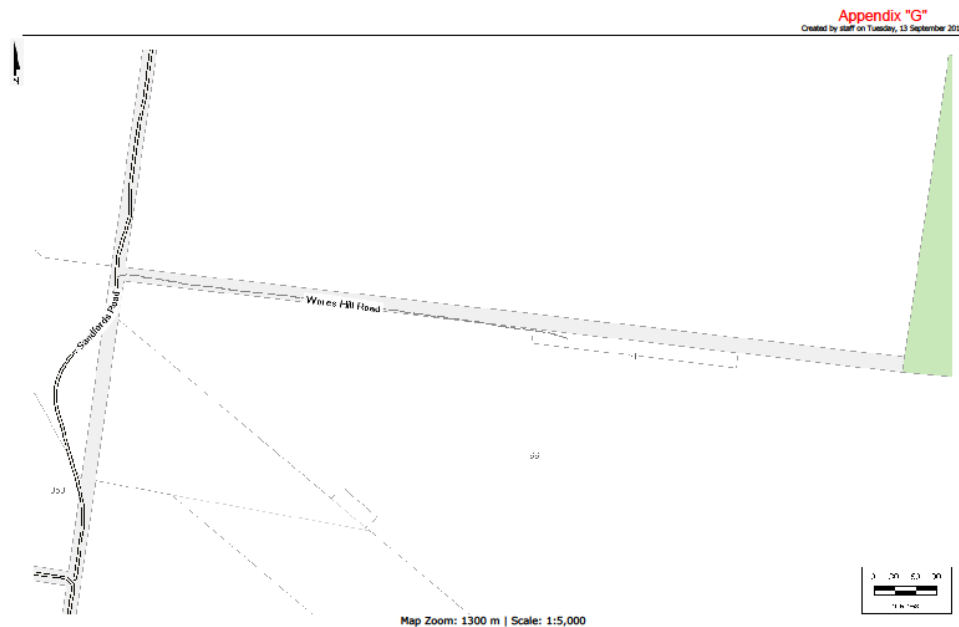
**FILE NO:** 28.152.1

**241**

**RESOLVED** Crs: Morris and Glanville that the Council supports the closure of Wores Hill Road and that the Council:

1. Submit an application to the NSW Department of Primary Industries –Lands to formally close the road.
2. Upon the creation of title the land be transferred to the adjoining property owner at current market value.
3. Advise the applicant that all costs associated with the closure of the road are to be met prior to the transfer of the land.

**Min. No.**



**5.27 SERVICE PRESENTATION AWARDS**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 22.017.1

**242 RESOLVED** Crs: Glanville and Morris that the Council:

- hold its annual service presentation awards event on Thursday 17<sup>th</sup> November 2016 at Berrigan Sportsground; and
- pursuant to the provisions of its Drug and Alcohol Free Workplace Policy, designate the following event as an “approved event” at which alcohol may be provided and consumed in accordance with the Policy:

**Min. No.**

**5.28 LGNSW ANNUAL CONFERENCE**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 14.165.7

- 243** **RESOLVED** Crs: Bruce and Jones that the Council authorize attendance at the 2016 LGNSW Annual conference by the Mayor, Deputy Mayor, Cr Glanville and the General Manager and that the Council hold its next ordinary meeting on Wednesday 12<sup>th</sup> October, 2016.

**5.29 OAM HONOUR BOARD**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2022 objective and  
strategies inform Council planning and  
community led projects

**FILE NO:** 02.023.3

- 244** **RESOLVED** Crs: Bodey and Taylor that the matter be left in abeyance.

**5.30 COUNCIL MEETINGS**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 13.044.1

- 245** **RESOLVED** Crs: Glanville and Jones that the Council continue with its practice of holding its Ordinary meetings at 9.15 am on the third Wednesday of the month, such meetings to be preceded by 'question time' at 9.00 am and that where required, Committee meetings be held commencing at 9.00 am on the Wednesday, 14 days before the ordinary Council meeting.

The Economic Development Officer (Merran Socha) entered the meeting at 12.10

**Min. No.**

**5.31 MASSIVE MURRAY PADDLE**

**AUTHOR: Economic Development Officer**

**STRATEGIC OUTCOME: Diverse and resilient business**

**STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism**

**FILE NO: 08.063.1**

- 246 RESOLVED** Crs: Bodey and Morris that Council grants the 2016 Massive Murray Paddle \$5000 from the Major Events Fund.  
The Economic Development Officer (Merran Socha) left the meeting at 12.15.

**5.32 COUNCILLOR INDUCTIONS**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO: 13.055.1**

- 247 RESOLVED** Crs: Glanville and Morris that the Council commence an induction program for Councillors with such inductions to be held on Wednesday, commencing on 28<sup>th</sup> September 2016, between 5.00pm and 7.00 pm unless on a normal Council or Committee meeting day where they will be held at the conclusion of that meeting.

**5.33 AUSTRALIAN AVIATION HALL OF FAME**

**AUTHOR: Economic Development Officer**

**STRATEGIC OUTCOME: Diverse and resilient business**

**STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy**

**FILE NO: 08.094.2**

- 248 RESOLVED** Crs: Curtin and Jones that the Council submit an Expression of Interest to the Australian Aviation Hall of Fame regarding their possible location in Tocumwal.

