



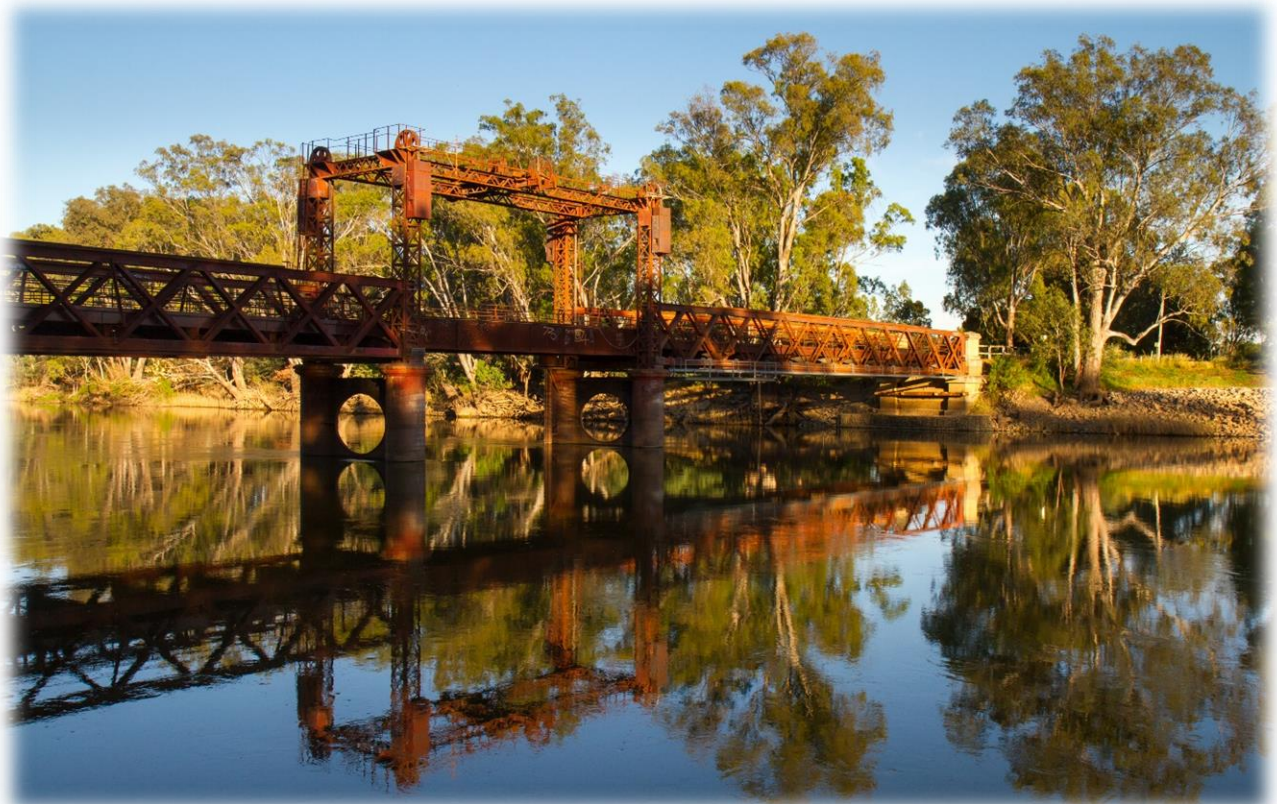
ORDINARY MEETING OF COUNCIL

Wednesday 21 October 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 21 October, 2020** when the following business will be submitted:-

ITEMS OF BUSINESS

1.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	4
2.	DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS	4
3.	VISITORS	4
4.	CONFIRMATION OF MINUTES	4
5.	MAYORAL MINUTES	4
6.	NOTICES OF MOTION	4
7.	ITEMS FOR RESOLUTION	4
7.1	Finance - Accounts	5
7.2	Upgrade of id Data	9
7.3	Suspension of Alcohol-Free Zone - Chanter Street, Berrigan	10
7.4	Christmas Office Closure and December Council Meeting	12
7.5	CWA Playspace, Tocumwal Upgrade	13
7.6	Alexander Garden Competition	15
7.7	Road Closure	16
7.8	Development Application 53/21/DA/D2 Shed and Pet Food Business	17
7.9	Development Application 59/21/DA/D9 - 2 Lot Subdivision/Boundary Realignment 26	
7.10	Pecuniary Interest Disclosures 2019-2020	29
7.11	Barooga Recreation Reserve - Requests for Funding Assistance	30
7.12	Draft Annual Report 2019-2020	32
7.13	Development Application 55/21/DA/D2 New Tocumwal Foreshore Building	33
7.14	Development Application 62/21/DA/D2 - Food Vans	41
7.15	September Quarter Operational Plan Review	45
8.	ITEMS FOR NOTING	48
8.1	T10/20/21 – Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement	48

8.2	T09/20/21 Fence and Gate Replacement at Tocumwal Aerodrome	51
8.3	Riverina and Murray Joint Organisation Board Meeting Minutes	53
8.4	Local Roads and Community Infrastructure Fund	54
8.5	Status of Special COVID-19 Measures	55
8.6	Federal Budget	57
8.7	2020-2021 Rates Collections and Outstanding Debtors Balances - 1 st Quarter	59
8.8	Netball Courts	63
8.9	Tocumwal Chamber of Commerce and Tourism	67
8.10	Permissible Rate Income	68
8.11	Development Determinations for Month of September 2020	69
9.	CLOSED COUNCIL	75
	RESOLUTIONS FROM THE CLOSED COUNCIL MEETING	77
10.	COMMITTEES	78
11.	MAYOR'S REPORT	79
12.	DELEGATES REPORTS	80
13.	BUSINESS ARISING	81
14.	CLOSE OF MEETING	81

No business, other than that on the Agenda, may be dealt with at this meeting unless admitted by the Mayor.

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday 21 October, 2020

BUSINESS PAPER

This meeting is being webcast and those in attendance should refrain from making any defamatory statements.

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE
2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS
3. VISITORS

11:00am – Sebastien Pfeiffer - Citizenship Ceremony.

4. CONFIRMATION OF MINUTES

Recommendation: That the Minutes of the Ordinary Council Meeting and the Extraordinary Council Meeting both held in the Council Chambers on Wednesday 16 September, 2020 be confirmed.

5. MAYORAL MINUTES
6. NOTICES OF MOTION
7. ITEMS FOR RESOLUTION

Council Meeting**21 October 2020****7.1 Finance - Accounts**

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2020,
- b) Confirm the accounts paid as per Warrant No. 09/20 totaling \$2,165,243.40, and
- c) Note the report on investments attached as **"Appendix 7.1-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 September 2020 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 30 September 2020.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 September 2020, totaling \$2,165,243.40 and will be submitted for confirmation of payment as per Warrant No. 09/20
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) September has seen a slight decrease in total funds held at the end of August. This is in line with the general pattern in cash holdings over a year. Total funds are expected to remain stable over the coming months.

Council currently has an additional \$4.3M in cash than the same period last year, although some of the addition in cash holdings is attributable to the payment of Financial Assistance Grant in advance.

f) Further information regarding Council's investments is attached to this Agenda as "Appendix 7.1-B".

Statement of Bank Balances as at 30 SEPTEMBER 2020

Bank Account Reconciliation

Cash book balance as at 1 SEPTEMBER 2020	\$ 14,593,217.06
Receipts for SEPTEMBER 2020	\$ 1,203,409.71
Term Deposits Credited Back	\$ -
	\$ 15,796,626.77

Less Payments Statement No 09/20

No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 894,468.59
Electronic Funds Transfer (EFT) Creditors E035347-E035574	\$ 1,232,458.83
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 38,315.98
Total Payments for SEPTEMBER 2020	\$ 2,165,243.40
Cash Book Balance as at 30 SEPTEMBER 2020	\$ 13,631,383.37

Bank Statements as at 30 SEPTEMBER 2020

Bank Statements as at 30 SEPTEMBER 2020	\$ 13,630,366.45
Plus Outstanding Deposits	\$ 1,016.92
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 SEPTEMBER 2020	\$ 13,631,383.37

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	136/18	365	**1.60%	17/10/2020	\$ 2,000,000.00	BBB+
AMP	133/17	181	**1.65%	24/11/2020	\$ 1,000,000.00	BBB+
AMP	125/16	182	**1.60%	30/11/2020	\$ 2,000,000.00	BBB+
AMP	144/19	365	**1.80%	23/03/2021	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	124/16	365	1.30%	13/05/2021	\$ 2,000,000.00	UNRATED
Bendigo Bank	141/18	364	*0.85%	13/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	142/18	365	*0.80%	26/09/2021	\$ 2,000,000.00	BBB+
Central Murray Credit Union	126/16	365	1.00%	31/08/2021	\$ 2,000,000.00	UNRATED
Defence Bank Limited	138/18	365	1.70%	10/01/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	102/14	364	1.65%	5/04/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	106/14	365	1.35%	29/06/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	146/19	365	0.80%	31/08/2021	\$ 2,000,000.00	BBB
G&C Mutual Bank	145/19	364	1.70%	6/04/2021	\$ 2,000,000.00	BBB-
NAB	143/18	365	1.45%	19/11/2020	\$ 2,000,000.00	AA-
					\$ 27,000,000.00	

Total Funds Held at 30 SEPTEMBER 2020

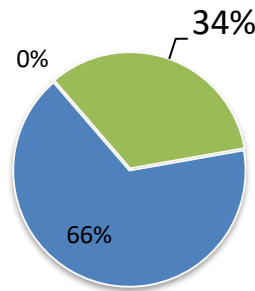
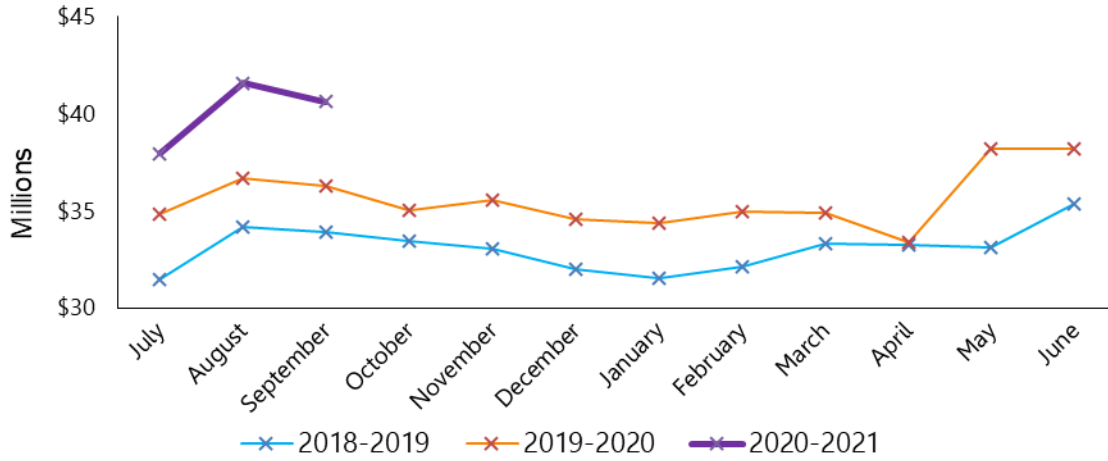
\$40,631,383.37

Tahlia Fry - Finance Manager

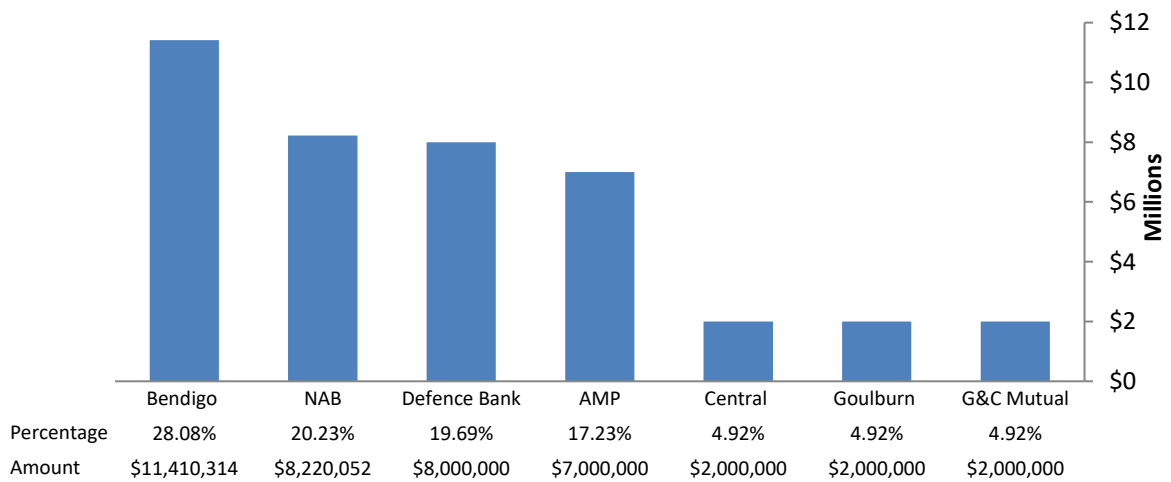
*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

Total Cash and Investments



■ Term Deposits ■ At Call T-Corp ■ Cash at Bank



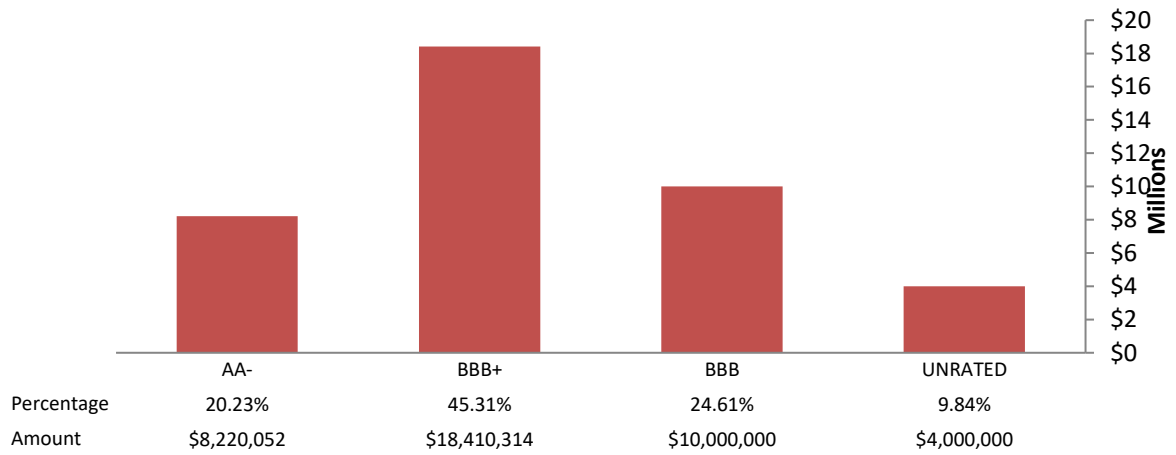
Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
BENDIGO BANK	366	\$ 2,000,000.00	*1.60%	13/09/2020
BENDIGO BANK	366	\$ 2,000,000.00	*1.45%	26/09/2020

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
BENDIGO BANK	365	\$ 2,000,000.00	*0.85%	13/09/2021
BENDIGO BANK	365	\$ 2,000,000.00	*0.80%	26/09/2021

*The Council also receives an additional 0.25% commission



Council Meeting

21 October 2020

7.2 Upgrade of id Data

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

Recommendation:

That the Council upgrades the Economy id contract to the full version at the discounted rate of \$8500 per annum for three years.

