



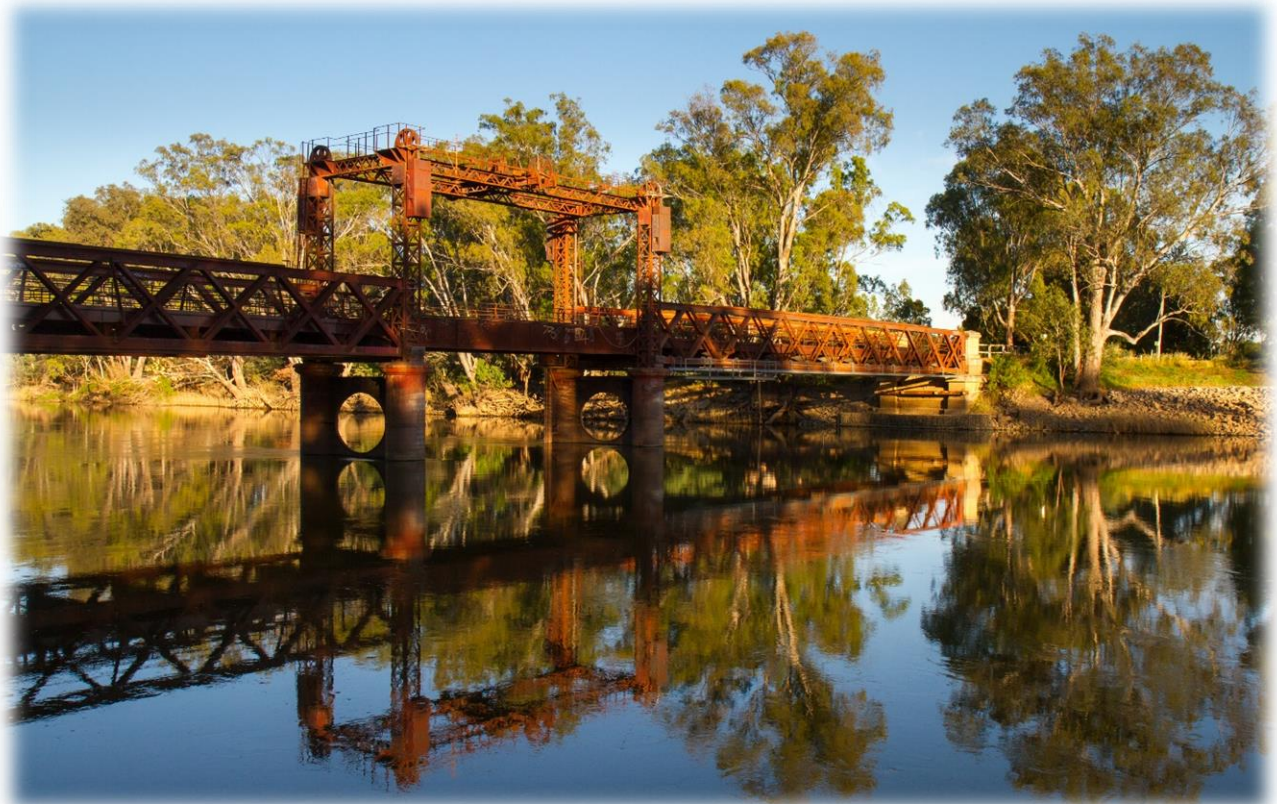
## ORDINARY MEETING OF COUNCIL

Wednesday 16 June, 2021

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 16 June, 2021** when the following business will be submitted:-

## ITEMS OF BUSINESS

<b>1.</b>	<b>APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE</b>	<b>4</b>
<b>2.</b>	<b>DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS</b>	<b>4</b>
<b>3.</b>	<b>VISITORS</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES</b>	<b>4</b>
<b>5.</b>	<b>MAYORAL MINUTES</b>	<b>4</b>
<b>6.</b>	<b>NOTICES OF MOTION</b>	<b>4</b>
<b>7.</b>	<b>ITEMS FOR RESOLUTION</b>	<b>4</b>
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7.8	Tender T02-21-22 Supply of Quarry Products for 2021/22 Financial Year	23
7.9	Tender T03-21-22 Supply of Electrical Services for 2021/22 Financial Year	24
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7.11	Lifting of Alcohol-Free Zone restrictions - Good Times Festival	31
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7.14	Request for financial assistance - Victorian Aerobatic Championships	35
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13.	CLOSE OF MEETING	48

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

MATTHEW HANSEN  
ACTING GENERAL MANAGER



## Council Meeting

Wednesday 16 June, 2021

### **BUSINESS PAPER**

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*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

10:00am Murray River Police District, Inspector Paul Huggett

4. CONFIRMATION OF MINUTES

**Recommendation:** That the Minutes of the meeting held in the Council Chambers on Wednesday 19 May, 2021 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION

Nil

7. ITEMS FOR RESOLUTION

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Council Meeting

16 June 2021

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 31 May 2021,
- b) Confirm the accounts paid as per Warrant No. 05/21 totaling \$3,483,897.99, and
- c) Note the report on investments attached as **"Appendix 7.1-A"**

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**Report:**

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 May 2021 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 31 May 2021.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 May 2021, totaling \$3,483,897.99 and will be submitted for confirmation of payment as per Warrant No. 05/21
- 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) Funds have decreased in May, as expected, due to the continuous payment of large contracts that are near completion. Funds are expected to remain stable across June with the receipt of the advance payment of the Financial Assistance Grant.

Overall funds are \$2.3M higher compared to the same period last year. However, this includes loan funding for upcoming projects.