**Min. No.**

**5.34 REVIEW OF POLICIES, CODES ETC**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

**249 RESOLVED** Crs: Morris and Bodey that the General Manager place  
before the Council over the next 10 months the following for review:

1. Delegations to the General Manager and other organisations,  
Committees etc.
2. Code of Conduct
3. Code of Meeting Practice
4. Community Strategic Plan and supporting plans
5. Strategic and business plans
6. Organizational structure
7. Council Policies
8. Payment of Expenses and provision of Facilities Policy

**5.35 VARIATION OF DEVELOPMENT STANDARD CONTAINED  
IN BERRIGAN DEVELOPMENT CONTROL PLAN 2014 – DA  
12/17/DA/D1**

**AUTHOR:** Development Manager

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

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

**FILE NO:**

**250 RESOLVED** Crs: Curtin and Glanville that this item be deferred until later  
in the meeting.

**5.36 REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 25.138.1

**251 RESOLVED** Crs: Bruce and Glanville that the Council make its  
submission to the IPART review of the Local Government Rating System  
as set out below:

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>Councils should be able to choose between the Capital Improved Value (CIV) and Unimproved Value (UV) methods as the basis for setting rates at the rating category level. A council's maximum general income should not change as a result of the valuation method they choose</p>	<p><b>Support.</b> The introduction of CIV will provide many Councils with a solution to the issue of fairly rating multi-unit developments such as apartments etc. IPART and Councils should be aware that a change to CIV will create “winners” and “losers” and this will need to be managed</p> <p>The ability to make a choice between the two valuation methods is welcome. Berrigan Shire Council and its community may be better off sticking with UCV and this should be available to this Council.</p> <p>On the other hand, there may be concerns with confusion in the community if the proposed ESPI moves to CIV and Councils choose to stick with CIV. In addition, the use of CIV in later recommendations may require the Council to have two sets of valuations.</p>
<p>Section 497 of the Local Government Act 1993 (NSW) should be amended to remove minimum amounts from the structure of a rate, and section 548 of the Local Government Act 1993 (NSW) should be removed</p>	<p><b>Oppose.</b> While this Council does not set a minimum rate in any rating category and CIV would address some of the fairness issues for which many Councils use minimum rates, as a general rule the rating system should provide Councils with maximum flexibility to determine its own rating framework – in consultation with its community.</p> <p>However, this is not a matter of direct importance for this Council</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>The growth in rates revenue outside the rate peg should be calculated by multiplying a council's general income by the proportional increase in Capital Improved Value from supplementary valuations.</p> <ul style="list-style-type: none"> <li>– This formula would be independent of the valuation method chosen by councils for rating.</li> </ul>	<p><b>Support.</b> This is a more consistent method of assessing growth in the underlying rating base of the Council and certainly is a better method of assessing capacity to pay.</p> <p>An issue of concern is the need for a Council to maintain two sets of valuations if it chooses to move to UCV</p>
<p>The Local Government Act 1993 (NSW) should be amended to allow councils to levy a new type of special rate for new infrastructure jointly funded with other levels of Government. This special rate should be permitted for services or infrastructure that benefit the community, and funds raised under this special rate should not:</p> <ul style="list-style-type: none"> <li>– form part of a council's general income permitted under the rate peg, nor</li> <li>– require councils to receive regulatory approval from IPART.</li> </ul>	<p><b>Support.</b> This continues the principle that Councils should be given the maximum possible flexibility to set their own rating schedule in discussion with their community.</p> <p>This Council would question why the exemption from IPART approval is so narrow, however. If the Council and the community agree on the need for a new special purpose infrastructure item, the Council should be able to follow the normal Integrated Planning and Reporting procedure without requiring yet another IPART review.</p>