Report:

Economy id delivers online economic profiles to councils across Australia. It is delivered on public (Council) websites, branded economy.id, for anyone to access. The site provides economic data from multiple sources to tell the story of the local economy and how it is changing.

The Council has subscribed to the “lite” version of economy id for the past 6 years. The lite version is an option offered to smaller Councils - obviously coming with fewer functions whilst still making base data and economic impact and event modelling available. Economy id has been instrumental in providing valid data and economic impact modelling to all of our recent funding applications and is a product that is recognized by all levels of government for providing sound economic and social modelling.

A new dataset has been added to the full version of Economy id that includes an ongoing complete analysis of the economic impact of the COVID-19 lockdowns and also the ongoing impact of the Jobkeeper and Jobseeker payments. This information will be essential to our understanding of the economic changes that will inevitably occur in our community. The full version of Economy id is being offered to smaller Councils at a reduced rate on a three year contract. The price on offer would double our financial commitment to the platform from \$4000 a year to \$8500 however, I believe this expense is necessary to give us access to this important data. Attached as “**Appendix 7.2-A**” is a data example from City of Port Phillip.

Council Meeting

21 October 2020

7.3 Suspension of Alcohol-Free Zone - Chanter Street, Berrigan

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation:

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 Street, Berrigan from 5.00pm to 11.00pm on Friday 4 December 2020 in accordance with Section 645 of *the Local Government Act 1993*.

Report:

The Berrigan and District Development Association (BDDA) are proposing to hold their annual Market Night in Berrigan on Friday, 6 December 2019.

For this event, the adjacent roads will be closed to traffic from 5.00pm to 11.00pm – subject to Council and police approval.

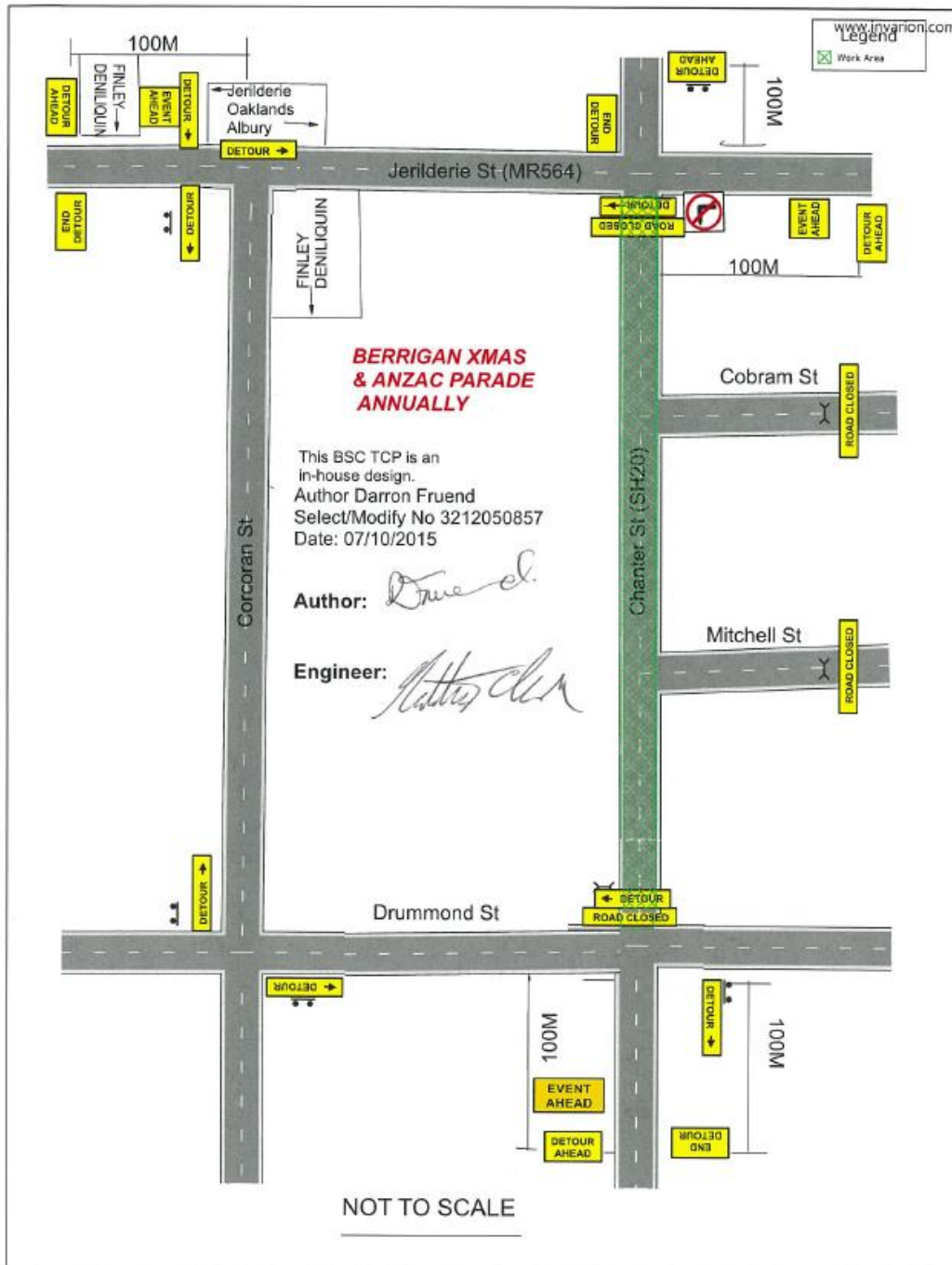
Elements of the event require approval under the *Local Government Act 1993* and this is taking place through other existing Council procedures.

The BDDA has requested the restrictions on alcohol consumption be lifted during this period for the area closed to traffic. A map of the area is shown at the end of the report.

The Council has no set policy on the lifting of alcohol restrictions but it has lifted these restrictions on alcohol consumption for this event in the past. Previous events conducted by this organisation have not created any public disturbance issues.

Under s645 of the *Local Government Act 1993*, the Council may suspend the operation of an Alcohol Free Zone if desired. This power cannot be delegated. If the Council wishes to suspend the operation of the Zone, it must publish notice of the suspension in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area.

In addition, the [Ministerial Guidelines on Alcohol-Free Zones](#) advise that the Council must liaise with the police. The police may also have a role in assessing the event's compliance with Public Health Orders associated with the COVID-19 pandemic.



Council Meeting

21 October 2020

7.4 Christmas Office Closure and December Council Meeting

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation:

- Close the Shire Offices from 4:00pm on Thursday 24th December, 2020 reopening on Monday 4th January, 2021 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- Close the Shire Libraries from close from business on Thursday 24th December, 2020 Monday 4th January, 2021 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- That the Council's December Council meeting be held on Wednesday 16th December, 2020.

Report:

The Council often varies the date of its December Council meeting to allow outcomes to be implemented prior to Christmas.

The meeting would normally be held on 16th December, 2020 and as this allows adequate implementation time prior to Christmas office closure, it is suggested that the date remain.

Also the Council has a Policy of closing the Shire Office between Christmas and New Year with those days not being public holidays; weekends etc. being deducted from staff leave entitlement.

This year, if implemented as per the Policy the Shire Office will close on Thursday 24th December, 2020 at 4:00pm and reopen on Monday 4th January, 2021.

In relation to the Libraries these generally follow the Council's adopted office closure, though closing at normal close of business. It is therefore suggested that Libraries also close after normal business on Thursday 24th December, 2020 and reopen on Monday 4th January 2021.

The outdoor staff will maintain a skeleton staff to attend to essential maintenance and emergencies. Normal on-call arrangements will apply through contact with the general office telephone number.

Council Meeting

21 October 2020

7.5 CWA Playspace, Tocumwal Upgrade

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Adopt the Concept Plan and proposed works for the CWA Park playspace upgrade included as **"Appendix 7.5-A"**;
2. Apply for the NSW Government Everyone Can Play Grant 2020-21 Funding to fund \$75,000 of the playspace cost, matched by Council

Report:

The playground at CWA Park in Tocumwal has aged and has been earmarked for replacement in the Risk Management Strategic Plan, with approval given to utilize the Risk Management budget to upgrade.

This playground is an early childhood playground catering for children under five years of age, and since the removal of the early childhood playground on the Tocumwal Foreshore, is the only playground specifically catering to this age group.

Thomson Hay Landscape Architects were enlisted to develop a concept plan to upgrade the playground area with a brief that the playspace met the needs of the early childhood age group, and was relatable back to the library. Since the first initial request to Thomson Hay, the Council became aware of NSW State Government funding under the Everyone Can Play (ECP) Grant 2020-21. This funding is specifically for Councils for new playspaces or the upgrade of existing playspaces that demonstrate inclusivity and cater for all abilities.

To upgrade the playground, the Council can apply for \$75,000. Councils must match the funding on a dollar for dollar basis unless they can demonstrate they have been drought or bushfire affected then the required Council cash contribution is a minimum of 25% of the grant request and may include other confirmed State or Commonwealth funding.

The final plan, included as **Appendix 7.5-A"** incorporates play items for a wider range of abilities such as young children, children with disabilities and older children. It is aimed at being inclusive and offering a range of play opportunities as well as beautifying the area to create a unique space within the CBD of Tocumwal, and also encouraging a "flow-on" of use from the library into the playspace.

Adoption of the plan by the Council is sought to progress the playspace upgrade and apply for funding under the ECP program.

Council Meeting

21 October 2020

7.6 Alexander Garden Competition

Report by: General Manager, Rowan Perkins

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That the Council:

1. Cancel the 2020 Alexander Garden Competition due to COVID-19 restrictions;
 2. Hold the Alexander Garden Competition biannually from 2021 onwards; and
 3. Advise garden committees of the Council resolution
-

Report:

It is that time of year again where the Council would normally conduct the Alexander Garden Competition.

As part of this competition Council staff organise judges from each of our towns to get together and spend the day driving around judging the various gardens in throughout the.

Due to the current COVID-19 situation we are facing it would seem inappropriate to encourage any sort of gathering.

It might also be worth considering if this competition would benefit being held biannually. A biannual competition could avoid previous winners being rewarded due to a lack of new or improved gardens as we have seen in recent years.

With these points in mind it is recommended to cancel the competition for 2020 and hold the competition biannually from 2021 onwards.

Council Meeting

21 October 2020

7.7 Road Closure

Report by: Development Manager, Laurie Stevens

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

Recommendation:

That the Council close the un-named road bisecting part of Lots 1 and 2 DP521903 under the provisions of the Roads Act 1993 and transfer the land to the adjoining property owner at market value. All costs applicable to the road closure process are to be borne by the applicant.

Report:

Council is in receipt of an application to close an un-named public road to enable the applicant to utilize the adjoining land in an effective and efficient manner for agricultural purposes.

The road reserve is 20 metres wide, extends approximately 735 metres south from Bushfield Road and partly bisects two adjoining allotments in the same ownership. (See “**Appendix 7.7-A**”) The owner of the surrounding land is wishing to utilize the road reserve as part of the farming operation which will include the installation of a lateral irrigator.

The applicant initially applied to Crown Lands to close the road however the Crown has advised that the road is not Crown Land and is classified as a public road which will require the consideration of the Council and, if supported, may be closed under the provisions of the Roads Act 1993.

The road originally provided access to Portion 77 Parish of Berrigan as indicated in “**Appendix 7.7-B**”. In the 1960’s Portions 64, 65 and 77 underwent a subdivision and realignment of boundaries to form the current titles, Lots 1 and 2 DP521903 respectively.

There is evidence on site that the road was originally formed as it is raised from the surrounding landscape and is now partly used as property access. The surrounding landscape is land formed for irrigation purposes and is utilized for cereal cropping at present.