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

**Statement of Bank Balances as at 31 MAY 2021**

**Bank Account Reconciliation**

Cash book balance as at 1 MAY 2021	\$ 11,398,401.67
Receipts for MAY 2021	\$ 2,684,565.85
Term Deposits Credited Back	\$ -
	<b>\$ 14,082,967.52</b>

*Less Payments Statement No 05/21*

Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 569,794.79
Electronic Funds Transfer (EFT) Creditors E037157-E037421	\$ 2,849,407.47
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 64,695.73
Total Payments for MAY 2021	\$ 3,483,897.99
<b>Cash Book Balance as at 31 MAY 2021</b>	<b>\$ 10,599,069.53</b>

*Bank Statements as at 31 MAY 2021*

Plus Outstanding Deposits	\$ 10,591,684.24
Less Outstanding Cheques/Payments	\$ 7,385.29
	\$ -
<b>Reconciliation Balance as at 31 MAY 2021</b>	<b>\$ 10,599,069.53</b>

**INVESTMENT REGISTER**

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	133/17	182	**0.30%	22/11/2021	\$ 1,000,000.00	BBB+
AMP	125/16	365	**0.35%	31/05/2022	\$ 2,000,000.00	BBB+
AMP	136/18	365	**0.60%	19/10/2021	\$ 2,000,000.00	BBB+
AMP	144/19	365	**0.30%	23/03/2022	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	124/16	365	0.40%	13/05/2022	\$ 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+
Bendigo Bank	146/20	365	*0.80%	28/09/2021	\$ 5,000,000.00	BBB+
Central Murray Credit Union	126/16	365	1.00%	31/08/2021	\$ 2,000,000.00	UNRATED
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
Defence Bank Limited	102/14	365	0.50%	6/04/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	143/18	365	0.55%	18/11/2021	\$ 2,000,000.00	AA-
					<b>\$ 30,000,000.00</b>	

**Total Funds Held at 31 MAY 2021**

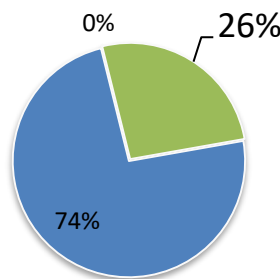
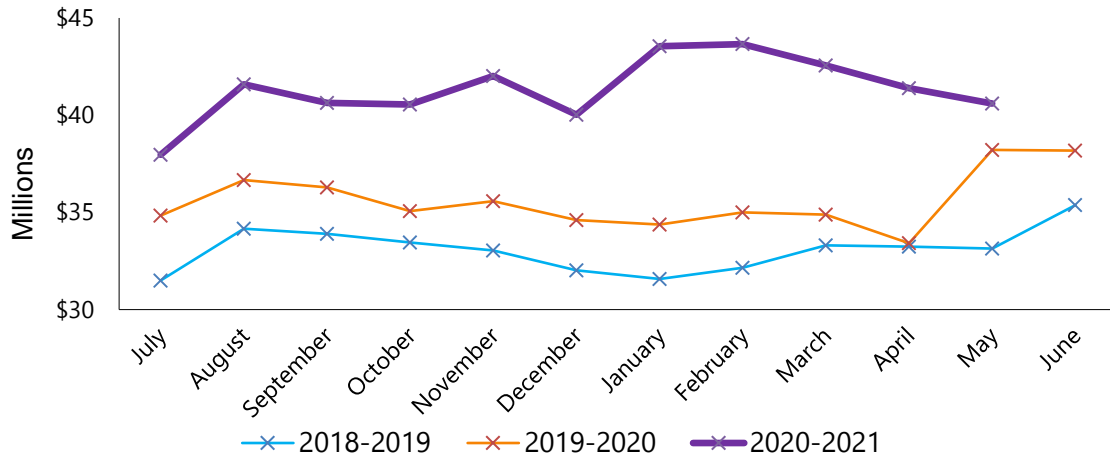
**\$40,599,069.53**

**Tahlia Fry - Finance Manager**

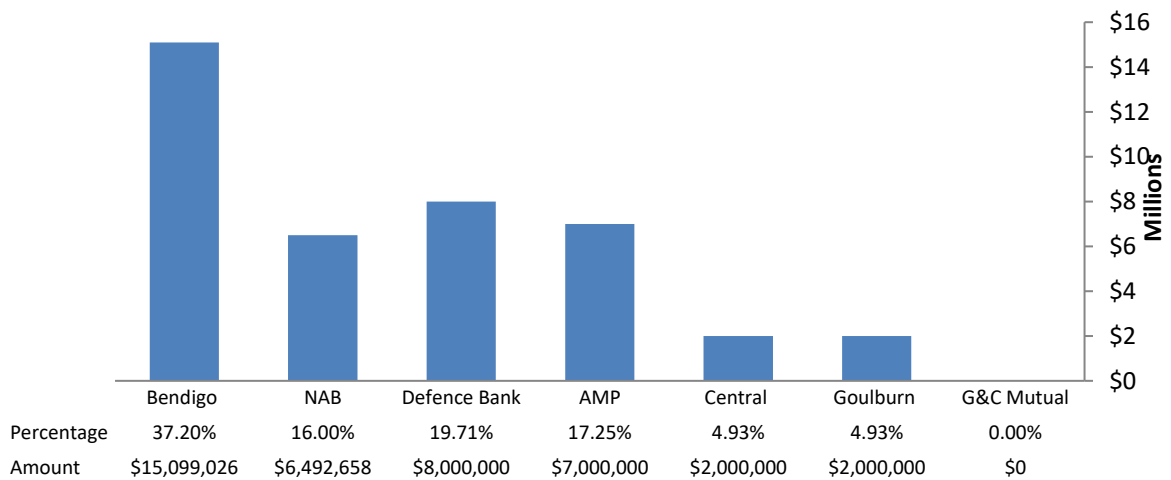
\*The Council also receives an additional 0.25% commission