**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>Section 511 of the Local Government Act 1993 (NSW) should be amended to reflect that, where a council does not apply the full percentage increase of the rate peg (or any applicable Special Variation) in a year, within the following 10-year period, the council can set rates in a subsequent year to return it to the original rating trajectory for that subsequent year</p>	<p><b>Support.</b> The lack of flexibility with the use of previously unused rate peg allocations prevents Councils having a serious conversation about annual rate-setting. At the moment, a Council would be derelict in its duties if it implemented even a one-year “pause” in taking up the entire amount of the rate peg as it would severely limit their ability to adjust their rate in future.</p> <p>This recommendation would allow the Council to discuss sensibly with its community the option of a pause in rate increases in times of economic difficulty, with the ability to recover that pause in future.</p> <p>While ideally rate pegging would be abolished <i>in toto</i>, this recommendation works to increase Council autonomy and flexibility and is supported.</p>
<p>The Local Government Act 1993 (NSW) should be amended to remove the requirement to equalise residential rates by ‘centre of population’. Instead, councils should be allowed to determine a residential subcategory, and set a residential rate, for an area by:</p> <ul style="list-style-type: none"> <li>– a separate town or village, or</li> <li>– a community of interest.</li> </ul>	<p><b>Support.</b> This recommendation provides additional autonomy and flexibility for Councils to consider the access to services of various areas and ensure equity where property valuations in a certain area may lead to a perverse outcome.</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>An area should be considered to have a different 'community of interest' where it is within a contiguous urban development, and it has different access to, demand for, or costs of providing council services or infrastructure relative to other areas in that development</p>	<p><b>Support.</b> This recommendation relates to the identification of areas where differing residential rates could be charged as per Recommendation 6.</p> <p>It is supported in line with that earlier recommendation</p>
<p>The Local Government Act 1993 (NSW) should be amended so, where a council uses different residential rates within a contiguous urban development, it should be required to:</p> <ul style="list-style-type: none"> <li>– ensure the highest rate structure is no more than 1.5 times the lowest rate structure across all residential subcategories (ie, so the maximum difference for ad valorem rates and base amounts is 50%), or obtain approval from IPART to exceed this maximum difference as part of the Special Variation process, and</li> <li>– publish the different rates (along with the reasons for the different rates) on its website and in the rates notice received by ratepayers.</li> </ul>	<p><b>Support</b> This recommendation relates to the identification of areas where differing residential rates could be charged as per Recommendation 6 and is supported in line with that earlier recommendation</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>At the end of the 4-year rate path freeze, new councils should determine whether any pre-merger areas are separate towns or villages, or different communities of interest.</p> <p>– In the event that a new council determines they are separate towns or villages, or different communities of interest, it should be able to continue the existing rates or set different rates for these pre-merger areas, subject to metropolitan councils seeking IPART approval if they exceed the 50% maximum differential. It could also choose to equalise rates across the pre-merger areas, using the gradual equalisation process outlined below.</p> <p>– In the event that a new council determines they are not separate towns or villages, or different communities of interest, or it chooses to equalise rates, it should undertake a gradual equalisation of residential rates. The amount of rates a resident is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for permitted Special Variations) each year as a result of this equalisation.</p> <p>The Local Government Act 1993 (NSW) should be amended to facilitate this gradual equalisation.</p>	<p><b>Support in part</b> This recommendation applies to newly amalgamated Councils and thus does not apply to Berrigan Shire (at this stage). That said, in the main the recommendation allows the newly merged Council to develop its own rating strategy – in consultation with its community.</p> <p>The requirement that equalisation of rates should only be done gradually is difficult to support however. Gradual equalisation of rates in the main only serves to drag out the process and lead to greater community division and confusion. It also allows to the continuation of a regime where some residents are paying substantially higher rates than others for access to the same services – which is arguably unfair. Newly merged Councils should have the ability to immediately equalise rates – should they determine it is in the best interest of <b>all</b> its community.</p> <p>This would be consistent with the Council’s position throughout the Fit for the Future proposal</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>Sections 555 and 556 of the Local Government Act 1993 NSW should be amended to:</p> <ul style="list-style-type: none"> <li>– exempt land on the basis of use rather than ownership, and to directly link the exemption to the use of the land, and</li> <li>– ensure land used for residential and commercial purposes is rateable unless explicitly exempted</li> </ul>	<p><b>Support</b> The recommendation is more internally consistent with the overall purpose of rates exemptions than the current practice and is supported</p>
<p>The following exemptions should be retained in the Local Government Act 1993 (NSW):</p> <ul style="list-style-type: none"> <li>– section 555(e) Land used by a religious body occupied for that purpose</li> <li>– section 555(g) Land vested in the NSW Aboriginal Land Council</li> <li>– section 556(o) Land that is vested in the mines rescue company, and</li> <li>– section 556(q) Land that is leased to the Crown for the purpose of cattle dipping.</li> </ul>	<p><b>Oppose.</b> There is no valid reason why these specific purpose exemptions are required. If the use of the land meets the test of not being used for residential or commercial purposes, then it should be exempt – if not then Council should have the option to rate it</p>
<p>Section 556(i) of the Local Government Act 1993 (NSW) should be amended to include land owned by a private hospital and used for that purpose.</p>	<p><b>Oppose.</b> There is no valid reason why this specific purpose exemption are required. The basic test of “residential or commercial” could apply quite easily in this case. While many private hospitals are run by charitable organisations, some are “for profit” organisations. Why should a “for-profit” hospital be given a rates exemption?</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>The following exemptions should be removed:</p> <ul style="list-style-type: none"> <li>– land that is vested in, owned by, or within a special or controlled area for, the Hunter Water Corporation, Water NSW or the Sydney Water Corporation (Local Government Act 1993 (NSW) section 555(c) and section 555(d))</li> <li>– land that is below the high water mark and is used for the cultivation of oysters (Local Government Act 1993 (NSW) section 555(h))</li> <li>– land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim (Local Government Act 1993 (NSW) section 556(g)), and</li> <li>– land that is managed by the Teacher Housing Authority and on which a house is erected (Local Government Act 1993 (NSW) section 556(p)).</li> </ul>	<p><b>Support.</b> The removal of these exemptions is consistent with the general principle set out in Recommendation 10 and is supported</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>The following exemptions should not be funded by local councils and hence should be removed from the Local Government Act and Regulation</p> <ul style="list-style-type: none"> <li>– land that is vested in the Sydney Cricket and Sports Ground Trust (Local Government Act 1993 (NSW) section 556(m))</li> <li>– land that is leased by the Royal Agricultural Society in the Homebush Bay area (Local Government (General) Regulation 2005 reg 123(a))</li> <li>– land that is occupied by the Museum of Contemporary Art Limited (Local Government (General) Regulation 2005 reg 123(b)), and 82</li> <li>– land comprising the site known as Museum of Sydney (Local Government (General) Regulation 2005 reg 123(c)).</li> </ul> <p>The State Government should consider whether to fund these local rates through State taxes.</p>	<p><b>Support in part.</b> The basic test for exemptions per Recommendation 10 should apply to all these facilities.</p> <p>The Council has some concerns about its community being asked to further contribute via a new tax to the upkeep of community assets that largely benefit residents of Sydney however.</p>
<p>Where a portion of land is used for an exempt purpose and the remainder for a non-exempt activity, only the former portion should be exempt, and the remainder should be rateable.</p>	<p><b>Support.</b> Note that in practice the Valuer-General (or the private valuer) will need to separately value the portions of land that are exempt and rateable.</p>
<p>Where land is used for an exempt purpose only part of the time, a self-assessment process should be used to determine the proportion of rates payable for the non-exempt use.</p>	<p><b>Oppose.</b> The Council is not opposed to the general principle but it has concerns about how a self-assessment is likely to work in practice and work involved in “auditing” self-assessments.</p>
<p>A council’s maximum general income should not be modified as a result of any changes to exemptions from implementing our recommendations.</p>	<p><b>Support.</b> In principle, this is supported.</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>The Local Government Act 1993 (NSW) should be amended to remove the current exemptions from water and sewerage special charges in section 555 and instead allow councils discretion to exempt these properties from water and sewerage special rates in a similar manner as occurs under section 558(1).</p>	<p><b>Support.</b> It provides Councils with more flexibility and discretion in setting rates and charges.</p>
<p>At the start of each rating period, councils should calculate the increase in rates that are the result of rating exemptions. This information should be published in the council's annual report or otherwise made available to the public</p>	<p><b>Oppose.</b> While the desire for transparency is commendable, the purpose of informing the public is unclear. Rating exemptions are not in the main set by Council policy – they are mandated by state government legislation, even under the model for exemptions proposed in this report. It is unclear what the public can do with this information to effect change. This would be an additional burden on Councils for zero community gain.</p>
<p>The current pensioner concession should be replaced with a rate deferral scheme operated by the State Government.</p> <ul style="list-style-type: none"> <li>– Eligible pensioners should be allowed to defer payment of rates up to the amount of the current concession, or any other amount as determined by the State Government.</li> <li>– The liability should be charged interest at the State Government's 10-year borrowing rate plus an administrative fee. The liability would become due when property ownerships changes and a surviving spouse no longer lives in the residence.</li> </ul>	<p>That the Council support the pension rebate scheme</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>Section 493 of the Local Government Act 1993 (NSW) should be amended to add a new environmental land category and a definition of 'Environmental Land' should be included in the LG Act.</p>	<p><b>Support.</b> It provides Councils with more flexibility and discretion in setting rates and charges.</p> <p>That said, if the NSW government wishes to support landholders holding land for environmental purposes, it could do so outside the rating system.</p>
<p>Sections 493, 519 and 529 of the Local Government Act 1993 (NSW) should be amended to add a new vacant land category, with subcategories for residential, business, mining and farmland</p>	<p><b>Support.</b> The proposal does allow Councils additional flexibility to determine its own rating structure – although the use of CIV would address concerns about vacant land paying for services it isn't using in any case</p>
<p>Section 518 of the Local Government Act 1993 (NSW) should be amended to reflect that a council may determine by resolution which rating category will act as the residual category.</p> <ul style="list-style-type: none"> <li>– The residual category that is determined should not be subject to change for a 5-year period.</li> <li>– If a council does not determine a residual category, the Business category should act as the default residual rating category</li> </ul>	<p><b>Support.</b> This recommendation gives Councils more flexibility in determining its rating system</p>
<p>Section 529 (2)(d) of the Local Government Act 1993 (NSW) should be amended to allow business land to be subcategorised as 'industrial' and or 'commercial' in addition to centre of activity</p>	<p><b>Support.</b> This recommendation provides more flexibility to Councils and should be supported.</p> <p>This categorisation is already a requirement under the proposed Emergency Services Property Levy (ESPL).</p>