The road reserve now has no practical purpose and is not maintained by the Council. It is considered that it would be appropriate to close the road and transfer to the adjoining land owner.

Council Meeting

21 October 2020

7.8 Development Application 53/21/DA/D2 Shed and Pet Food Business

Report by: Town Planner, Elizabeth Schindler

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation:

That the Development Application 53/21/DA/D2 for a Shed and Pet Food Business 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 Approved Plans BSC 001-003 and Best Sheds Job Number 2011176536 Sheet number 2 and 4 of 6, on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2) Use

This approval is granted for the shed to be used for a pet food facility and storage purposes normally associated with a residence. No other use is permitted for the shed unless prior approval is obtained from Council.

CONDITIONS FOR PET FOOD BUSINESS

3) Hours of Operation

- a) The duration of the business is for a maximum two days a week.
- b) The hours of operation for any given business day is limited to between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No operations shall be carried out on Sundays and public holidays.

Should activities undertaken on site exceed the above times the prior consent of Council will be required to be obtained. This is to ensure hours of operation for the development does not impact on the residential amenity of neighbouring environment.

4) Noise

Any noise from the business is to be maintained to a normal residential amenity level. This is to ensure that noise is kept to reasonable levels within residential neighbourhoods.

5) Landscaping

Landscaping is to be provided onsite along the Howe Street road reserve for the full length of the shed to a standard that enhances the amenity of the development and

nearby land uses. A range of mature native plant species of various heights are to be used in the landscaping. An adequate protection barrier must be installed to protect the vegetation area from vehicle movement. This is to ensure the visual quality and amenity of the neighbouring environment.

6) Trade Waste

a) For liquid trade waste from the pet food facility, the following must apply:

- i) All liquid trade waste from the pet food facility must be directed to Council's sewerage system.
- ii) The development will be required to meet the liquid trade waste acceptance criteria in accordance with Council's *Liquid Trade Waste Policy* (latest version).
- iii) Prior to the release of the Construction Certificate the Applicant must ensure that a Liquid Trade Waste Approval has been granted in association with the proposed pet food facility.
- iv) The Applicant must allow in the design for the installation of all required trade waste pre-treatment equipment. All trade waste pre-treatment equipment shall be installed to details approved by Council, prior to work commencing onsite.
- v) Prior to the use of the building as a pet food facility, the applicant is to contact Council to arrange an inspection of all trade waste installations.

This is to ensure that the proposed development can be appropriately serviced in accordance with Council's *Liquid Trade Waste Policy* and to comply with Section 68 Part C (4) of the *Local Government Act 1993*.

b) For waste products from the pet food product, the following must apply:

- i) Minimal waste is to be stored onsite.
- ii) All waste must be disposed of at a suitable reciprocal in accordance with its classification as per EPA's Guidelines including but not limited to the latest version of the *Waste Classification Guidelines*.
- iii) Dispose of all waste must be logged and information provided on its disposal.
- iv) Any odour from any waste onsite is to be maintained to a normal residential amenity level.

This is to ensure that waste from the development is managed appropriately and does not impact on the residential amenity in the neighbouring environment.

c) For all other waste not included in a) and b) above for the pet food facility, the following must be applied:

- i) Waste generated must be kept to a minimum.
- ii) Minimal waste is to be stored onsite
- iii) A suitable garbage receptacle must be provided for the reception of any waste onsite, is managed affectively and disposed of appropriately.

This is to ensure that trade waste from the development is managed appropriately and does not impact on the residential amenity in the neighbouring environment.

7) Traffic and site access

- a) Public access to the site must be limited.
- b) All vehicles associated with the business must park vehicles onsite
- c) All carparking associated with the development must be contained onsite in a designated car parking area.
- d) An all weather access driveway must be provided linking the shed to Howe Street.
- e) Dust suppression strategies on the internal road must be applied where required to limit dust created from traffic movement onsite.
- f) This is to ensure the development does not impact on the residential amenity of neighbouring environment or on the local road network.

8) Works in Road Reserve

Reticulated services are installed under roads, footpaths and naturestrips at varying depths. No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

9) Disabled Access

Disabled access must be provided to the shed and to onsite amenities, including but not limited to, toilets. This is as per the requirements of the Building Code of Australia and relevant Australian Standards.

10) Fire Safety Schedule

In granting this approval, Council requires the essential fire or other safety measures, as determined by the Principal Certifying Authority upon assessment of the Construction Certificate, to be installed and maintained so as to comply with the requirements of the Building Code of Australia. Prior to the issue of an occupation certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate is to state in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated:

- a) that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so and
- b) that as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council within each twelve month period certifying the maintenance standard of the Essential or Other Safety Measure installed on the property.

CONDITIONS FOR CONSTRUCTION OF SHED

11) Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

12) 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 the retaining wall
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY (Complete Form D - Appointment PCA)
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

13) 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)

14) 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)

15) Compliance with Building Code

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

16) 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.

17) Signs Erected on Building and Demolition Sites

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of retaining wall and placement of generator 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).

18) Waste

A garbage receptacle for the reception of all waste materials associated with the construction of the shed from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

19) Stormwater

Roofwater from the structure is to be piped underground to Council's stormwater drainage system located in Howe Street in accordance with the Building Code of Australia and Relevant Australian Standards. This is to ensure that runoff does not cause damage to occur to neighbouring properties.

Division

In Favour:

Against:

Report:

Proposal

Council is in receipt of a development application for a Shed and Pet Food Business to be located at 1-11 Tongs Street, Finley. The proposed shed will have a total area of 120 metres² and will be setback 6 metres from Howe Street and will be 23 metres from the northern side boundary. Included in the shed will be a kitchen with an area of 12 metres² to be used for preparing gourmet pet food products for commercial sale. Product from the business will be distributed offsite to customer's premises. The pet food product will involve combining meat, rice, vegetables and water and packaging it into food containers. The business is proposed to operate one to two days a week.

Subject Site

The subject site is zoned RU5 Village under the *Berrigan Local Environmental Plan 2013* and has a total area of approximately 1.5 hectares (see figure below). The subject site is currently vacant. The subject site is within the outer south east area of Finley within an existing general industrial precinct. There is an existing residential dwelling is approximately 60 metres to the east of the proposal (located east of Howe Street) and an existing concrete batching plant that is on land zoned RU1 Primary Production. To the west of the subject site is an existing dwelling approximately 140 metres from the proposal.



Figure 1 – aerial view of the subject site and approximate location of proposed shed and pet food business

Assessment

The proposed shed and pet food business is permissible within the RU5 Village zone under the Berrigan LEP.

Neighbour Notification

The main issues that needs to be considered when undertaking an assessment on the proposal is that the proposed development is a commercial business neighbouring existing residential premises and thus has the ability to impact on the neighbouring residential amenity. The affected neighbouring properties were notified of the proposal. A formal submission on the proposal was received on 21 September 2020.

Summary of Submission	
The submitter is in objection to the proposal as they believe:	1. The proposal will be located approximately 60 metres from the existing dwelling to the east which has been assessed as a sufficient setback

<ol style="list-style-type: none"> 1. It will be an unsightly structure at the front of their dwelling. 2. That the proposal will create dust from traffic that will impact their dwelling from onsite traffic and traffic on Howe Street. Howe Street is a wide road with no kerb and gutter and existing traffic utilise the shoulders creating dust into their premises. 	<p>to an existing dwelling. As per the Berrigan Development Control Plan 2014 development controls, there will be onsite landscaping in the area onsite between the proposal and Howe Street to affectively screen the development from Howe Street. Landscaping will effectively also enhance the amenity along Howe Street and the greater neighbouring area.</p> <ol style="list-style-type: none"> 2. The proposed business onsite is aimed at a low scale operation that will operate one to two days a week. All products will be delivered off site and therefore no public will be utilising the onsite access road. The onsite access road will be an all-weather road and dust suppression on the internal road will be applied where required. There will be minimal additional traffic created from the proposal that will have minimal impact on the existing traffic on Howe Street. The proposal is within an existing general industrial precinct with existing potential impacts such as dust that are managed through strategies such as dust suppression where required. The area to the east of the subject site is zoned RU1 Primary Production, see figure 2 below and is subject to potential impacts such as dust through agricultural activities.
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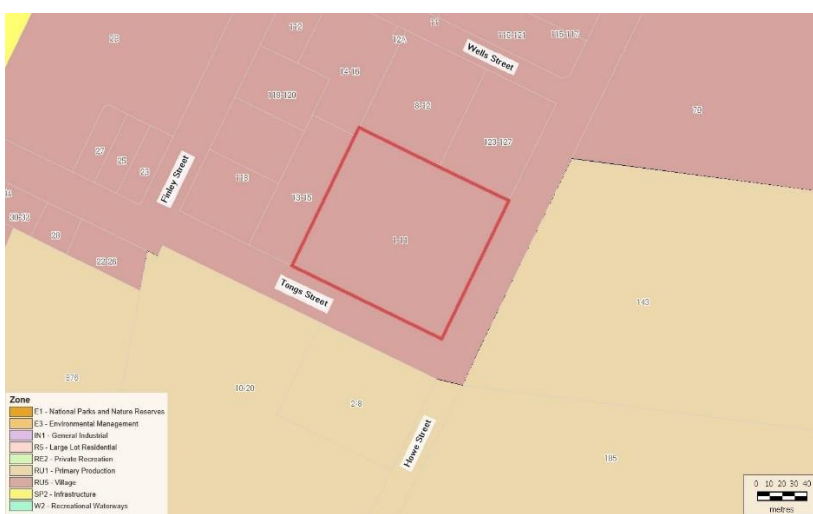


Figure 2 – zoning of the subject site and surrounding neighbouring area as per Berrigan LEP

Berrigan Development Control Plan 2014 (DCP)

An assessment of the proposal is required against the relevant development controls for a commercial development under the Berrigan DCP.

- The proposal will be located on the eastern edge of the township of Finley which is predominately an existing general industrial precinct.
- The proposal is for a business that will make pet food one to two days per week and is therefore assessed as being a low scale type of commercial activity.
- The development will include landscaping between the proposal and the street to ensure that development enhances the amenity of the development and commercial areas which meets the development controls of the DCP.
- Delivery of the product will be off-site and therefore will minimise traffic on site. Potential impacts such as dust from the onsite access road will require dust suppression where required.
- Trade waste from the proposed business will be managed through appropriate mechanisms such as liquid trade waste being deposited to Council's sewer system and organic trade waste being disposed of as per EPA guidelines.

In addition to the above, an assessment of the proposal also requires an assessment of the proposal against the relevant development controls for a residential development under the Berrigan DCP. This includes:

- The proposal will be located on an allotment with an area of 1.5 hectares which the size of the shed is in proportion with the lot it will be placed. Furthermore, given the proposal will be located within an existing general industrial precinct, the size of the shed will be keeping with the existing character of the neighbouring environment.
- The pet food business is assessed, as above, as a low impact development and therefore will have minimal impacts on the neighbouring area. The traffic generated from the proposal is assessed as having a minimal impact on the existing traffic on the local road network. Any potential impacts from the development are mitigated such as trade waste controls and dust suppression strategies for onsite vehicle movement where required to ensure the development does not impact on the existing residential amenity in the neighbouring environment.
- The proposed shed will have a 6 metre setback to Howe Street which meets the development controls in the DCP and will be setback behind the building line of any future dwellings. Also given the high quality materials and finishes being utilised on the exterior of the building, the proposal is assessed as having a minimal impact on the streetscape of Howe Street and Tongs Street.

The above assessment of the Berrigan DCP will ensure that any potential impacts from the development will be mitigated and the development will have minimal impacts on the neighbouring residential amenity.

Otherwise, the development will not largely impact the character and amenity of the already existing built and natural environments. The development is consistent with the Building Code of Australia given the setbacks from the boundary. Overall, the development meets the objectives of the Berrigan DCP for commercial and residential development.

Conclusion / Legislation

In assessing this development application, the relevant parts of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into account. The development is permissible in the RU5 Village Zone as per the Berrigan LEP, the submission in objection to the proposal has been addressed and a complete assessment has been conducted in accordance with the Berrigan DCP to ensure that the proposal mitigates against any potential impacts on the surrounding neighbouring environment. Conditions of consent will ensure the development protects the residential amenity of the neighbouring environment.

Recommendation

That development application 53/21/DA/D2 be approved subject to conditions of consent.

Council Meeting

21 October 2020

7.9 Development Application 59/21/DA/D9 - 2 Lot Subdivision/Boundary Realignment

Report by: Development Manager, Laurie Stevens

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation:

That DA 59/21/DA/D9 for a 2 Lot Subdivision/Boundary Realignment be refused as the proposed development fails to comply with the provisions of Berrigan Local Environmental Plan 2013.

Division

In Favour:

Against:

Report:

Council is in receipt of a development application for a 2 Lot subdivision/boundary realignment of rural land adjacent to the Barooga-Mulwala Road, Barooga.

It is proposed to realign the boundaries of Lot 97 in DP752280, which has an area of 174 ha, and Lot 1 in DP720268, which is a closed road having an area of 3.4 ha, and create one lot of 152 ha and another of 25 ha.(See "Appendix 7.9-A").

The land is currently utilized for cropping purposes. There is an existing dwelling located towards the north-west corner of the property.

It is proposed that the existing dwelling would be situated on the proposed smaller 25 ha allotment.

The land is located in the RU1 Primary Production Zone under the provisions of Berrigan Local Environmental Plan 2013 (LEP).

The minimum Lot size in the Primary Production Zone under the LEP is 120 ha.

Clause 4.2 of the LEP applies to the subdivision of land in the RU1 Primary Production Zone as outlined below.