\*\*The Council also receives an additional 0.20% commission

### Total Cash and Investments



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



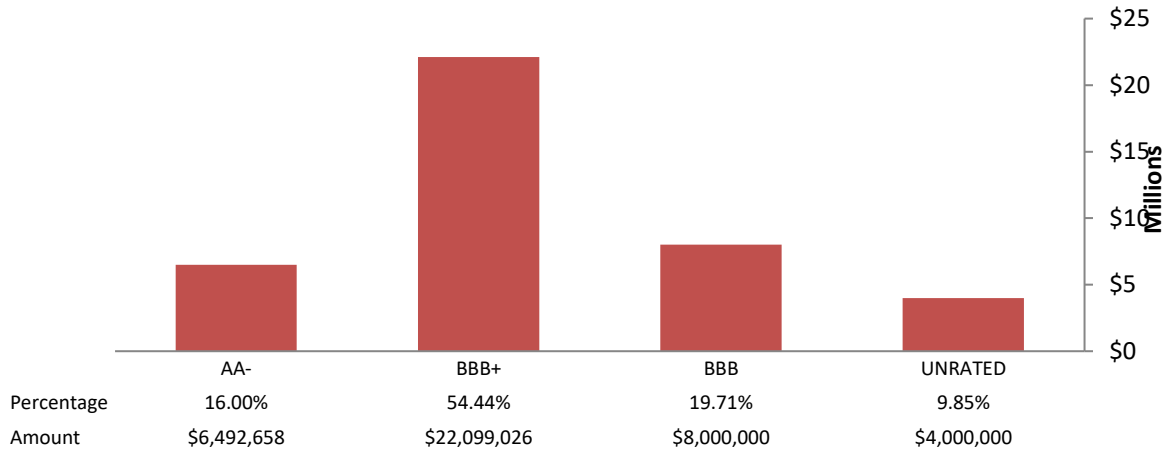
**Term Deposits Credited Back**

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
GOULBURN MURRAY	365	\$ 2,000,000.00	1.30%	13/05/2021
AMP (IMPERIUM)	182	\$ 1,000,000.00	0.70%	25/05/2021
AMP (IMPERIUM)	365	\$ 2,000,000.00	0.70%	31/05/2021

**Term Deposits Invested / Reinvested**

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
GOULBURN MURRAY	365	\$ 2,000,000.00	0.40%	13/05/2022
AMP (IMPERIUM)	182	\$ 1,000,000.00	0.30%	22/11/2021
AMP (IMPERIUM)	365	\$ 2,000,000.00	0.35%	31/05/2022

\*\*The Council also receives an additional 0.20% commission





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Council Meeting

16 June 2021

## 7.2 Tocumwal Speed Zone Changes

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

### Recommendation:

That the Council support the recommendation to reduce the speed limits on:

- Bruce Birrell Drive, Hunter Drive and Keogh Drive to 50km/Hr; and
- Part of Burma Road, part of Hutsons Road and Babbingtons Road, to 80km/Hr as indicated in **“Appendix 7.2-A” & “Appendix 7.2-B”**.

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### Report:

As actioned through the Local Traffic Committee, Transport for NSW (TfNSW) has carried out a speed review of Bruce Birrell Drive and Babbingtons Road, Tocumwal with the recommendation to reduce the speed limits as below;

- Bruce Birrell Drive, Hunter Drive and Keogh Drive to 50km/Hr; and
- Part of Burma Road, part of Hutsons Road and Babbingtons Road, to 80km/Hr.

Maps of the proposed speed zone changes are attached as **“Appendix 7.2-A” & “Appendix 7.2-B”**.

TfNSW are seeking endorsement from the Council for the speed zone changes.

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**Council Meeting**

**16 June 2021**

**7.3 Event Funding Application – Tocumwal Air Show**

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

**Recommendation:** That the Council allocate \$10,000 from the Event Funding Program to the 2021 Tocumwal Air Show.

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**Report:**

The inaugural Tocumwal Air Show was held in September 2019 at the Tocumwal Aerodrome. The event was a great achievement for the organizing committee under the auspices of The Murray and Border Flying Club. The event attracted 5000 spectators and commercial accommodation in Tocumwal and surrounds was close to full. The event had some teething issues around traffic management and the small number of food outlets on site to serve such a crowd. These issues were addressed at the event de-brief and solutions for improved traffic management have been planned.

The 2021 Tocumwal Air Show will be held on Saturday 18 September 2021 at the Tocumwal Aerodrome, confirming the organiser's original intent to make the air show a biennial event. The date avoids local sporting finals and takes advantage of the commencement of the Victorian and NSW school holidays.

The history of aviation in Tocumwal has long been a locally known but largely hidden story. However, in the past two or three years the narrative has emerged stronger with the Tocumwal Residential Air Park becoming home to historical aviation enthusiasts, the redevelopment and interpretation of the WAAAF Creek Walk and the WW2 aviation themed splash park. The 2021 Tocumwal Air Show will be the corner piece to the opening of the Tocumwal Aviation Museum securing a new tourism product for the region and a signature family oriented event. The 2021 event is aiming for a 50% increase in attendance and the marketing plan targets the day trip market with TVC's and boosted social media. As the event is visually stunning, the decision to market through TV and Social Media is supported.

The event has the potential to impact the local economy with a total output estimated at \$1,263,109 and value added at \$489,331. This assumption, generated from the Councils Economic Impact Calculator uses data from the National Institute of Economic and Industry Research.