**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>Section 529 (2)(a) of the Local Government Act 1993 (NSW) should be replaced to allow farmland subcategories to be determined based on geographic location.</p>	<p><b>Support.</b> This recommendation provides more flexibility to Councils and should be supported.</p> <p>The use of sub-categories in this instance may lead to some equity issues unless tied to service levels.</p>
<p>Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties.</p>	<p><b>Oppose.</b> In this review IPART classified rates as a wealth tax and not as a fee-for-service. This recommendation contradicts this basic classification.</p> <p>Councils, in consultation with their community, should be able to set their rating system to spread the overall rating burden as they see fit.</p> <p>Note also that a mine may only operate for a short time but the Council may need to deal with the externalities created by the development and the operation mine for some time after.</p>
<p>Councils should have the option to engage the State Debt Recovery Office (SDRO) to recover outstanding council rates and charges.</p>	<p><b>Support.</b> This option would be very useful for the Council, especially when collecting smaller debts. Council staff have little confidence in the service provided by private debt collection firms – especially for smaller and longer-term debt</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>The existing legal and administrative process to recover outstanding rates should be streamlined by reducing the period of time before a property can be sold to recover rates from five years to three years.</p>	<p><b>Support.</b> This is a reform that the Council and NSW local government as a whole has been seeking for many years. By the time an outstanding debt gets to three years, a general pattern of refusal (or inability) to pay has been established, one that is unlikely to change in the following two years.</p> <p>Some land in Berrigan Shire is valued at such a low level that even after two years, the value of the outstanding rates exceeds the market value of the land in question.</p> <p>It is unlikely that it will have a direct impact on the Council's use of legal action to collect rates but it will assist in dealing with ratepayers who wait until the five-year period is up to pay all their outstanding rates.</p>
<p>All councils should adopt an internal review policy, to assist those who are late in paying rates, before commencing legal proceedings to recover unpaid rates.</p>	<p><b>Support.</b> This would formalise the Council's existing process where legal action requires the approval of the Director Corporate Services and issuing a warrant requires the approval of the General Manager</p>
<p>The Local Government Act 1993 (NSW) should be amended or the Office of Local Government should issue guidelines to clarify that councils can offer flexible payment options to ratepayers.</p>	<p><b>Support.</b> The Council considers these options are available now but for the avoidance of doubt formalising via guidelines would be appropriate.</p>