4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) This clause applies to the following rural zones—

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(baa) Zone RU3 Forestry,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone RU6 Transition.

Note—

When this Plan was made it did not include all of these zones.

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

As indicated above in subclause (3) land in the RUI Zone may, with development consent, be subdivided to create a lot of less than the minimum lot size for the purpose of primary production.

However subclause (4) states that such a lot, being the lot less than the minimum lot size, cannot be created if an existing dwelling would, as a result of the subdivision, be situated on the lot.

It is clear that under the provisions of clause 4.2 of the LEP the subdivision of the land, the creation of a new lot of less than the minimum lot size upon which there is an existing dwelling, cannot be supported and must be refused.

An opinion on this matter was requested from Councils legal advisors regarding this matter. The response received was “In short, my legal opinion of the interpretation of clause 4.2 of the BLEP is that no lot created by the subdivision of less than the minimum lot size may have a dwelling on it.”

Clause 4.2(4) creates a prohibition on the use of clause 4.2 in circumstances where an existing dwelling would, as a result of the subdivision, be situated on a lot and the Council has no option other than to refuse the application.

The consultant acting on behalf of the applicant has put forward an alternate view based on advice provided by the then Department of Planning & Infrastructure to Greater Hume Shire Council in 2012. (See "**Appendix 7.9-B**").

The advice referred to the intention of clause 4.2 when it was originally drafted whereby the purpose of the clause is to provide flexibility in the application of standards for subdivision in the rural zones to facilitate primary production and not for the creation of additional dwelling entitlements either on the primary or residual lot. The advice from the Dept. then went on to say that clause 4.2 does not provide any limitations regarding the characteristics of a residual lot and that the area of a residual lot can be equal to, greater or less than the minimum lot size and an existing dwelling may be located on the residual lot.

Whilst the above may have been the intention of the Dept. that is not reflected in how the clause has been legally drafted. The Department has also acknowledged the difference from the intention of the clause and the legal interpretation of how it was drafted and has stated that there would need to be an amendment to clause 4.2 to overcome the problem. To this date no further amendment of the clause has occurred.

In summary, based on the legal advice received by Council, it is considered that the subdivision is unable to be undertaken under the provisions of Berrigan Local Environmental Plan 2013 and therefore must be refused.

Council Meeting

21 October 2020

7.10 Pecuniary Interest Disclosures 2019-2020

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation:

That the Council note the tabling of Pecuniary Interest Returns received from Councillors and designated officers for the period 1st July, 2019 to 30th June 2020.

Report:

Tabled at this meeting are Pecuniary Interest Returns as required and in accordance with Section 450a of the Local Government Act duly completed by:

Councillors

- Matthew Hannan
- Daryll Morris
- John Bruce
- Colin Jones
- Denis Glanville
- Ross Bodey
- John Taylor
- Roger Reynoldson

Designated Officers:

Rowan Perkins	(General Manager)
Matthew Hansen	(Director Corporate Services)
Matthew Clarke	(Director Technical Services)
Fred Exton	(Engineering Services Manager)
Laurie Stevens	(Development Manager)
Matthew Miller	(Building Surveyor)
Michelle Koopman	(Enterprise Risk Manager)
Tahlia Fry	(Finance Manager)
Merran Socha	(Economic Development Officer)
Elizabeth Schindler	(Town Planner)
Jo Ruffin	(Strategic & Social Planning Coordinator)
Gary George	(Assets & Operations Manager)
Alan Kay	(Environmental Engineer)
Nathan O'Connell	(Project Manager)

Council Meeting

21 October 2020

7.11 Barooga Recreation Reserve - Requests for Funding Assistance

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation:

The direction of the Council is sought

Report:

Barooga Recreation Reserve Committee of Management (the Committee) have written to the Council with a series of requests for financial assistance. A copy of the requests is attached as "Appendix 7.11-A".

1. Upgrade of the netball courts

The condition of the netball courts at Barooga is discussed in a separate report.

Replacement of each court is estimated to be around \$150,000 each.

2. Repair of equestrian facilities

The Council considered this request as part of its budget deliberations and determined that should be funded by the Committee. Through my oversight this decision was not communicated to the Committee at the time

The Committee was seeking \$8,000 (or part thereof) as reimbursement for these works.

3. Reimbursement of annual recreation reserve fees

The Committee has asked the Council to provide it with a discretionary grant equal to the amounts paid by its user groups for membership/use of the Recreation Reserve. This would allow the Committee to reimburse those fees to their member clubs - easing the financial burden on those clubs resulting from COVID-19 restrictions.

The Committee receives approximately \$9,300 in annual fees from member clubs.

4. Replacement of plate glass and mouse-proofing - main building

In their recent renovation works, the committee has identified an issue with plate glass (i.e. not safety glass) being used in the main doors on the oval side. The same doors also need a seal to prevent mice entering the building.

The Committee are requesting the Council address both issued. The cost of this is unknown at this stage.

5. Provision of broadband internet

The Committee would like the building connected to broadband internet.

Council staff have not yet investigated if this is possible or the cost of the connection. They have suggested to the Committee that pre-paid mobile internet may be a more cost-effective solution.

Separately, the Committee have also asked for additional funding from the Council relating to their social and change room renovations. A copy of this request is attached as **“Appendix 7.11-B”**.

The Committee are seeking an additional \$14,200 (ex GST) to purchase new floor coverings rather than re-laying the old coverings. They are also seeking an additional \$1,500 (ex GST) to have the carpet tiles laid.

The direction of the Council is sought.

Council Meeting**21 October 2020****7.12 Draft Annual Report 2019-2020**

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation:

That the Council review and provide comment on the Draft Annual Report 2019 – 2020 attached as **“Appendix 7.12-A”**.

Report:

Each year the Council produces an Annual Report to review its performance and achievements for the past financial year. This document provides insight into the Council's operations and financial position and indicates how the Council has performed in achieving the activities it set itself during the year. A copy of this year's draft report is attached as an **“Appendix 7.12-A”**.

The appended draft report does not include the Financial Statements - hence no financial data - due to the deferral of the Council's audit and the preparation of its 2019/20 Financial Statements. Where relevant yellow highlights indicate that this element of the report needs to include 2019/20 financial data. Notwithstanding this delay, the appended report reflects in all other respects the requirement of the Department of Local Government's Integrated Planning and Reporting Framework. Hence, the format of the report recognises that this is not a report to the Office of Local Government or the New South Wales Government; it is a report to the community.

As such, this draft report can be published and read as one complete document or five separate reports allowing readers the opportunity to focus only on the areas that are of interest to the reader. The Draft Annual Report attached as Appendix includes an introduction that provides the reader with a brief overview of the Shire, its vision for the future in addition to comments from the Mayor and General Manager. The Shire Profile introduces Councillors, Councillor Management and includes information on Council meeting attendance.

Information on the Council's Planning Framework and operational performance follow. Summary tables reporting on the Council's performance against the objectives set out in the Council's Annual Operational Plan will also be found in this section.

Council Meeting

21 October 2020

7.13 Development Application 55/21/DA/D2 New Tocumwal Foreshore Building

Report by: Town Planner, Elizabeth Schindler

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation:

That the Development Application 55/21/DA/D2 for a New Tocumwal Foreshore Building be approved subject to the following conditions:

20) Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plans Marie Le Touze Tocumwal Foreshore Building DA01-03 and DA05-09, on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

21) Trade Waste

a) For liquid trade waste from the building, the following must apply:

- i) All liquid trade waste must be directed to Council's sewerage system.
- ii) The development will be required to meet the liquid trade waste acceptance criteria in accordance with Council's *Liquid Trade Waste Policy* (latest version).
- iii) Prior to the release of the Construction Certificate the Applicant must ensure that a Liquid Trade Waste Approval has been granted.
- iv) The Applicant must allow in the design for the installation of all required trade waste pre-treatment equipment. All trade waste pre-treatment equipment shall be installed to details approved by Council, prior to work commencing onsite.
- v) Prior to the use of the building, the applicant is to arrange an inspection of all trade waste installations.

This is to ensure that the proposed development can be appropriately serviced in accordance with Council's *Liquid Trade Waste Policy* and to comply with Section 68 Part C (4) of the *Local Government Act 1993*.

22) Financial Contribution Car Parking

A financial contribution of \$18,955 must be submitted to Council for the provision of car parking as required by Council's Development Contributions Plan under the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* prior to the issue of an Occupation Certificate.

23) Works in Road Reserve

Reticulated services are installed under roads, footpaths and naturestrips at varying depths. No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

24) Disabled Access

Disabled access must be provided to the building, including but not limited to, the ground floor, the first floor and to onsite amenities. This is as per the requirements of the Building Code of Australia and relevant Australian Standards.

25) 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.

26) Fire Safety Schedule

In granting this approval, Council requires the essential fire or other safety measures, as determined by the Principal Certifying Authority upon assessment of the Construction Certificate, to be installed and maintained so as to comply with the requirements of the Building Code of Australia. Prior to the issue of an occupation certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate is to state in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated:

- a) that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so and
- b) that as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council within each twelve month period certifying the maintenance standard of the Essential or Other Safety Measure installed on the property.

27) Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

28) 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 the retaining wall
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY (Complete Form D - Appointment PCA)
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

29) 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)

30) 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)

31) Compliance with Building Code

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

32) 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.

33) Signs Erected on Building and Demolition Sites

-
- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of retaining wall and placement of generator 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).

34) Waste

A garbage receptacle for the reception of all waste materials associated with the construction of the structure from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

35) 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.

36) Stormwater

Roofwater from the structure is to be directed to Council's stormwater drainage system in accordance with the Building Code of Australia and Relevant Australian Standards. This is to ensure that runoff does not cause damage to occur to neighbouring structures or properties.

Division

In Favour:

Against:

Report:

Background

A Concept Approval for the Staged Redevelopment of the Tocumwal Foreshore under the *Environmental Planning and Assessment Act 1979* was approved at Council's ordinary Meeting 15 February 2017. The concept was for the redevelopment of the Tocumwal Foreshore and each stage of the redevelopment would then require a separate application to Council for Development Consent. The concept design underwent public consultation required for the approval.

Four (4) different design options for the new Tocumwal Foreshore Building were advertised to the public in early 2020. The public were invited to vote on their choice of design and a design was chosen from this public consultation process. Council is now in receipt of a development application for the New Tocumwal Foreshore Building that includes the building design that was chosen by the public.

Proposal

The proposed New Tocumwal Foreshore Building will have two floor levels with a total floor area of 849 metres². The Ground Floor will include three Tenancy Areas, services and amenities areas and has a total floor area of 353 metres². The First Floor will include a Function Room / Restaurant (154 metres²), Kitchen, services, a verandah (168 metres²) and has a total area of 496 metres². The design of the building has ensured full disabled access. Please see "**Appendix 7.13-A**" for a full set of the proposal plans of development. The proposal will replace an existing structure that was utilised by tenements and public toilets to the rear.

Subject Site

The subject site, known as the Tocumwal Foreshore, is located alongside Deniliquin Road and is Crown Lands Reserve. It is also identified as Lot 422 on Deposited Plan 1253984. The subject site is located within Zone RU5 – Village Zone under the provisions of the *Berrigan Local Environmental Plan 2013* (LEP). An existing building was on the site of the proposal that has recently been demolished. The subject site is located within the commercial precinct of Tocumwal (to the north, east and west) and is located approximately 63 metres from the Murray River (to the south). The subject site is within the Tocumwal Heritage Conservation Area.



Figure 1 – subject site within the greater township of Tocumwal. The Red line is the Heritage Conservation Area and Orange is Heritage Items listed under the Berrigan LEP

Assessment

The proposed Tocumwal Foreshore Building is permissible within the RU5 Village zone under the Berrigan LEP. The proposal is on Crown Lands and will replace an existing structure with similar land uses. The proposal was referred to Crown Lands and on 22 September 2020 Crown Lands commented that they had no further comment to add to those already made on their landowner’s consent letter dated 30 January 2020.

SEPP – Murray Regional Environmental Plan No 2 – Riverine Land (MREP)

The main State Environmental Planning Policy (SEPP) which needs to be taken into account in the assessment of this proposal is deemed SEPP – Murray Regional Environmental Plan No 2 – Riverine Land (MREP). This SEPP applies to riverine land of the River Murray within Berrigan Shire. One of this SEPP’s main objectives is ‘to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray’. The proposed development will replacement an existing building that is within the established commercial precinct of Tocumwal with a range of building heights of one and two stories. Given the proposal is within this area and given both the quality of the built form proposed and the sensitivity of the design to complement the riverine environment with natural colours and materials such as wood for the verandah area, the proposal is assessed as having minimal impact on the riverine environment.

Community Engagement Framework & Community Participation Plan

Given the proposed development is a commercial premises in a prominent location within the commercial precinct and tourist precinct within the township of Tocumwal, Council advertised the proposed development application for the new Tocumwal Foreshore Building as per the Berrigan Shire *Community Engagement Framework & Community Participation Plan*. The proposal was advertised in the Southern Riverina News. The proposal and its supporting plans were advertised on Council's website, Tocumwal Library and at the Shire Office from 14 September until 29 September 2020. No formal submissions were provided to Council on the proposal.

Berrigan Development Control Plan 2014 (DCP)

An assessment of the proposal is required against the relevant development controls for a commercial development under the Berrigan DCP.

Location and Appearance

The proposal will be located within the commercial precinct for the township of Tocumwal. The proposal will be designed with a front façade on all four sides with windows and openings to address each area and therefore will contribute the commercial precinct. It will utilise a combination of materials and architectural features that are designed to make a positive contribution to the existing character and streetscape of the town centre.