## Event Impact Summary

Berrigan Shire - Tocumwal Air Show - Modelling the effect of \$1,125,000 from a Sports and Recreation Activities event with State significance				
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)	Resident Jobs (annual jobs)
Direct impact	900,000	373,830	7.2	
Industrial impact	292,364	87,868	0.8	
Consumption impact	70,744	27,633	0.4	
<b>Total impact on Berrigan Shire economy</b>	<b>1,263,109</b>	<b>489,331</b>	<b>8.4</b>	

Source: [National Institute of Economic and Industry Research \(NIEIR\)](#) ©2021. Compiled and presented in economy.id by [.id](#) (informed decisions).

Note: All \$ values are expressed in 2018/19 base year dollar terms.



The application received from Tocumwal Airshows Pty Ltd for Major Event Funding is attached as "**Appendix 7.3-A**" for Councillor's perusal.

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Council Meeting

16 June 2021

7.4 Open Parachute Program

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 3.1 Create safe, friendly and accessible communities

**Recommendation:** The direction of the Council is sought.

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**Report:**

At the June Strategy and Policy Workshop, Councillors expressed an interest in supporting the *Open Parachute* program to be rolled out at local schools.

Open Parachute is a mental health intervention program that “aims to make a difference in the mental health of adolescents, helping them to understand and survive issues such as low self-esteem, trauma, abuse, bullying/friendship difficulties, addiction, eating/body image issues, depression /anxiety, loss/grief at an extremely vulnerable time in their lives”.

The program is supported by the Sebastian Foundation.

Further information on the program can be found at:

- <https://thesebastianfoundation.org/news/open-parachute/>
- <https://openparachuteschools.com/australia>

If the Council was interested in funding this program, it may use funding it has set aside to support community projects. The Council has in the past been reluctant to fund programs that should otherwise be the responsibility of the NSW Department of Education.

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Council Meeting

16 June 2021

7.5 Development Application 184/21/DA/D1 – New Dwelling and Attached Garage

Report by: Acting Development Manager, Matthew Miller

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 184/21/DA/D5 for a Brick Veneer Dwelling and attached garage be approved subject to the following:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the approved plans Lewes Homes Job No: Oxley 25A Sheet AO1-A11 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Appointment of Principal Certifying Authority and Notice of Commencement

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

- a) obtained a Construction Certificate for each structure,
- b) appointed a Principal Certifying Authority,
- c) 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)

3. 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 6.3 and 6.18 EP&A Act 1979)

4. Construction Certificate

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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].

5. 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 6.5 EP&A Act 1979)

6. 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.

7. Stormwater

Roofwater from the dwelling must be piped underground to the Moore Street Kerb in accordance with AS3500.3 (National Plumbing & Drainage Code).

8. Water and Sewer Connections

All water supply and sewer work must be carried out by a NSW Licenced Plumber and Drainer. All plumbing and drainage works must be carried out in accordance with AS3500 (National Plumbing and Drainage Code) and any conditions applied to the approval to do water and sewer work issued under Section 68 of the Local Government Act 1993.

Such conditions may include the necessity for the Council to undertake inspections of all drains and pipework before they are covered or provision of Compliance Certificates or works as executed drawings prior to issue of an Occupation or Subdivision Certificate.

9. Compliance with Building Code of Australia

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

10. 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.

11. Signs to be erected on building & demolition site

a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- 
- (i) stating that unauthorised entry to the work site is prohibited, and
  - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).
12. Erosion & Sediment Control  
Prior to the commencement of any site works appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.
13. Garbage Bin Storage  
All waste bins are to be located and stored in a position behind the front building line. If the proposed bin area is viewable from the street it is to be appropriately screened from view.
14. Clothes Drying Facilities  
Clothes drying facilities (clothes line or the like) must be provided and installed in accordance with the manufactures instruction prior to the issuance of and Occupation Certificate.
15. Smoke Alarms  
The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993 and the National Construction Code 2019. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly.
- a) Smoke alarms must be connected to the consumer's main power where the consumer power is supplied to the building
  - b) and be interconnected where there is more than one alarm
16. Waste Material  
All material and rubble arising from the Building works shall be recycled and separated wherever possible. Any waste material must be disposed of in an approved landfill in accordance with EPA guidelines and Berrigan Shire Council requirements.
17. Driveway  
A sealed, paved or concrete access driveway must be installed from the back of the kerb to the property boundary at each proposed vehicular crossing prior to the issue of a Final Occupation Certificate. This is to ensure safe vehicular movement on the site, prevent nuisance or uneven surface hazards in the public place and to enhance the development.

18. Works in Road Reserve

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.

19. BASIX

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

20. 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

**Division:**

In Favour:

Against:

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**Report:**

**Purpose of Report:**

This report is provided to the Council for the determination of a Development Application (DA) as Council Officers do not have delegation to determine the application.

**Proposal:**



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The Council is in receipt of a Development Application for 4 Moore Street, Tocumwal (Lot 71 DP1254608) that seeks consent to construct a new brick veneer dwelling and attached garage.

**Planning Framework:**

The Development Application has been assessed against the relevant matters for consideration under s4.15 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). Section 4.15(1)(a)(iii) of the Act requires consideration against "any development control plan". In this instance the relevant development control plan (DCP) is the Berrigan DCP 2014.

Under the Berrigan DCP the proposed dwelling is generally compliant with all controls with the exception of *Part 2.5 'Building Setbacks'*. The subject property is zoned RU5 Village under the Berrigan Local Environmental Plan and as such is subject to controls relating to 'articulation zones'. The applicant has proposed a 4.5m front setback for the subject dwelling which is compliant, however the articulation zone requirement has not been met. As such this is considered to be a variation to the DCP and requires determination of the application by Council.