**Min. No.**

Draft Recommendation	<i>BSC Comment</i>
<p>The Local Government Act 1993 (NSW) should be amended to allow councils to offer a discount to ratepayers who elect to receive rates notices in electronic formats, e.g., via email.</p>	<p><b>Support in part.</b> The Council is currently introducing a system to issue electronic rates and charges notices. This will provide some encouragement for ratepayers to move to the new, less expensive system.</p> <p>The Council considers a more appropriate reform would be to allow the Council to levy an additional charge for a paper notice rather than a discount for an electronic levy.</p>
<p>The Local Government Act 1993 (NSW) should be amended to remove section 585 and section 595, so that ratepayers are not permitted to postpone rates as a result of land rezoning, and councils are not required to write-off postponed rates after five years.</p>	<p><b>Support.</b> This recommendation is in line with the views of local government and consistent with basic principles of fairness</p>
<p>The valuation base date for the Emergency Services Property Levy (ESPL) and council rates should be aligned.</p> <p>– The NSW Government should levy the Emergency Services Property Levy on a Capital Improved Value (CIV) basis when Capital Improved Value data becomes available state-wide.</p>	<p><b>Support.</b> The principle that the ESPL should be based on the value of the assets to be protected (as opposed to simply the unimproved land) is logically consistent and fair.</p> <p>Note that this would require all properties in a Council to be valued on a CIV basis, even if that Council chose to stick with its Unimproved Value rating system as per Recommendation 1</p>
<p>Councils should be given the choice to directly buy valuation services from private valuers that have been certified by the Valuer General.</p>	<p><b>Support.</b> While most Councils will likely remain with the Valuer General, the availability of a private sector option will assist in placing some market pressure on the amount charged by the Valuer General for the service</p>

**Min. No.**

The meeting adjourned at 12.50 pm and reconvened at 1.15 pm.

The Town Planner (Camillus O’Kane) entered the meeting at 1.15 pm.

**5.37 DEVELOPMENT APPLICATION 24/17/DA/DM  
STRAWBERRY FIELDS MUSIC FESTIVAL 2016**

**AUTHOR: TOWN PLANNER**

**STRATEGIC OUTCOME: Diverse and resilient business**

**STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the  
local economy**

**FILE NO: 24/17/DA/DM**

**252 RESOLVED** Crs: Glanville and Morris that Development Application 24/17/DA/DM for the Strawberry Fields Festival 2016 be approved subject to the following conditions:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Strawberry Fields Site Map, Event Plan, Alcohol Management Plan, Emergency Management Plan, Fire Management Plan, Medical Plan, Risk Assessment, Security Management Plan, Waste Plan, Water Activities Management Plan, the application form and any supporting information received with the application except as amended by the conditions specified hereunder.

2. Pollution

All necessary precautions must be taken to ensure that pollution of waterways does not occur in accordance with the provisions of section 120 of the *Protection of the Environment Operations Act 1997*.

3. Impact on Adjoining Properties

Measures must be taken to minimise and control the emission of dust and noise from the property to ensure that there is minimal impact on adjoining properties.

4. Combustible Material

The event site and camping areas must be grazed and / or slashed prior to the event so as to reduce combustible material and reduce the risk of harm by fire.