Landscaping

The landscaping for the Tocumwal Foreshore redevelopment including for the new Tocumwal Foreshore Building, are provided in the overall landscaping plan for the Tocumwal Foreshore. The aim of the landscaping plan is to ensure it is to a standard that enhances the amenity of the development and commercial areas and attracts visitors to the Tocumwal Foreshore area, the township of Tocumwal and the greater Berrigan Shire.

Heritage

The subject site is within the Tocumwal Heritage Conservation Area. The existing building to be replaced is not heritage listed or is of historical significance. To support the proposed New Tocumwal Foreshore Building is a Statement of Heritage Impact. The key elements of the proposed design of the building is it reflects the duality of its exceptional location (between the Murray River and the Tocumwal Heritage Precinct). The design provides a front façade on all four sides of the building integrating it into each surrounding precinct, utilises design features such as a verandah and roof design to complement the historical precinct and natural materials to connect with the Murray River and its cultural history such as the timber boat history of the region.

Car parking

The development must consider the car parking requirement of the Berrigan Development Control Plan No. 3 Parking. The proposal is for a commercial premises with a total gross floor area of 849 metres². As per the Berrigan DCP, commercial developments require 1 onsite car

parking space per 50 square metres of gross floor area. Therefore the proposal requires 17 car parking spaces.

The site is within the township of Tocumwal commercial precinct and is part of Tocumwal Foreshore. As part of the redevelopment of the Tocumwal Foreshore, car parking along Deniliquin Road and Anzac Avenue was redeveloped with increased car parking spaces and improvements such as landscaping. As part of the Town centre revitalisation, to the north of Deniliquin Street was developed into excess car parking in the commercial precinct. Tocumwal historically has many visitors to the foreshore and commercial precinct during significant events such as the Tocumwal Foreshore Markets. Visitors to the area travel by car, walk or cycle. It is anticipated that there will be visitors to the site in conjunction with this existing traffic movement and the venue will attract visitors with its increased capacity of the facility that can be accommodated within the existing car parking within the commercial precinct and the Tocumwal Foreshore parking along Deniliquin Road and Anzac Avenue.

For new development where not all spaces can be provided on site, a car parking contribution is required to be paid to Council to provide for the car parking facilities. The required development contribution in Tocumwal is \$1,115 per space deficient. Therefore there will be a required total development contributions payment of \$18,955.

The proposed development therefore addresses the development objectives and controls of the Berrigan DCP and will make a positive contribution to the commercial precinct, the township of Tocumwal and the greater Berrigan Shire. This development is within the public interest, especially given that the Foreshore Redevelopment will attract tourism to the Berrigan Shire and will provide a boost to the township of Tocumwal.

Other elements such as liquid trade waste have been assessed and requirements for this have been addressed through the design of the building and conditions of consent.

Given the extensive Community Consultation for the new Tocumwal Foreshore Building and the assessment provided above, it is considered that this development application 55/21/DA/D2 be approved subject to conditions of consent.

Conclusion / Legislation

In assessing this development application, the relevant parts of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into account. It is clear that this development will attract tourists and visitors to the area and will be a boost for the Berrigan Shire.

Recommendation

Given the extensive Community Consultation and previous support of the Concept Approval, and the above assessment of the proposal, it is considered that this development application 55/21/DA/D2 be approved subject to conditions of consent.

Council Meeting

21 October 2020

7.14 Development Application 62/21/DA/D2 - Food Vans

Report by: Development Manager, Laurie Stevens

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation:

That Development Application No. 62/21/DA/D2 be approved subject to the following conditions:

Approved Plans

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

Trade Waste

- a) All liquid trade waste from the mobile food vans must be collected from each food van and all waste must be deposited to either Council's sewerage system or a public septic dump point.
- b) The Applicant is required to lodge an application for the discharge of liquid trade waste to either Council's sewerage system or a public septic dump point.
- c) The Applicant must ensure that a Liquid Trade Waste Approval has been granted prior to the discharge of liquid trade waste from the mobile food vans associated with the proposed 3 Food Trucks.

This is to ensure that the proposed development can be appropriately serviced in accordance with Council's Liquid Trade Waste Policy and to comply with Section 68 Part C (4) of the *Local Government Act 1993*.

Duration of 3 Food Vans onsite

This consent is for 3 Food Vans to operate on site from 22-31 October 2020. All vans must be removed from the site on days other than this date. Should further dates be contemplated the consent of the Council will be required to be obtained prior to the vans being placed on the site.

Hours of Operation

Hours of Operation for food vans on site is limited to:

- Daily from 12:00pm to 9:00pm

Should activities undertaken on site exceed the above times the prior consent of Council will be required to be obtained.

This is to ensure hours of operation for the development does not impact on the residential amenity of neighbouring environment.

Noise

Operation of the development must keep noise at a low ambient level. This is to ensure that noise is kept to reasonable levels within residential neighbourhoods, and is in accordance with the *Protection of the Environment Operations (Noise Control) Regulations 2017*.

Location of Food Vans

All food vans must be located within the site and as per the approved plans.

Garbage Receptacle

A garbage receptacle for the reception of all domestic waste materials from 3 food vans purposes to adequately cater for patrons visiting the site. Minimum waste is to be stored onsite at any one time. Waste must be maintained and serviced appropriately to adequately cater for patrons onsite. Odour from waste is to be maintain at a normal residential amenity in the neighbouring environment. This is to ensure that there is minimal harm to the health of patrons and there is minimal impact from odour on the neighbouring environment.

COVID-19 Safety

Movement of patrons access the 3 food vans and any outdoor seating for patrons must comply with the current COVID-19 restrictions as per NSW Health Regulations (latest version).

Food Safety

The food vans must comply with the provisions of the NSW Food Act 2003.

Division

In Favour:

Against:

Report:

Council is in receipt of Development Application No. 62/21/DA/D2 for 3 Food Vans to operate from the premises located at 24-30 Vermont Street, Barooga. See **“Appendix 7.14-A”**.

The site is located in the RU5 Village Zone under the provisions of Berrigan Local Environmental Plan 2013 (BLEP) and within the commercial centre of the township.

The proposal is not prohibited in the RU5 Village Zone may be undertaken with the consent of the Council.

The proposal was advertised in the Cobram Courier and on Councils website for a period of 14 days. A total of 4 submissions objecting to the proposal were received and 1 submission in favour of the proposal.

The submissions against the proposal were concerned about the financial impact on local businesses particularly during the COVID-19 Pandemic and the restrictions that have been imposed by the government. Also of concern was failure of the applicant to obtain the consent of the Council for the operation of the food vans.

The submission in favour of the proposal was based on free enterprise and that the food vans attracted a number of people to Barooga that would not have generally visited the area.

Ironically the Founder of Food Trucks Australia, who the proponents arranged to organize the food vans for this site, has submitted a letter indicating that, due to a dispute with property owner and the applicant, that he will no longer be supplying food vans to the property and has requested that the Council not support this venture.

In evaluating this proposal the provisions of Section 4.15 – Matters for consideration, of the Environmental Planning and Assessment Act 1979, must be taken into consideration that are of relevance to the development the subject of the development application. As previously mentioned the activity is not prohibited and may be undertaken with the consent of the Council. Other provisions include the suitability of the site, any submissions made in regard of the proposal, the public interest and the likely impacts of the development including the environmental, economic and social impacts in the locality.

The site contains the business known as Barooga Hardware/Pirates Treasure House and there is sufficient area to contain the proposed development. There are minimal environmental impacts associated with the development. Trade waste from the food vans will need to be addressed and can be approved and conditioned accordingly. The social and economic impacts can be viewed in two ways. Firstly the food vans will benefit the existing business and may have a positive effect in generating more visitors to the town thereby exposing the other existing businesses to a greater client base. In the alternative there is a perception that the food vans will take customers away from the existing businesses particularly in the current environment.

The supporting information provided by the applicant indicates a food van schedule for the months of September and October only. No further dates have been submitted by the applicant for future visits and should the Council support this proposal it would be appropriate to determine when and how often the proponent wishes to have these food vans at the site. Should consent be granted it may be appropriate to issue a “deferred commencement consent” rather than have an open ended consent which would allow food vans to operate at all times.

It should be noted that one food van may be located on private premises at any time as “exempt Development” under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Notwithstanding the previous issues with the operation of the food vans on the site the proposed development has not generated significant opposition from the Barooga community and it is considered that a limited approval can be supported. Should the proponent wish to continue operating food vans at the site, in addition to the dates already nominated, it would be appropriate to condition any consent granted that any further dates would require the further consent of the Council.

Council Meeting

21 October 2020

7.15 September Quarter Operational Plan Review

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation:

That the Council note the September 2020 Quarterly Review of the Annual Operational Plan 2020/21 circulated as **“Appendix 7.15-A”**.






Report:

Circulated with this Agenda as **“Appendix 7.15-A”** is the first quarter review of the Council’s *Annual Operational Plan 2020/21*.

This report provides a traffic light review with comments by Responsible Officers of the status of:

- Council actions that support and promote *Berrigan Shire 2027* outcomes (these are outcomes which match the Department of Local Government’s quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program Objectives*;
- *Annual Operational Plan Objectives*; and
- *Annual Operational Plan Actions*.

The traffic light format provides a visual update on the status of *Council’s Annual Operational Plan* and Council’s progress toward full implementation of its *Delivery Program*. It is read in accordance with the following key:

				
Complete	On Target	Not on Target	Past Due	No Status / Deferred

Additional information in the appended reporting and monitoring Review and Progress Report includes:

1. A percentage target for each *Delivery Program, Annual Operational Plan* objective and or *Operational Plan* action – usually 100% though in some instances where it is reasonable to assume a degree of ‘slippage’:(i.e.: seasonality; carryover from previous years and or carry forward as is the case for ongoing capital works) the full year performance target may be lower
2. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target
3. Comments from the Responsible Council Officer highlighting service achievements and or the challenges relevant to the Council operation reported and its status.

The following table provides a summary by strategic outcome of the status of the Council’s 2020/21 Annual Operational Plan actions.

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	2	14	1	0	3	20
Good government	0	14	2	0	1	17
Supported and engaged communities	0	11	2	0	0	13
Diverse and resilient business	0	14	0	0	2	16
Total Actions	2	53	5	0	6	66

For noting is that 53 actions out of a total of 66 actions are on target of which six actions are noted as deferred or not due to start with the following actions noted by reporting officers in the attached Review as not on target.

1.2.1.3 Undertake tree assessments and establish a tree register

2.1.1.1 Promote and support the engagement of Shire residents, local business and agencies in the implementation of Berrigan Shire 2027

2.1.2.3 Manage human resource and workforce development activities through the implementation of the Workforce Development Plan 2017 – 2022

3.1.2.1 Provide recreation facilities which support an active lifestyle and ageing in place

3.1.3.1 Implement the Active Ageing and Disability Inclusion Plan

8. ITEMS FOR NOTING

Recommendation: that Items for Noting numbered 8.1 to 8.11 inclusive be received and noted.

Council Meeting

21 October 2020

8.1 T10/20/21 – Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement

Report by: Project Manager, Nathan O'Connell

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Report:

This tender is for T10/20/21 Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement.

In accordance with the delegation from Council the General Manager has:

1. accepted the tender submission from Crawford Civil Pty Ltd for the Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement , for a contact sum of \$1,340,442.20 including GST;
2. signed the contract documents on behalf of the Council in relation to 1 above; and
3. appointed the Director of Technical Services as the Contract Superintendent.

The tender is a quality assured, lump sum contract.

Funding of \$1,000,000.00 has been allocated through the NSW Government Drought Stimulus package.

The raw water main was not taken into account in the initial grant application and therefore will be funded from the Council's water reserve fund.

Tenders closed at 2:00pm Wednesday 16th September, 2020 and at the time of closing a total of 6 submissions were received.

The six submissions received were from the following organisations in the order of opening:

Tenderer 1. BITUMILL CIVIL PTY LTD

Tenderer 2. CIVIL ENGINEERED CONSTRUCTION

Tenderer 3.	DENI CIVIL CONSTRUCTION
Tenderer 4.	EXCELL GRAY BRUNI PTY LTD
Tenderer 5.	CRAWFORD CIVIL PTY LTD
Tenderer 6.	MILLER PIPE & CIVIL PTY LTD

Panel Membership

The submissions were evaluated by the following staff in accordance with the Councils adopted Tender Evaluation policy:

Matthew Clarke	Director of Technical Services
Fred Exton	Engineering Services Manager
Nathan O'Connell	Project Manager

Consideration of the Tenders

Each tender was evaluated in accordance with the evaluation criteria set out below:

Criteria	Highest Possible Score	Weighting
1. Price	4	5
2. Compliance with Specification	4	5
3. Track Record	4	2
4. Quality Systems	4	2
5. Availability of Appropriate Skills & Resources	4	2
6. Work Health & Safety Considerations	4	3

A summary of each tender evaluation by the tender assessment panel is provided in a separate report in the confidential section of this agenda.

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of Crawford Civil Pty Ltd as the preferred tender.

Supervisor

The superintendent of the contract will be the Director of Technical Services and the superintendent's representative will be the Project Manager.

Council Meeting

21 October 2020

8.2 T09/20/21 Fence and Gate Replacement at Tocumwal Aerodrome

Report by: Project Manager, Nathan O'Connell

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Report:

This tender is for T09/20/21 Fence and Gate replacement at the Tocumwal Aerodrome.

In accordance with the delegation from Council the General Manager has:

1. accepted the tender submission from SP Rural Fencing for the Erection of the Fence and Gates at the Tocumwal Aerodrome, for a contact sum of \$207,705.50 including GST;
2. signed the contract documents on behalf of the Council in relation to 1 above; and
3. appointed the Director of Technical Services as the Contract Superintendent.