**Articulation zones** are provided at the front of a house and provide an allowance for an entry and other design features to be positioned within the setback area. The area that provides relief from blank façades and can include verandahs, porches, awnings, shading devices, bay windows, pergolas and the like. The Berrigan Development Control Plan allows for articulation zones subject to certain requirements (see extract from the DCP below)

*"An articulation zone is permitted in front of the building setback for a distance of 1metre from the foremost edge of the building line and for 25 per cent of the overall building width. The articulation zone allows for building elements, such as porticos, awnings and the like where necessary or which enhance the quality of the building and/or contribute to the visual quality of the streetscape"*

The proposed dwelling has an overall width of 13.83m, therefore the maximum area of the articulation zone required is calculated at 25% of this width. These calculations are shown below:

**Proposed building width:** 13.83m

**25 % of the proposed building width:** 3.45m

**Articulation zone width proposed:** 6.45m

The subject non-compliance is considered appropriate in this instance as the approval of a variation will not create any additional impacts as proposed and will not be inconsistent with the existing character and streetscape of the area. The variation to the DCP control is consistent with the objectives of Clause 2.5 and will still provide consistency within the streetscape, will not detract from the existing character of the area and will still provide a compliant 4.5m setback from the boundary to the external building wall. Approval of the subject variation and Development Application is unlikely to create any precedence.

A copy of the assessment report is provided at **"Appendix 7.5-A"**.

Also attached as **"Appendix 7.5-B"** are the development plans.

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Council Meeting

16 June 2021

7.6 Murray Regional Tourism Board

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

**Recommendation:** That the Council agree to the Murray Regional Tourism 2021-2024 Partner Councils Funding Agreement.

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**Report:**

The Murray Regional Tourism Board (MRT) was formed in 2010 to establish an overarching organisation to contribute to the development and growth of tourism in the Murray region. MRT is a cross- border organisation and is made up of the following partner Councils:

NSW Local Government Partners	Victorian Local Government Partners
Albury	Wodonga
Greater Hume	Moira
Federation	Campaspe
Berrigan	Gannawarra
Edward River	Swan Hill
Murray River	Mildura
Wentworth	

During the COVID-19 disruption in early 2020 the Councils agreed to a one-year extension to the existing memorandum of understanding with MRT. The 2021 - 2024 Partnership Agreement asks all member Councils for a larger financial contribution than has previously been committed. In 2020/2021 Berrigan Shire Councils membership fee was \$14,966.00 and the amount requested in the new agreement is \$21,426.00, an increase of 43%. In years 2 and 3 of the partnership the commitment required is \$23,114.00 (+7%) and \$24,380.00 (+5%) respectively.

Strategically, the Berrigan Shire Council's cross-border relationships in tourism are essential; a fact that has been significantly demonstrated over the past 15 months with the State

border lockdowns. Also from a strategic perspective, our membership of MRT was crucial in realizing the funding for the Tocumwal Foreshore redevelopment.

Murray Regional Tourism, through the CEO Mark Francis, advocated constantly for the interests of the industry during the border lockdowns. Mark was on the front foot early and liaised with local government weekly in the early days to keep everyone informed of developments as they happened. In this time, MRT was a critical resource for all the Councils and the importance of what was accomplished from an advocacy perspective is acknowledged.

Currently there are two new tourism businesses based in Tocumwal – The Tocumwal Aviation Museum and the Tocumwal Brewery/Distillery – that have taken advantage of the MRT Destination Inspiration program with both applying for, and being accepted into the mentoring program, as well.

Tocumwal Golf and Bowls Club and the Cobram Barooga Golf Club participate, on a regular basis, with MRT programs through their membership of Golf on the Murray. All tourism businesses in Berrigan Shire have the ability to have a free digital presence on [www.visitnsw.com.au](http://www.visitnsw.com.au), [www.visitthemurray.com.au](http://www.visitthemurray.com.au) and [www.suncountryonthemurray.com.au](http://www.suncountryonthemurray.com.au) as a benefit of the Councils membership with MRT.

A copy of the MRT Local Government Partners Value Proposition 2021-2024 is attached as **“Appendix 7.6-A”**.

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**Council Meeting**

**16 June 2021**

**7.7 Tender T01-21-22 Annual Plant Hire Rates for 2021/22 Financial Year**

Report by: Assets & Operations Manager, Gary George

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 3.1 Create safe, friendly and accessible communities

**Recommendation:** That the Council:

1. Accept all compliant tenders for the 2021-22 financial year for T01-21-22 Annual Plant Hire Rates; and
2. Sign and seal the contract documents

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**Report:**

The Council wish to compile a list of available specific items of plant for hire to supplement its own plant and fleet. This list is to enable the Council to select suitable plant on a 'Best Value' basis to support the delivery of works and services to the community as required.

The Annual Plant Hire contract is a schedule of rates contract.

Tenders closed at 2:00pm, Wednesday 5 May, 2021. At the time of closing a total of twenty six (26) submissions were received.

Submissions were received from the following organisations:

1. Andrew Goldman Excavations Pty Ltd
2. The Trustee for Robex Civil Income Trust T/A Robex Civil
3. Bell/Kearney Excavation Pty Ltd
4. Bencon Civil Construction Pty Ltd
5. Brooks Hire Service Pty Ltd
6. Cleanaway Co Pty Ltd T/A Toxfree
7. Coates Hire Operations Pty Limited
8. Conplant Pty Ltd
9. The Trustee for Boda Family Trust T/A ConX Hire
10. Crawford Civil Pty Ltd
11. Drainflow Solutions Pty Ltd
12. The Trustee for SJ & SD Fox Family Trust T/A Foxys Backhoe Service
13. John Nolen Pty Ltd
14. The Trustee for Mangion Family Trust T/A Mango Mini-diggers
15. Miller Pipe & Civil P/L
16. Millers Civil Contractors Pty Ltd

17. O'Loughlin Excavations Pty Ltd
18. Pascoe Grading & Earthmoving Contractors Pty Ltd
19. Porter Excavations Pty Ltd
20. Precision Grading Pty Ltd
21. B Smith & MA Smith T/A Red Dog Excavations
22. Rollers Australia Pty Limited
23. Gavlex Pty Ltd T/A RSP Environmental Services
24. Stabilco Pty Ltd
25. Stephen Haynes Pty Ltd
26. Stanton Corporation Pty Ltd T/A Universal Mobile Tower Hire

### **Consideration of the Tenders**

All tenders were considered by the Tender Evaluation Committee consisting of Fred Exton, Gary George and Dean Loats.