5. Aboriginal Place or Objects

Activities on the site must not harm or desecrate any Aboriginal place or object in accordance with the *National Parks and Wildlife*

**Min. No.**

*Act 1974.* Should any Aboriginal object be discovered and / or harmed in, on or under the land, the event organisers must notify the NSW Office of Environment and Heritage.

6. Mosquito Borne Diseases

Precautions must be undertaken prior to, and during, the event to reduce the potential for exposure to mosquito borne diseases given that there are large areas of stagnant water in close proximity to the site. The Murrumbidgee Local Health District of the NSW Department of Health in Wagga Wagga can be contacted on (02) 6933 9100 for advice.

7. Food Stall Holders

All food stall holders must operate in accordance with the *NSW Food Act 2003* to ensure that the health and well-being of patrons is maintained.

8. Emergency Services

All emergency service organisations in the locality must be notified at least two weeks prior to the event to ensure that all resources will be available in case of emergency.

9. Fencing

Appropriate fencing must be provided and maintained between the event site and adjoining properties throughout the event in order to contain patrons and prevent stock escaping.

10. Security

All security personnel must be licensed and boundaries with adjoining properties are to be monitored at all times with patrons warned upon entry that penalties apply if caught trespassing. Sufficient security personnel must be employed to achieve the above requirement and a security presence must be maintained from Thursday until Tuesday noon. This condition is added to maintain site safety and ensure patrons do not encroach on adjoining properties.

11. Native Vegetation

Any destruction or injury to native vegetation is to be undertaken in accordance with the provisions of the *Native Vegetation Act 2003* and where necessary an approval obtained from the Murray Catchment Management Authority.

12. Litter

Garbage bins must be provided throughout the area and the site must be inspected following the event to ensure all litter is collected and disposed of appropriately. At the cessation of the event a site

**Min. No.**

inspection must be arranged with Council officers to ensure that there is no refuse remaining on site.

13. Site Inspection

An inspection by Council officers prior to the event must be arranged and undertaken to ensure all conditions of consent have been met and the proposal has been implemented in accordance with the submitted documents.

14. Traffic Management

Provision must be made on site for extensive traffic queuing areas and a sufficient number of traffic management staff employed to direct traffic in an orderly manner to ensure that queuing on Lower River Road does not occur at peak times or in the event of access to the camping areas being obstructed.

15. Liquor Licensing

A valid liquor license issued by the NSW Independent Liquor and Gaming Authority must be in place for the event and all persons responsible for the sale of alcohol must possess accredited Responsible Service of Alcohol certificates. Evidence of this must be provided to Council prior to commencement of the event.

16. Access

A wide, all weather access track must be provided to ensure that response vehicles will be able to access the site in the case of an emergency.

17. Water Activities Management

- A. No infrastructure of any type (e.g. buoy, netting or barrier) is to be placed in the river that might encourage persons to enter the water or swim out to hold on to it.
- B. No pollution (including litter) from the development should enter or impact on the adjacent river (as required by the *Protection of the Environment Operations Act 1997*).
- C. The Organiser postpones or cancels the aquatic activity if any conditions (including environmental factors and / or event safety plans) become unsafe.
- D. Appropriate safety appliances and craft must be in attendance to act as support or safety craft and to warn approaching vessels that an event is in progress.
- E. The Organiser must erect appropriate signage at adjacent public boat ramps and access points upstream and downstream of the event location warning boaters of the potential for swimmers to be in the area.

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- F. The Organiser must distribute safety advisory material (i.e. sourced from Royal Life Saving Australia) regarding water safety and drug/alcohol awareness around water at the event.

Division:

In favour – Crs Bodey, Bruce, Curtin, Glanville, Hannan,  
Jones, Morris  
Against – Cr Taylor

**5.38 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

**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: 04.039.1**

- 253 RESOLVED** Crs: Jones and Glanville that Cr Morris and the Executive Engineer attend the 2016 National Local Roads and Transport Congress to be held in Toowoomba, Queensland from the 9<sup>th</sup> to the 11<sup>th</sup> November, 2016.

**5.39 TENDER T01/16/17 TOCUMWAL AERODROME SUBDIVISION CONSTRUCTION**

**AUTHOR: Executive Engineer**

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

**STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities**

**FILE NO: T01/16/17**

- 254 RESOLVED** Crs: Bruce and Jones that the Council
1. accepts the tender submission from Fenhill Pty Ltd in the amount of \$499,381.47;
  2. sign and seal the contract documents in relation to 1 above;
  3. appoint the Director of Technical Services as the Contract Superintendent.

**Min. No.**

**5.40 TOCUMWAL FORESHORE DEVELOPMENT – CLUBGRANTS CATEGORY 3 APPLICATION**

**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:** 05.101.7

**255 RESOLVED** Crs: Bruce and Jones that the Council:

1. submit an application for funding under the CLUBGrants Category 3 Sport and Recreation program for the construction of a splash park at the Tocumwal Foreshore and associated works.
2. Fund its contribution of \$200,000 for the total project cost from:
  - i. \$54,600 – Levee Reserve
  - ii. \$145,400 – Capital Works Reserve

**5.41 SAFE HAVEN ENTERPRISE VISA SCHEME**

**AUTHOR:** General Manager  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities  
**FILE NO:**

**256 RESOLVED** Crs: Bodey and Morris that the Council decline participation in the Safe haven Enterprise Visa Scheme due to the short time frame but with more notice for the community to be consulted in the future the Council may reconsider its position.