The tender is a quality assured, lump sum contract.

The total value of the contract based on tender price is \$207,705.50 inclusive of GST. This costing fits within the allocated budget of \$300,000.00 to complete the project in its entirety.

Tenders closed at 2:00pm Wednesday 2nd September, 2020 and at the time of closing a total of 10 submissions were received.

The ten submissions received were from the following organisations in the order of opening:

- Tenderer 1. 360 PROTECT – MAINS POWER GATES
- Tenderer 2. 360 PROTECT – SOLAR POWER GATES
- Tenderer 3. AUSTRALASIAN FENCING
- Tenderer 4. DIXON FENCING PTY LTD
- Tenderer 5. MILLER PIPE & CIVIL PTY LTD
- Tenderer 6. OLYMPIC FENCING NSW PTY LTD
- Tenderer 7. RNCO
- Tenderer 8. RURAL WELDING SERVICES
- Tenderer 9. SP RURAL FENCING
- Tenderer 10. SWI FENCING

Panel Membership

The submissions were evaluated by the following staff in accordance with the Councils adopted Tender Evaluation policy:

Matthew Clarke	Director of Technical Services
Fred Exton	Engineering Services Manager
Nathan O'Connell	Project Manager

Consideration of the Tenders

Each tender was evaluated in accordance with the evaluation criteria set out below:

Criteria	Highest Possible Score	Weighting
1. Price	4	5
2. Compliance with Specification	4	5
3. Track Record	4	3
4. Quality Systems	4	3
5. Availability of Appropriate Skills & Resources	4	3
6. Work Health & Safety Considerations	4	5

A summary of each tender evaluation by the tender assessment panel is provided in the attached confidential section of this report.

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of SP Rural Fencing as the preferred tender.

Supervisor

The superintendent of the contract will be the Director of Technical Services and the superintendent's representative will be the Project Manager.

Council Meeting

21 October 2020

8.3 Riverina and Murray Joint Organisation Board Meeting Minutes

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

Circulated with this agenda as “**Appendix 8.3-A**” are the minutes of the Riverina and Murray Joint Organisation Board Meeting held on 12th August 2020.

Cr Kevin Mack, Mayor of Albury City Council has been re-elected as Chairperson of RAMJO.

Council Meeting

21 October 2020

8.4 Local Roads and Community Infrastructure Fund

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

The Commonwealth Government has advised that it will provide the Council with an additional amount of \$815,028 under its Local Roads and Community Infrastructure Fund.

This amount is in addition to the \$877,527 previously provided to the Council.

These funds can, as the name suggests, be used to fund road or community infrastructure projects. Funds must be expended by 31st December 2021.

It is proposed that consideration of suitable projects will be considered at the next Strategy and Policy Workshop.

Council Meeting**21 October 2020****8.5 Status of Special COVID-19 Measures**

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

As a part of the ongoing COVID-19 pandemic, the State Government has put in place a number of measures to both allow Council to operate in a safe way and to continue to support the community through related hardship.

As an update the Office of Local Government has provided the following information:

What's new or changing?

- *Amendments have been made to the Local Government (General) Regulation 2005 (the Regulation) to:*
 - *extend the period during which the special COVID-19 pandemic provisions of the Local Government Act 1993 (the Act) apply, and*
 - *postpone the repeal of the COVID-19 pandemic regulation-making power in the Act.*
- *The regulations made under the COVID-19 pandemic regulation-making power on 17 April 2020 prescribing the measures notified in circular 20-12 expire on 18 October 2020.*

What this will mean for your council

- *The Regulation extends the "prescribed period" for the purposes of sections 747A and 747AB of the Act to the end of 25 March 2021.*
- *Section 747A provides that during the prescribed period, a requirement for councillors or others to attend a meeting is satisfied if the meeting is held in whole or in part remotely using audio visual links.*
- *Section 747AB limits the ability of councils to commence proceedings to recover unpaid rates and charges during the prescribed period unless certain steps have been taken to identify and address financial hardship.*
- *The measures prescribed on 17 April 2020 under section 747B of the Act in response to the COVID-19 pandemic notified in circular 20-12, automatically expire on 18 October 2020.*

- *The amendments made to the Regulation on 17 April 2020 removing requirements for newspaper advertising also notified in circular 20-12 are ongoing and will continue to apply after the COVID-19 pandemic passes.*

Key points

- *Councillors and council staff may attend council and committee meetings in person. However, councils must continue to allow councillors and staff to attend and participate in meetings by audio visual links where it is reasonably practicable to do so.*
- *Members of the public are permitted to attend meetings. However, councils must not allow persons to attend a meeting if the size of the meeting venue is insufficient to ensure there is 4 square metres of space for each person attending the meeting.*
- *Councillors and council staff are not to be counted when calculating the space available for each person at the meeting venue and the number of persons who are attending a meeting.*
- *Where councils exclude members of the public from meetings, they must livestream their meetings using audio-visual links to satisfy the requirement under section 10 of the Act for members of the public to be permitted to “attend” meetings.*

The above information is considered self-explanatory.

Council Meeting**21 October 2020****8.6 Federal Budget**

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

Local Government NSW has, in its recent Weekly Newsletter has provided the following information regarding part of the recent federal budget that relate to Councils:

Wins! Federal Budget funding announcements, consistent with our advocacy:

- ***\$1 billion expansion of Local Roads and Community Infrastructure Program***, a major stimulus measure that will see all NSW councils benefit from funding allocations. It follows the \$500 million already provided in May this year.
- ***\$2 billion over two years for a new national Road Safety program*** for small scale road safety projects including road widening, centre lines and barriers, rumble strips. A significant win for the sector, LGNSW has consistently advocated for increased state and federal road safety funding for some time and much of this funding will go to councils.
- ***\$1.6 billion over four years for an additional 23,000 home care packages***. This is welcome news for the more than half of NSW councils that deliver direct aged care services under this program - meal delivery, home maintenance, domestic and cleaning assistance and social connection. These services are vital during COVID and LGNSW continues to advocate for funding certainty. Refer to our [*Submission to the Royal Commission into Aged Care Quality and Safety*](#).
- ***\$2.2 billion over five years for the Future Drought Fund***. This funding (including \$100 million in 2020-21) is geared toward drought response, resilience and preparedness of primary producers, rural and regional communities and local councils. An additional \$162.5 million for the Wyangala Dam (\$325 million in total) and \$121 million for the Dungowan Dam (\$242 million in total) was also committed as part of a 10-year rolling program of water infrastructure investments.
- ***Additional \$200 million funding via Building Better Regions Fund*** including \$100 million dedicated for tourism infrastructure. This welcome funding reflects LGNSW's work to secure locally led stimulus for communities throughout NSW.
- ***\$100 million over two years for the Regional Recovery Partnership Program***. Councils in key regions including the Snowy Mountains, Parkes, Newcastle and the Hunter are set to receive this boost to support recovery and resilience.

-
- **\$4.5 billion boost for NBN Regional Connectivity.** LGNSW is looking forward to more detail about the creation of a \$300 million fund to co-invest with councils to improve broadband services in regional areas.
 - **\$100.8 million over two years for mental health.** LGNSW has long advocated for better access to mental health services for those people experiencing mental health issues during drought, bushfires and the COVID-19 pandemic, including more recently at the [NSW Independent Bushfire Inquiry](#) and the [Royal Commission into National Natural Disaster Arrangements](#).
 - **\$35.0 million to extend the Safer Communities Fund over four years.** This funding enables local government and community organisations to address crime and anti-social behaviour.
 - **\$28.1 million for the Stronger Communities Programme over two years.** Grants to community organisations and local governments for small capital projects that deliver social benefits for local communities.
 - **\$53.6 million for rural health.** \$3.3 million over two years to extend well developed proof-of-concept pilots into innovative primary care models in rural areas across western and southern New South Wales. Also, \$50.3 million over four years from 2020-21 for expansion of the Rural Health Multidisciplinary Training program to address maldistribution of the rural health workforce. This funding is in line with our advocacy to state and federal MPs following motions presented at the 2019 LGNSW Annual Conference from Forbes, Parkes, Lachlan and Leeton Shire Councils.

Help amplify our sector's advocacy work:

- The Federal Budget announcement of **\$190 million to kickstart the Recycling Modernisation Fund** for new infrastructure to sort, process and remanufacture waste reflects a key [LGNSW Save Our Recycling campaign](#) ask. However, the program's success is contingent on contributions from the states. Please take the opportunity, in the lead up to the NSW State Budget, to write to your local member and urge the NSW Government to come to the party through better use of the \$800 million Waste Levy collected each year. Specifically, we want a truly circular economy with homegrown waste solutions and new local manufacturing jobs in NSW! Join our campaign. For further information, [email Susy Cenedese](#), Strategy Manager Environment.

The Federal government's substantial additional stimulus funding for councils during this difficult period has compensated for our disappointment that this Budget did not provide for an increase in **Financial Assistance Grants (FAGs)** to 1% of total Commonwealth taxation revenue. That said, it's good to see FAGs are being maintained (in real terms) over the forward estimates. Rest assured LGNSW, ALGA and other local government associations will continue to campaign for this important measure.

Most of these programs are known to the Council or the community.

Council Meeting

21 October 2020

8.7 2020-2021 Rates Collections and Outstanding Debtors Balances - 1st Quarter

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

1. Rates & Charges

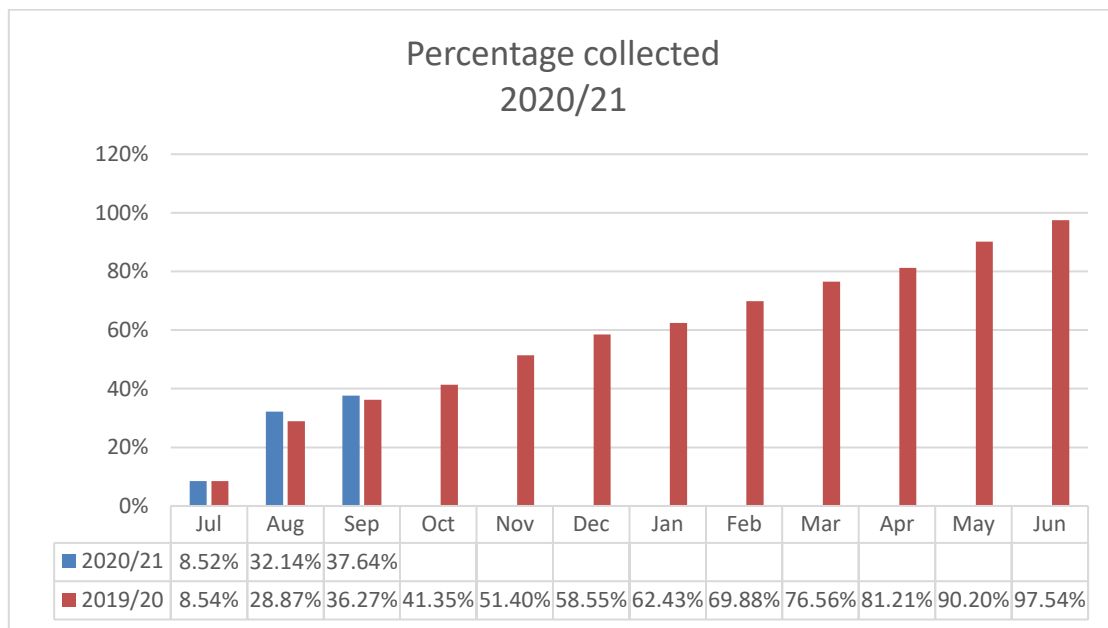
At 1st October 2020, Council has collected 37.64% of the total rates, service charges, arrears and water consumption charges raised in 2020/2021 to date – a 1.4% increase on the amount collected as at the same time last year.

Council has had continued success, using a hands on approach and continuing to work in conjunction with the Debt Collection Agency encouraging rate payers to enter into payment arrangements.

The continued influence of COVID-19 and the uncertainty is a concern for Ratepayers. The Revenue Department is encouraging Ratepayers to make contact and enter into manageable Rate payment arrangements.

I am confident that Council will continue to meet the rates collection benchmarks it has set despite the issues mentioned above.

A number of properties with moderate amounts of rates owed have sold in this quarter this has assisted in reducing outstanding balances. A further property with large outstanding balances are likely to be sold in the next 2 months.



2. Debtors

A brief list of outstanding debtors as at the end of August and September 2020 is as follows:-

DEBTORS	<u>2020-2021</u>	
	<u>END AUGUST</u>	<u>END SEPTEMBER</u>
GENERAL/SUNDRY/OTHER DEBTORS	\$262,230	\$248,360
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	\$73	\$73
HALF COST K&G/FOOTPATH DEBTORS	\$54,002	\$48,192
SEC 355 COMMITTEE LOANS	\$21,276	\$21,276
SWIMMING POOLS	\$644	\$644
CEMETERY DEBTORS	\$1,935	\$4,369
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$68,441	\$20,000
STAFF DEBTORS	\$3,178	\$1,637
STAFF SUPERANNUATION	-\$11,984	-\$17,901
SHIRE LAND SALE DEBTORS	\$6,285	\$6,285
TOCUMWAL AERODROME	\$14,112	\$13,137
TOTAL	\$420,192	\$346,072

In the table above there is no major difference between August and September. The two largest amounts of Half Cost K&G/Footpath Debtors and General/Sundry Debtors are made up largely of the following:

- Half Cost K&G/Footpath - \$48,192
- General/Sundry Debtors - \$248,360

The graph below shows the Council’s outstanding debtors by age and type over the past two months.