All tenders submitted were deemed compliant with the specification.

### **Supervisor**

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

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**Council Meeting**

**16 June 2021**

**7.8 Tender T02-21-22 Supply of Quarry Products for 2021/22 Financial Year**

Report by: Assets & Operations Manager, Gary George

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 3.1 Create safe, friendly and accessible communities

**Recommendation:** That the Council:

1. Accept all compliant tenders for the 2021-22 financial year for T02-21-22 supply of Quarry Products; and
2. Sign and seal the contract documents

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**Report:**

The Council wish to compile a list of suppliers of Quarry Products. This list is to enable the Council to select suitable materials on a 'Best Value' basis to support the delivery of works and services to the community as required.

The Supply of Quarry Products contract is a schedule of rates contract.

Tenders closed at 2:00pm, Wednesday 5 May, 2021. At the time of closing a total of four (4) submissions were received.

Submissions were received from the following organisations:

1. Andrew Goldman Excavations Pty Ltd
2. E.B. Mawson & Sons Pty Ltd
3. The Trustee for B Lawrence Business Trust T/A Lawrence Brothers Quarries Pty Ltd
4. Stephen Haynes Pty Ltd

**Consideration of the Tenders**

All tenders were considered by the Tender Evaluation Committee consisting of Fred Exton, Gary George and Dean Loats.

First three tenders submitted were deemed compliant with the specification, the 4th tenderer only supplied cartage out of Quarries and has been accepted.

**Supervisor**

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

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**Council Meeting**

**16 June 2021**

7.9 Tender T03-21-22 Supply of Electrical Services for 2021/22 Financial Year

Report by: Assets & Operations Manager, Gary George

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 3.1 Create safe, friendly and accessible communities

**Recommendation:** That the Council:

1. Accept all compliant tenders for the 2021-22 financial year for T03-21-22 Supply of Electrical Services, to be on panel of approved contractors; and
2. Sign and seal the contract documents

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**Report:**

The Council wish to compile a list of available electrical contractors to carry out electrical works on Council Assets. The list is to enable the Council to select electrical contractors on a 'Best Value' basis to support the delivery of works and services to the community as required.

The Supply of Electrical Services contract is a schedule of rates contract.

Tenders closed at 2:00pm, Wednesday 5 May, 2021. At the time of closing a total of seven (7) submissions were received.

Submissions were received from the following organisations:

1. Cobram Electrical & Data Pty Ltd
2. IW & CL Wastle Pty Ltd T/A Ian Wastle Pace Electrics
3. Mobaditty T/A Koality Downunder Servicing
4. The Trustee for Murray River Electrical Trust
5. Murray Valley Locating & Electrical Pty Ltd
6. Scott PA and JL
7. R & H Purtle Family Trust

**Consideration of the Tenders**

All tenders were considered by the Tender Evaluation Committee consisting of Fred Exton, Gary George and Matthew Miller.

All Tenders submitted were deemed compliant with the specification.

**Supervisor**





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

Council Meeting

16 June 2021

7.10 Development Application 189/21/DA/DM - Proposed Demolition of Tocomwal Motel - 11 Murray Street Tocomwal

Report by: Consultant Town Planner, Matthew Yeomans

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 189/21/DA/DM for the Proposed Demolition of Tocomwal Motel be approved subject to the following:

1. Approval

The subject development is to be carried out in accordance with the conditions of consent. The subject approval allows the demolition of all existing structures on Lot 1-2 DP511822 and Lot 1 DP101725.

2. Uncovering Relics

If any archaeological relics are uncovered during the course of the work then works in that area are to immediately cease and the NSW Heritage Office contacted immediately. The applicant is advised that, depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be considered in that area of the site.

3. Heritage Archival Recording

The proponent must prepare a Heritage Archival Recording including photographic recording of the structures identified for demolition under the subject development consent. The Archival recording must be prepared in accordance with NSW Heritage Office's How to Prepare Archival Records of Heritage Items (1998) and Photographic Recording of Heritage Items Using Film or Digital Capture (2006).

Within 6 months of completing the archival recording, the proponent must submit the Heritage Archival Recording to Berrigan Shire Council for archiving against the relevant property file.

4. 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.

5. Demolition

The demolition shall be conducted and the site maintained in a safe condition during the process of the demolition in accordance with Australian Standard 2601-2001 the Demolition of Structures, Workcover guidelines and the Work Health and Safety Regulation 2011.

6. Waste Material

All material and rubble arising from the demolition works shall be recycled and separated wherever possible. Any waste material must be disposed of in an approved landfill in accordance with EPA guidelines and Berrigan Shire Council requirements.

7. Hours of Operation

The hours of operation for demolition works on the site shall be limited to the daylight hours, between 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 without the prior written consent of the Council.

8. Comply with Noise Control Act

Operations on the site must comply with relevant environmental legislation (including Noise Control Act).