**Min. No.**

**5.42 LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND PLANNING) ACT**

**AUTHOR: General Manager**

**STRATEGIC OUTCOME: Good government**

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

**FILE NO:**

**257 RESOLVED** Crs: Glanville and Taylor that the Council note the report regarding the Local Government Amendment (Governance and Planning) Act.

**5.35 VARIATION OF DEVELOPMENT STANDARD CONTAINED IN BERRIGAN DEVELOPMENT CONTROL PLAN 2014 – DA 12/17/DA/D1**

**AUTHOR: Development Manager**

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

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

**FILE NO:**

**258 RESOLVED** Crs: Bruce and Jones that the Council approve the application subject to the following conditions and subject to amended page 2 (version E) of the submitted plans:

**1. Approved Plans**

The development shall be implemented in accordance with the details set out on the plans Stoneway Construction Project No 2660 (Pages 1-13) including amended page 2 (version E), the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

**2. Appointment of PCA and Notice of Commencement**

No work is to commence until the person granted development consent has:

- (a) obtained a Construction Certificate for each structure
- (b) appointed a PRINCIPAL CERTIFYING AUTHORITY
- (c) has notified the Council of the appointment

**Min. No.**

- (d) has given the Council at least 2 days notice of the intention to commence erection of the building.

(Section 81A EP&A Act 1979)

**3. Critical Stage Inspections**

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

**4. Occupation**

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.

(Section 109C(1)(c) and 109H EP&A Act 1979)

**5. Permitted hours for building work**

All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.

**6. Compliance with Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia

**7. Excavations and backfilling**

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

**Min. No.**

- 8. Signs to be erected on building & demolition site**
- a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) stating that unauthorised entry to the work site is prohibited, and
  - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

- 9. Toilet facilities**
- a. A Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- b. Each toilet provided:
- (i) must be a standard flushing toilet, and
  - (ii) must be connected:
    - to a public sewer, or
    - if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
    - if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- c. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

- 10. Waste**
- A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

- 11. BASIX**
- Prior to the issue of a Final Occupation Certificate, documentary evidence must be provided to the Principle Certifying Authority to demonstrate fulfilment of the commitments listed in each relevant BASIX Certificate for this development, as required by the Environmental Planning & Assessment Act 1979.

**Min. No.**

**12. Smoke Alarms**

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all existing buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly

**13. Driveway**

A sealed, paved or concrete access driveway must be installed from the back of the kerb to the property boundary at each proposed vehicular crossing prior to the issue of a Final Occupation Certificate. This is to ensure safe vehicular movement on the site, prevent nuisance or uneven surface hazards in the public place and to enhance the development.

**14. Protection of public places**

- a. If the work involved in the erection or demolition of a building:
  - i. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - ii. building involves the enclosure of a public place,
    - a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed.

**15. 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.

**Min. No.**

**Division:**

In favour – Cr Bruce, Curtin, Glanville, Hannan, Jones, Morris,  
Taylor

Against – Cr Bodey

The Council in this case believes that the current Development Control Plan is too inflexible.

**259 RESOLVED** Crs: Morris and Jones that the Council review the Development Control Plan.

**260 RESOLVED** Crs: Bruce and Jones that the Mayor, General Manager and Development Manager to meet with the developer.

**ITEMS FOR NOTING**

- 6.1 RURAL FIRE FIGHTING FUND ALLOCATION  
METHODOLOGY
- 6.2 COUNCILLOR WORKSHOPS
- 6.3 SIR JOHN MONASH ANNUAL LECTURE AND DINNER
- 6.4 COUNTRY MAYORS ASSOCIATION
- 6.5 NSW POPULATION PROJECTIONS
- 6.6 NSW GRAIN HARVEST MANAGEMENT SCHEME
- 6.7 SAME SEX MARRIAGE PLEBISCITE
- 6.8 JOINT REGIONAL PLANNING PANEL
- 6.9 DEVELOPMENT DETERMINATIONS FOR MONTH OF  
AUGUST 2016

**261 RESOLVED** Crs: Morris and Glanville that Items for Noting numbered 6.1 to 6.9 inclusive be received and noted.

**7 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:

**Min. No.**

- (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
- (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.

**7.1 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.

It is not in the public interest to prejudice the commercial position of the person who supplied it.

**7.2 TENDER T01/16/17 TOCUMWAL AERODROME SUBDIVISION CONSTRUCTION**

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:

**Min. No.**

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

It is not in the public interest to prejudice the commercial position of the person who supplied it.

It is not in the public interest to reveal the legal advice provided to the Council regarding individual debt collection.

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

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) 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*.