The amount of debt outstanding for over 90 days – made up largely of half-cost scheme debtors.

The amount of debt outstanding over 30 days has increased.



3. Activity

No Hardship Applications have been received this quarter.

Over the past quarter, the Council has undertaken the following collection activity:

- Three applications were received under Councils Undetected/Significant Leak Policy and were approved the total credited back to Ratepayers was \$2,555.00. A further \$321.42 was credited back to a Ratepayer after an issue was identified with the newly installed water meter

- Continue to actively work with Ratepayers with large outstanding balances to set up suitable and fair payment arrangements.
- Continued improved collections and clearing of balances owed for completed half cost schemes.

Council Meeting**21 October 2020****8.8 Netball Courts**

Report by:	Director Corporate Services, Matthew Hansen
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.2 Support community engagement through life-long learning, culture and recreation

Report:

The Council is in receipt of a number of requests for funding and assistance for repairs and improvements to its netball facilities across its recreation reserves.

Netball is the most popular team sport for women and girls in Berrigan Shire. The need for suitable netball facilities has been identified in the Council's suite of integrated plans.

Background

The condition of the netball courts in Berrigan Shire has been a constant concern for many years now - going back to the significant increase in standards demanded by Netball Australia in 2007. This increase in standards required netball courts to have much wider surrounds - for use by officials - and to ensure a consistent surface across the entire area of the court.

Since 2007, the Council has been patching the courts to maintain these standards - with mixed results. At present all courts meet Netball Australia requirements for court surrounds. There are still concerns with the quality of the court surfaces. This can include:

1. Cracks where the underlying base has shifted
2. Joins where two different components of the base touch
3. Low points where water sits - attracting silt and dust
4. Worn out surfacing. The court surface/paint has a limited life

The Council's current strategy is to - where possible - replace the courts with a durable, easy to maintain set-up rather than continue to patch where the courts fail. While this is a more expensive option up-front, it should save the Council and the netball clubs money in the long term - especially where grant funding can be used.

The Council should consider its risk exposure with these courts. The Council is aware of the faults and defects in the courts. Having a plan to replace the courts may be a defence should something happen but if replacement is delayed excessively on the grounds of cost - a court may consider if this is a reasonable defence given the Council's financial resources and funding opportunities.

Existing courts

Barooga - Two side-by-side courts on separate bases.

One court was replaced around eight years ago (with a concrete base) and is in reasonable condition. The other court was refurbished at the same time however the bitumen base is failing - creating cracks - and is in poor condition.

The Barooga Recreation Reserve Committee of Management has written to the Council this month stating:

Court 1 ... has 24 visible cracks. Some have in previous years had tar used to cover them up and even these are starting to crack open again. This tar can become slippery when wet causing injury to players. Court 2 is holding up a little better with only a few cracks appearing in the surface.

The goal posts have a substantial cracked outline around the bottom. This is concerning to the club as it affects the strength of the posts and could cause injury to not only players but also spectators if it becomes unstable any further.

When it rains there is insufficient fall in the level of both courts, especially Court 1, which creates significant pooling of water and limited run off, making the playing surface dangerous and could cause significant injuries to players and officials. Sweeping/Squeegeeing of the courts provides minimal relief to remove the water.

The lighting on both sides of the courts are of very poor quality. The brightness is not sufficient when training in the dark and this is a great problem and could result in injury to players.

The courts are borderline acceptable at the moment but when we resume playing, other clubs and the league may look at the courts as not being satisfactory enough to pass the game day checklist. If we are unable to play netball the community will suffer immensely.

The Council will need to consider whether it wishes to replace one or both courts and how this can be funded.

An estimated cost for replacement of the courts would be approximately \$150,000 each

Berrigan - Two side-by-side courts on a shared base

These courts were replaced in their entirety in 2018 via a Stronger Country Communities Program grant. The courts are side-by-side on a shared base.

The result is the "gold standard" for netball courts in the region and the ideal result for the Council. The underlying concrete base should last for 40 years and the 1-in-100 fall across the courts ensure they do not retain water.

The courts will require resurfacing in 10-12 years and the Berrigan Sportsground Committee and the Berrigan Netball Club have been advised that they will need to put aside approximately \$2,000 per year.

The replacement of the Berrigan courts cost around \$220,000.

Finley - Two courts on separate bases, at right angles to each other. While the courts do not retain water, they have significant issues with joins raising and lifting and require resurfacing.

The Council has been working with the Finley Recreation Reserve Committee of Management on replacement of the courts in their entirety for two years now - in an attempt to achieve the same result as Berrigan. The manner in which Finley use their netball courts and the layout of the Recreation Reserve does not allow for the same simple layout which will increase the replacement cost and the cost of future maintenance.

The Council currently has an application for funding under the Office of Racing and Gaming Infrastructure Grants Program to replace the courts. This cost of the project is estimated to \$300,000 with the Council and the Recreation Reserve required to fund 50% of the cost - i.e. \$150,000. While the Recreation Reserve Committee has agreed to contribute \$75,000, this is a significant impost on the committee - especially given the impact of COVID-19. Note the Council has unsuccessfully applied for funding for replacement of these courts under this program twice before.

The Council will need to consider - if this application is unsuccessful - how it proposes to fund the replacement of these courts.

Tocumwal - two side-by-side courts on a shared base.

These courts were replaced in their entirety in 2008. The underlying base is in reasonable condition however it does hold water in some places. The surface is due for replacement and the courts themselves are somewhat slippery - especially where the water sits.

At the time the courts were replaced, the Recreation Reserve Committee and the netballers were advised to put aside money each year for the resurfacing of the courts in 10-12 years.

The Council's Project Manager provided the Tocumwal Football Netball Club (TFNC) with a quote for resurfacing the courts earlier this year. TFNC have formally asked the Council for financial assistance with the resurfacing of courts stating:

In the interests of remaining financially viable for the future we would look to resurface the main court ... and have the second court professionally cleaned to bring it back to life and match the resurfacing of the main court.

I understand it would make sense to complete all the resurfacing at once but the capital outlay with other improvements and maintenance we are contributing to in this financial year would not be a sensible economic response.

The club is acknowledging that now and into the future maintenance will be become more apparent on all TFNC facilities and we need to be economically viable now and into the future so we are open to any ideas the Council have to help us retain funds for future works and provide a safe surface for our netball team

The Council will need to consider how it wishes to respond to this request and TFNCs proposal to only resurface one court.

Council Meeting**21 October 2020****8.9 Tocumwal Chamber of Commerce and Tourism**

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

Report:

The Chamber Presidents meeting takes place on the first Monday of the month every second month. It is a regular opportunity for the Chambers to bring matters of concern and other general issues to table and consult directly with the Mayor, General Manager and the Economic and Industry Development Liaison.

On the 2nd September 2019 the Tocumwal Chamber of Commerce and Tourism (TCCT) wrote to the Council “to advise that after careful consideration they were withdrawing from the President meetings and that the committee representative would be seeking to meet with other Chamber Committee representatives at an alternative time.” The letter was tabled at the November 2019 Chamber Presidents meeting where the resignation was discussed and accepted.

Members of TCCT made contact with the Council by phone and then email on 29 September 2020, seeking reinstatement to attend the next Chamber Presidents meeting. An email response from the Council asked to “receive another letter, following a properly convened meeting of the Chamber that indicated that a resolution had been made to request a return to the Chamber Presidents Group.”

The Council received a letter on the 14 October 2020 noting that the Tocumwal Chamber President, Sergio Redagalli, had indicated that he was no longer able to attend the Chamber Presidents meetings however it was acknowledged that being involved in these meetings was important. The letter concluded that Vice President of TCCT, Liz Lang, had indicated she would be available to attend the meetings on behalf of TCCT and requesting inclusion in the Presidents Group once again.

The potential for this request was discussed at the Chamber Presidents Group on 12 October 2020 and it was resolved that TCCT would be welcome to join the group again.

Council Meeting**21 October 2020****8.10 Permissible Rate Income**

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

The Council recently received advice from the Office of Local Government that it had exceeded its maximum permissible rate income for the 2019/2020 by \$30,000. It was further advised that the Minister for Local Government had exempted the Council from the need to seek approval for its 2020/2021 rates on the basis that the Council would adjust this when setting its 2020/2021 rates.

The basis for this was a Schedule contained within the Council's Annual Financial Statements.

The Council was advised of this issue after it had actually set and levied its 2020/2021 rates which was not particularly helpful as any calculation error would have most likely been repeated.

Upon further investigation, it is apparent that while there was a small error over the two financial years totaling \$7.5k in the actual rates levied the underlying error was actually in the Schedule itself which for some reason did not reflect the actual rates levied.

Staff are discussing the issue with the Office of Local Government prior to the Council meeting and any further information will be brought to the attention of the Council at its meeting.

Council Meeting

21 October 2020

8.11 Development Determinations for Month of September 2020

Report by: Executive Support Officer, Rebecca Ware

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

APPLICATIONS DETERMINED FOR SEPTEMBER 2020

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
137/20/DA/DO	RURAL SHED	3075 MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot8//DP1027384)	Benjamin Brentnall-Cook	MS LA GOLDMAN MR B BRENTNALL-COOK	Approved 10-09-2020	\$ 44500.00	Active 0	Total 125
1/21/DA/D9	4 LOT SUBDIVISION	23-27 SNELL ROAD, BAROOGA NSW 3644 (Lot50//DP1102913)	Eslers Land Consulting	MR S P BROOKS AND MRS L A BROOKS	Approved 17-09-2020	\$ 0.00	Active 32	Total 54
12/21/DA/D1	DWELLING & CARPORT	2 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot63//DP1131677)	MS Constructions Pty Ltd	MS R K HAZELMAN	Approved 02-09-2020	\$ 296000.00	Active 2	Total 33
13/21/DA/D9	2 LOT SUBDIVISION	51 WIRRAWAY COURT, TOCUMWAL NSW 2712 (Lot48//DP1233177)	Brian Mitsch & Associates	FOUR ASHES PTY LTD	Refused 16-09-2020	\$ 0.00	Active 2	Total 43
17/21/DA/DM	PRIVACY SCREEN	34 MCALLISTER STREET, FINLEY NSW 2713 (Lot C//DP437731)	Jim & Marita Eddy	MR JE EDDY AND MRS MJ EDDY	Approved 17-09-2020	\$ 2000.00	Active 39	Total 39
21/21/DA/D3	SITE UPGRADES	27-31 LYSAGHT STREET, BERRIGAN NSW 2712 (Lot5//DP1017892)	Essential Energy	ESSENTIAL ENERGY	Approved 08-09-2020	\$ 298600.00	Active 32	Total 32
25/21/DA/DM	REMOVAL OF TREES	26 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot122//DP1070311)	Mr Nathan Blakelock	MS CL CLARK AND MR NK BLAKELOCK	Approved 03-09-2020	\$ 0.00	Active 23	Total 23
26/21/DA/D9	2 LOT SUBDIVISION	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot51//DP1246486)	Mr Andrew Mott	BERRIGAN SHIRE COUNCIL	Approved 14-09-2020	\$ 0.00	Active 29	Total 29
27/21/DA/DM	DEMOLITION & REPLACEMENT OF TOILETS	3 STAFFORD STREET, BERRIGAN NSW 2712 (Lot6//DP606728)	Berrigan Sportsground Management Committee	BERRIGAN SHIRE COUNCIL	Approved 08-09-2020	\$ 50000.00	Active 25	Total 25
28/21/DA/D5	CARAVANPORT	39-41 FINLEY STREET, FINLEY NSW 2713 (Lot2//DP749417)	Mr RJ & Mrs GJ McCullough	MR R J M AND MRS G L MCCULLOUGH	Approved 01-09-2020	\$ 5800.00	Active 19	Total 19
31/21/DA/D2	CHANGE OF USE - BREWERY & SITE	31-35 MURRAY STREET, TOCUMWAL NSW 2714	TOCUMWAL Brewing	A VANDERMEER PTY LTD	Approved 03-09-2020	\$ 47000.00	Active 4	Total 21