9. Disconnection of Services

All water, sewer and stormwater services shall be adequately disconnected from the town reticulation system and sealed so as not to create future damage to the Council's services. A written statement shall be provided by a NSW Licensed Plumber and Drainer to certify the proper disconnection.

10. Road Reserve

Demolition waste, recycled materials or the like is not permitted to be stored on the road reserve. The road reserve is to be kept clean, tidy and in a safe condition while the demolition is being carried out.

11. Compliance with Building Code of Australia

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

12. 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.

13. Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

14. Support for neighbouring buildings

- a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - i. must preserve and protect the building from damage, and
  - ii. (ii) if necessary, must underpin and support the building in an approved manner, and
  - iii. (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land

15. 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.

16. Signs to be erected on building & demolition site

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

17. Toilet facilities

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

18. Asbestos Material

Work involving the removal of more than ten (10) square metres of asbestos containing material must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulations 2011. Prior to commencement of any work, the Principal Certifying Authority must be provided with:

Written notice is to include the following details:

- a) a copy of a signed contract with a person licensed to remove asbestos,
- b) the contract must specify the landfill site to which the asbestos containing material is to be delivered.

**Division:**

In Favour:

Against:

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**Report:**

**Purpose of Report:**

This report is provided to the Council for the determination of a Development Application (DA) as Council Officers do not have delegation to determine the application as the applicant for the subject application is Berrigan Shire Council. The assessment of the application has been undertaken by a Consultant Town Planner on behalf of Council due to the potential conflict of interest due to Council being the applicant as well as the determining authority.

**Proposal:**

The Council is in receipt of a Development Application for the 'demolition of existing motel' at 11 Murray Street, Tocumwal (legally described as Lot 1-2 DP511822 and Lot 1 DP101725).

The subject site is identified as being located in the Tocumwal Heritage Conservation Area under Schedule 5 of the *Berrigan Local Environmental Plan 2013*. A Statement of Heritage Impact (SOHI) was prepared by Noel Thomson Architecture to support the development application.

The site currently consists of an existing motel built c1960's and consists of 10 rooms with ensuite bathrooms located on the ground floor with a 2 storey managers residence to the front block facing Murray Street above the reception. The motel also has associated car parking, BBQ / entertainment area and swimming pool. The existing motel has deteriorated to the point that it is not economically viable to utilise the existing structures on site and does not provide any benefit to the community in its current form.

#### **Planning Framework:**

The Development Application has been assessed against the heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2013 and Development Control Plan 2014 and is considered satisfactory.

A copy of the Development Assessment Report is provided at "**Appendix 7.10-A**".

A copy of the Statement of Heritage Impact prepared by Noel Thompson Architecture is provided at "**Appendix 7.10- B**".

#### **Public Consultation**

The Development Application was notified in accordance with Section 2 of the Berrigan Community Engagement Framework & Community Participation Plan 2019 and Part 12 of the Berrigan Development Control Plan 2014 which outlines the advertising and notification procedure pathways for various forms of development. The Development Application was notified for 14 days from the 26 April 2021 to 10 May 2021 and one (1) submission was received. The submission is addressed in detail in **Section 10** of the Assessment Report provided as "**Appendix 7.10-A**".

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**Council Meeting****16 June 2021****7.11 Lifting of Alcohol-Free Zone restrictions - Good Times Festival**

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 Deniliquin Street from 3.00pm to 11.59pm on Saturday, 31 July 2021 in accordance with Section 645 of the *Local Government Act 1993*.

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**Report:**

Strawberry Music Group Pty Ltd are proposing to hold a “Good Times in Tocumwal” two-day family-focused music event in Tocumwal on the weekend of Saturday, 31 July and Sunday 1 August 2021. The event will involve the temporary closure of some streets over part of this period.

This was originally proposed to be held on 19-20 June 2021 however the recent COVID-19 outbreak in Melbourne has forced the organisers to reschedule.

On the evening of Saturday, 31 July 2021, the organisers propose to have an outdoor live music event on Deniliquin Street. During this event, the road will be closed to traffic from 3.00pm to 11:59pm – subject to Council and police approval.

The organisers have requested the restrictions on alcohol consumption in the area closed to traffic be lifted during this period and for a short period following.

The road reserve, including the road and footpath, is covered by the Alcohol Free Zone restrictions adopted by the Council under s644B of *the Local Government Act 1993* (the Act) These restrictions prohibit the consumption of alcohol at all times.

The Council has no set policy on the lifting of alcohol restrictions but it has lifted these restrictions on alcohol consumption for similar events in the past. These events have not created any public disturbance issues and this event is expected to attract a significant number of visitors to the town.

Under s645 of the Act, the Council may suspend the operation of an Alcohol Free Zone if desired. If so, the Council 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 as a whole or in a part of the area that includes the zone concerned. In addition, the Alcohol-Free Zone guidelines advise that the Council must liaise with the police.

The suspension of an Alcohol-Free Zone must be made via specific Council resolution - it cannot be delegated to the Chief Executive Officer.



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**Council Meeting**

**16 June, 2021**

**7.12 Tree Removal – Jerilderie Street North, Tocumwal**

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

**Recommendation:**

That the Council perform the works as recommended in the Arborist Report included as “Appendix 7.11-A”.

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**Report:**

On the 14 May, 2021, Council’s Maintenance Overseer conducted a visual tree assessment on a large tree on the corner of Deniliquin Street and Jerilderie Street North, Tocumwal. The recommendation from the assessment was to remove the tree based on the presence of numerous hollows and fungal growth.

Due to the size and location of the tree, it was decided to source an arborist assessment. We enlisted the services of Murray River Tree Services to assess the two trees in that location and provide advice as to works to be performed. The arborist identified risks with tree failure at this site including possible failure onto neighbouring properties, possible failure onto passing vehicle and pedestrian traffic.