7.1      FINLEY SCHOOL OF ARTS UPGRADE

7.2      TENDER T01/16/17 TOCUMWAL AERODROME  
SUBDIVISION CONSTRUCTION

Council closed its meeting at 3.17 pm. The public and media left the Chamber.

56 Minutes of the Confidential Items of Council meeting held in the Council Chambers on Wednesday 21<sup>st</sup> September, 2016.

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**Min. No.**



**Min. No.**

Open Council resumed at 3.19 pm.

**RESOLUTIONS FROM THE CLOSED COUNCIL MEETING**

There were no resolutions of the Council while the meeting was closed to the public.

**Min. No.**

**8.1 MINUTES OF THE LOCAL TRAFFIC COMMITTEE**

**264 RESOLVED** Crs: Morris and Taylor that recommendations numbered 1 to 4 inclusive of the Local Traffic Committee Meeting held on 30<sup>th</sup> August, 2016 be adopted.

**1. BERRIGAN ANNUAL COMMUNITY CHRISTMAS NIGHT MARKET**

**RECOMMENDATION NO.1**

That the closure of Chanter Street, Berrigan be approved for the Berrigan Annual Community Christmas Night Market on 4 December, 2016 from 6pm to 11pm.

**2. 2016/2017 COBRAM BAROOGA CYCLE CLUB RACE PERMIT APPLICATION**

**RECOMMENDATION NO.2**

That the application for Cobram Barooga Cycle Club be approved for race events in the Barooga area, as shown on the maps in Appendix C7, every Saturday from 1st December, 2016 to 30th November, 2017.

**3. SCHOOL BUS STOP SIGNAGE AND SAFE STOPPING AREAS**

**RECOMMENDATION NO.3-**

- That "Bus Stop Ahead Signs" be installed north and south of 2241 Cobram Road, Berrigan NSW 2712,
- Bus zone signage be erected outside the Biralee Preschool, Finley NSW 2713,
- The bus zone be extended by 10m at the Tocumwal Public School, Tocumwal NSW 2714
- That the current bus parking issue at the Tocumwal Preschool is discussed between Berrigan Shire Council, Baldwin's Bus Company, and the owners of the Tocumwal Preschool and responses taken back to the next Local Traffic Committee meeting

**4. TAKARI STREET, BAROOGA NSW 3644, SPEED REDUCTION FROM 50KM/HR TO 40 KM/HR**

**RECOMMENDATION NO.4**

**Min. No.**

That Berrigan Shire Council write to RMS to request the reduction of the posted speed limit from 50km/hr to 40km/hr on Takari Street between MR226 and Snell Road.

**6. TIMED PARKING AT BIRALEE CHIDCARE CENTRE 239-241-MURRAY STREET FINLEY NSW 2713**

**RECOMMENDATION NO.5**

That Berrigan Shire Council installs two R5-14 signs indicating a fifteen minute restriction for picking up/dropping off children be installed at either end of the five parking bays at the front of 239-241 Murray Street, Finley NSW 2713

**MAYORS REPORT**

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

- 50<sup>th</sup> Anniversary Vietnam Veterans day, Berrigan
- Central Murray Credit Union meeting
- Murrumbidgee Local Health Service re Finley Hospital
- Welcome to Berrigan – new residents
- NAB meeting, Berrigan
- Berrigan Sports Club future meeting
- Finley Show
- Murray Darling meeting, Swan Hill
- Berrigan Sports Club future meeting

**265 RESOLVED** Crs: Glanville and Bodey that the Mayors report be received.

**DELEGATES REPORTS**

**Cr Morris**

- Local Health Advisory Committee meeting – got funding for Accident and Emergency at Finley Hospital

**Cr Bruce**

- Barooga Advancement Group

**Cr Hannan**

- Met with Outback Theatre
- Tocumwal Chamber of Industry & Tourism – high speed rail

**Cr Jones**

- Murray Darling Association meeting

**Min. No.**

- Central Murray County Council
- Tocumwal Chamber of Industry & Tourism – high speed rail

**Cr Morris**

- Left the meeting and did not return at 3.35 pm.

**Cr Glanville**

- Local Health Advisory Committee meeting– redevelopment progressing
- Tocumwal Chamber of Industry & Tourism – high speed rail

**GENERAL BUSINESS**

**Cr Glanville**

- nil

**Cr Jones**

- nil

-

**Cr Bruce**

- Election results

**Cr Hannan**

- Development Application Barnes Road

**Cr Bodey**

- Recognition of volunteers

**Cr Taylor**

- nil

**Cr Curtin**

- Berrigan Tennis Club
- Finley Hospital funding – also needs rehabilitation area
- Mental health

**Cr Bruce**

- Piggery development application

**Director Corporate Services**

- Pension rebate information
- Tocumwal Skatepark opening 5th October

**Development Manager**

- John Wood at Berrigan War Memorial Hall

**Min. No.**

**General Manager**

- Mail for Councillors
- Anzac Avenue – pump and floods at Hill Street, Tocumwal
- Farewell function required for long standing member of staff who has resigned
- Reminder regarding Pecuniary Interest returns
- Finley Library operations

There being no further business the meeting closed at 4.00 pm.