	UPGRADE	(Lot1//DP1024391)	Company					
32/21/DA/D5	RESIDENTIAL STORAGE SHED	33 FINLEY STREET, FINLEY NSW 2713 (Lot153//DP1066665)	O'Halloran Property Service	MR PW CICOLINI AND MRS JL CICOLINI	Approved 01-09-2020	\$ 31700.00	Active 18	Total 18
39/21/DA/D9	2 LOT SUBDIVISION	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot51//DP1246486)	BERRIGAN SHIRE COUNCIL	BERRIGAN SHIRE COUNCIL	Approved 11-09-2020	\$ 0.00	Active 20	Total 20
41/21/DA/D8	ALTERATIONS AND ADDITIONS	18-38 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot260//DP1138087)	Darrell Bowden	DEPARTMENT OF LANDS	Approved 03-09-2020	\$ 75000.00	Active 11	Total 11
43/21/DA/D5	PERGOLA	23 ANZAC AVENUE, TOCUMWAL NSW 2714 (Lot D//DP358840)	Reklaw Constructions Pty Ltd	MR KJ HARRIS AND MRS GE HARRIS	Approved 15-09-2020	\$ 28750.00	Active 18	Total 18
44/21/DA/D1	BV DWELLING & ATTACHED GARAGE	27-29 WIRUNA STREET, BAROOGA NSW 3644 (Lot2//DP607443)	Reklaw Constructions Pty Ltd	MR D JARZYNA AND MS NJ MCDONALD	Approved 17-09-2020	\$ 341800.00	Active 16	Total 16
46/21/DA/D2	ADDITIONS TO FRONT CHILD CARE CENTRE	17-19 STEWART STREET, BERRIGAN NSW 2712 (Lot2//DP531450)	Rob Pickett Design	BERRIGAN CHILDREN'S CENTRE ASSOCIATION	Approved 21-09-2020	\$ 85000.00	Active 17	Total 17
47/21/DA/D5	PERGOLA	39-40 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot42//DP1118257)	Mr Graham Spencer	MR G G SPENCER	Approved 15-09-2020	\$ 6000.00	Active 13	Total 13
48/21/DA/D5	STORAGE SHED	COBRAM ROAD, BERRIGAN NSW 2712 (Lot441//DP791457)	Mr John Nolan	MR JB NOLEN AND MS DM MOYLAN	Approved 09-09-2020	\$ 17500.00	Active 9	Total 9
49/21/DA/D5	RESIDENTIAL STORAGE SHED	26 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot122//DP1070311)	Mr Nathan Blakelock	MS CL CLARK AND MR NK BLAKELOCK	Approved 24-09-2020	\$ 8500.00	Active 18	Total 18
50/21/DA/DO	RURAL SHED	RIVERINA HIGHWAY, BERRIGAN NSW 2712 (Lot122//DP1074557)	Action Steel	MR SF SCHIFFERLE AND MRS JD SCHIFFERLE	Approved 15-09-2020	\$ 114785.00	Active 11	Total 11
51/21/DA/D1	BV DWELLING & ATTACHED GARAGE	97 BRUTON STREET, TOCUMWAL NSW 2714 (Lot30//DP1089280)	KENNEDY BUILDERS	MR J K KOOPMAN	Approved 15-09-2020	\$ 310000.00	Active 7	Total 7
52/21/DA/D1	BV DWELLING & ATTACHED GARAGE	90 BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP1250358)	SIMONDS HOMES	MR SL MANKS AND MRS CA MANKS	Approved 15-09-2020	\$ 221687.00	Active 5	Total 5
54/21/DA/D1	BV DWELLING & ATTACHED GARAGE	25 HADLEY STREET, TOCUMWAL NSW 2714 (Lot16//DP1250358)	SIMONDS HOMES	MR PWT JONES AND MRS N JONES	Approved 25-09-2020	\$ 368888.00	Active 11	Total 11
10/21/CD/M6	DWELLING ADDITIONS	41A KELLY STREET, TOCUMWAL NSW 2714 (Lot48//DP732543)	John Luci	MR J A LUCI	Approved 23-09-2020	\$ 19000.00	Active 3	Total 3
11/21/CD/M4	PERGOLA	14 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot461//DP1192653)	Mr David Baldwin	MR DJ BALDWIN AND MRS TL BALDWIN	Approved 29-09-2020	\$ 2500.00	Active 5	Total 5
12/21/CD/M5	INGROUND	475 BACK BAROOGA	Poolside	MR W BROOKER	Approved	\$ 62155.00	Active	Total

	FIBREGLASS SWIMMING POOL	ROAD, BOOMANOOMANA NSW 3644 (Lot76//DP661460)	Cobram	AND MRS R BROOKER	28-09-2020		3	3
66/21/DA/DM	DEMOLITION OF BUILDING	DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)	Berrigan Shire Council	BERRIGAN SHIRE COUNCIL	Approved 24-09-2020	\$ 38060.00	Active 1	Total 1

APPLICATIONS PENDING DETERMINATION AS AT 30/09/2020

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	TOCUMWAL FORESHORE Lot7002//DP1019579)
168/20/DA/DM	19-05-2020	5MW SOLAR PV ARRAY	BROCKMANN'S ROAD, FINLEY NSW 2713 (Lot61//DP1053533)
35/21/DA/D5	10-08-2020	RESIDENTIAL STORAGE SHED	7 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot521//DP1078043)
40/21/DA/DM	14-08-2020	4.95MW SOLAR FACILITY BROUGHANS ROAD	BROUGHANS ROAD, FINLEY NSW 2713 (Lot126//DP752299)
9/21/CD/PC	27-08-2020	VERANDAH	72-74 KELLY STREET, TOCUMWAL NSW 2714 (Lot7/19/DP758981)
53/21/DA/D2	10-09-2020	SHED & PET FOOD BUSINESS	1-11 TONGS STREET, FINLEY NSW 2713 (Lot13//DP599158)
55/21/DA/D2	11-09-2020	NEW TOCUMWAL FORESHORE BUILDING	DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)
57/21/DA/D5	14-09-2020	RESIDENTIAL STORAGE SHED	46 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot37//DP1250358)
58/21/DA/DO	14-09-2020	RURAL SHED	76 QUICKS ROAD, BAROOGA NSW 3644 (Lot301//DP1009000)
59/21/DA/D9	16-09-2020	2 LOT SUBDIVISION/BOUNDARY REALIGNMENT	2521 MULWALA-BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot96//DP752280)
60/21/DA/DO	18-09-2020	RURAL SHED	155 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot2//DP1242015)
63/21/DA/D5	21-09-2020	RESIDENTIAL STORAGE SHED	80 BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1250358)
62/21/DA/D2	23-09-2020	3 MOBILE FOOD VANS	24-30 VERMONT STREET, BAROOGA NSW 3644 (Lot5/5/DP758057)
64/21/DA/D5	23-09-2020	RESIDENTIAL STORAGE SHED	10 WHITE AVENUE, TOCUMWAL NSW 2714 (Lot25//DP262468)
65/21/DA/D5	23-09-2020	RESIDENTIAL STORAGE SHED	11 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot13//DP1194758)
67/21/DA/D5	24-09-2020	RESIDENTIAL STORAGE SHED	62 HAMPDEN STREET, FINLEY NSW 2713 (Lot18//DP238395)
69/21/DA/D8	29-09-2020	AVIATION MUSEUM	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot51//DP1246486)

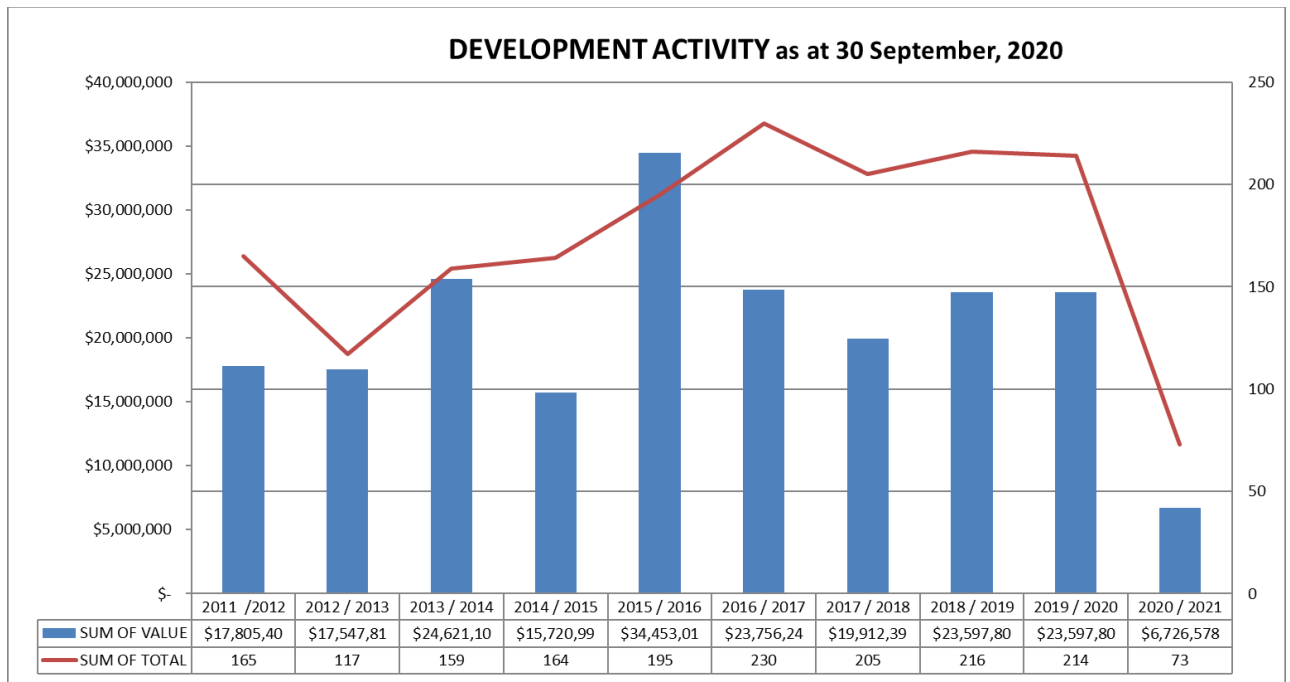
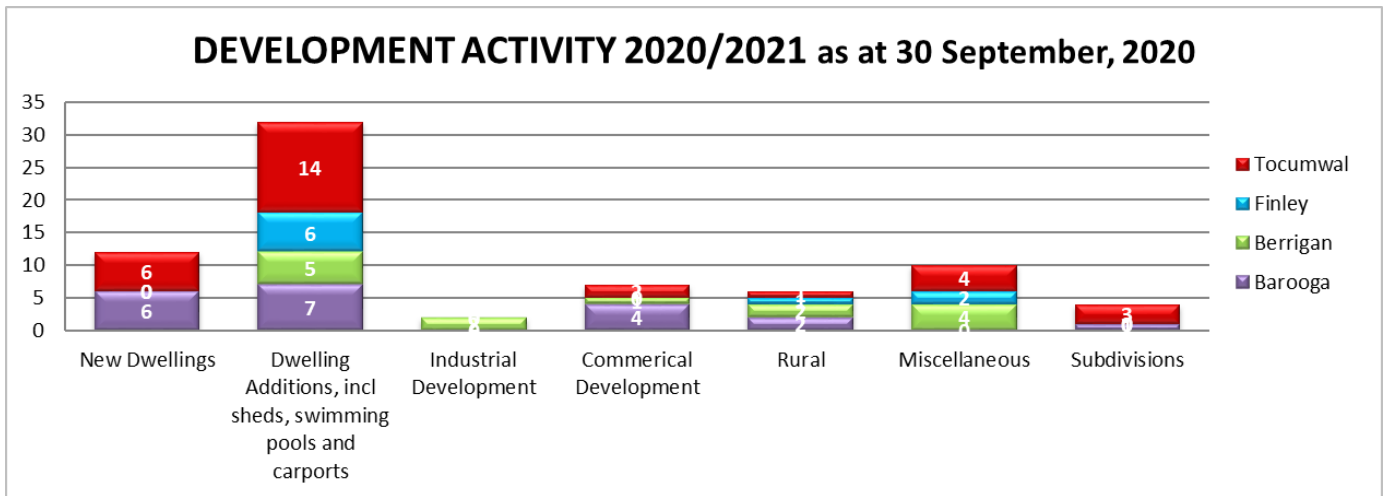
71/21/DA/D1	30-09-2020	BV DWELLING ATTACHED CARPORT & RESIDENTIAL STORAGE SHED	5 BEATRICE COURT, BAROOGA NSW 3644 (Lot35//DP1102913)
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TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (September)	Year to Date	This Month's Value (September)	Year to Date Value
<i>Development Applications (DA)</i>	25	62	\$2,391,570	\$5,487,663
<i>Construction Certificates (CC)</i>	17	47	\$2,092,663	\$4,679,040
<i>Complying Development Certificates (CDC)</i>	3	11	\$83,655	\$1,238,915
<i>Local Activity (s.68)</i>	5	21	0	0

OTHER CERTIFICATES ISSUED FOR SEPTEMBER 2020

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total
BAROOGA	16	31	0	0	0	1	0	0	0	0	0	2
BERRIGAN	8	21	0	0	2	4	0	0	0	1	0	1
FINLEY	5	23	0	0	2	3	0	0	0	0	0	0
TOCUMWAL	8	28	0	1	0	0	0	0	0	0	2	5
TOTAL	37	103	0	1	4	8	0	0	0	1	2	8



SEPP & CLAUSE 4.6 REPORT FOR THE JUNE QUARTER 2020

A report of all variations approved under delegation from a Council must be provided to The Council Meeting at least once each quarter, listed below submission for the September 2020 Quarter.

General Council Data	
COUNCIL INFORMATION	
Council name:	Berrigan Shire Council
Contact name:	Laurie Stevens
Phone:	03 58885100
E-mail:	lauries@berriganshire.nsw.gov.au
Start Date:	1/07/2020
End date:	30/09/2020
Please enter NIL for no SEPP1 variations:	NIL

9. CLOSED COUNCIL

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

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (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.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440

9.1 T10/20/21 - Coree Street Upgrade, Pavement, Kerb, Footpath, Drainage and Raw Water Main Replacement

This item is classified CONFIDENTIAL under section 10A(2) 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, or

It is not in the public interest to reveal the commercial information provided by the consultant.

9.2 T09/20/21 Fence and Gate Replacement at Tocumwal Aerodrome

This item is classified CONFIDENTIAL under section 10A(2) 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, or

It is not in the public interest to reveal the commercial information provided by the consultant.

9.3 Swimming Pool Safety

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

- (f) matters affecting the security of the council, councillors, council staff or council property

It is not in the public interest to disclose the information within this report.

9.4 Code of Conduct Investigation

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

- (i) alleged contraventions of any code of conduct requirements applicable under section 440

It is not in the public interest to reveal the information provided within this report.

RECOMMENDATION: 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*.

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



Open Council resumed at

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

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



10. COMMITTEES

11. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.



12. DELEGATES REPORTS



13. BUSINESS ARISING

14. CLOSE OF MEETING