Whilst both trees were assessed as displaying moderate health, the larger of the two trees was identified as having numerous cavities caused by either mechanical damage, branch failure, wildlife damage or previous poor pruning practices. These cavities have allowed bacteria and wood decaying fungus to enter the tree, gradually breaking down the tree. The presence of the fungus as identified by Council’s staff indicate significant decay. The arborist has assessed this tree as High and has recommended removal within three months.

The second tree also has an impact wound at the base of the tree however no evidence of the fungal growth. The arborist believes this tree can be retained by pruning out the deadwood and monitoring for further deterioration.

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Council Meeting

16 June 2021

7.13 Request for Assistance - Hoofs2000 Inc.

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

**Recommendation:** That the Council inform Hoofs2000 Inc. that it is unable to meet its request to grade the internal lane as work-in-kind.

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**Report:**

Hoofs2000 Inc., a community organisation based in Berrigan, have submitted a request seeking the Council's assistance in grading their internal lane by way of works in kind - i.e. for no charge.

A copy of the request is attached as "**Appendix 7.13-A**".

More information on Hoofs 2000 can be found at their website: <https://www.hoofs2010incorporated.com/>

The Council's policy on [Requests for Donations and Financial Assistance](#) is silent on the matter however the Council has not normally undertaken works in kind for groups other than its own volunteer committees of management.

The work undertaken by Hoofs2000 - while certainly meaningful to the volunteers and other supporters of the organisation - does not appear to align directly with the Council's Delivery Program.

Where the Council has agreed to similar proposals in the past, it has been on the basis of the Council donating plant time subject to a qualified and authorised Council employee volunteering their time outside of normal work hours.

Council Meeting

16 June 2021

7.14 Request for financial assistance - Victorian Aerobatic Championships

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

**Recommendation:** That the Council inform the Australian Aerobatic Club - Victoria Chapter (AACVC) that the Council will not waive the Tocumwal Aerodrome usage fees for the 2021 Victorian Aerobatic Championships.

**Report:**

The Australian Aerobatic Club - Victoria Chapter (AACVC) held the 2021 Victorian Aerobatic Championships at Tocumwal Aerodrome from 1 - 15 April, 2021.

In line with the Council’s Tocumwal Aerodrome Management Plan and the Council’s adopted suite of Fees and Charges, AACVC were charged the standard Council fee for holding aerobatics events at Tocumwal Aerodrome as set out below.

Note the charge below entitles AACVC to hold two events at Tocumwal Aerodrome.

BERRIGAN SHIRE COUNCIL   TECHNICAL SERVICES   Tocumwal Aerodrome   Aerobatics - In Accordance with the Tocumwal Aerodrome Management Plan				
Conduct of events (including directly related training periods) Includes up to two events	Year	\$1,370.91	\$137.09	\$1,508.00
Training and practice (three days or part thereof)	Aircraft	\$70.00	\$7.00	\$77.00
Other aviation and commercial use, events etc.	Each			By negotiation

AACVC have requested Council waive this fee and credit back the invoice raised by the Council for this event. Supporting this request, AACVC state that they believe the event injected \$40,000 into the Tocumwal community - which would appear to be correct.

The Council’s [Requests for Donations and Financial Assistance policy](#) does not provide any specific guidance when considering this request. The only fees and charges referred to in the policy are those relating to development consent and other application fees rather than fees for the use of a facility.

When considering this request, the Council may wish to consider:

- This fee was established specifically for aerobatic events at the aerodrome and already reflects a subsidy from Council.
- The precedent any waiving of fees may set with other users of the aerodrome\

If the Council wished to consider waiving this fee, it may wish to consider funding the fee from its tourism and events fund - subject to the event meeting the relevant criteria. Note that providing assistance under this program retrospectively would also set a precedent.

AACVC should be encouraged to apply for funding assistance under the Council's events program for future championships.

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Council Meeting

16 June 2021

7.15 NSW Rural Fire Service Assets

Report by: Director Corporate Services, Matthew Hansen

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:

1. Maintain its position of not bringing the assets controlled by the New South Wales Rural Fire Service to account in its financial statements
2. Write to the Minister for Local Government, the Minister for Police and Emergency Services and the Member for Murray to inform them of the Council's position and seeking advice on how the Department of Planning Industry and Environment came to hold the position that "the NSW Rural Fire Service does not control rural fire fighting equipment"

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**Report:**

The NSW Auditor-General handed down her report into the 2019-2020 audits of NSW local governments earlier this month. A copy of the report can be found at <https://www.audit.nsw.gov.au/our-work/reports/report-on-local-government-2020>

The Auditor-General made the following recommendation to the Office of Local Government;

OLG should communicate the State's view that rural fire fighting equipment is controlled by Councils in the Local Government sector, and therefore this equipment should be properly recorded in their financial statements.

The report later states that "The Department of Planning, Industry and Environment, which includes OLG, has confirmed that the NSW Rural Fire Service does not control rural fire fighting equipment."

This statement is an obvious absurdity and flies in the face of the facts on the ground. Whatever the legal ownership of the equipment, the NSW RFS controls the purchase, disposal, maintenance and disposition of the rural fire-fighting equipment it uses. Any claim to the contrary is clearly incorrect.

The Council, along with 68 other local government areas, has consistently held the position that these assets are controlled by the RFS and as a result it will not bring these assets to account. The Council's developed position paper on this topic is attached as "**Appendix 7.15-A**".

Despite this clear position from the NSW Audit Office, my opinion remains as per the developed position paper and my advice is to maintain this position. The risk to the Council in maintaining this position is the inclusion of an unadjusted audit difference in the audit report or, at worst, a qualified audit report. In the end, however, these are the Council's financial statements and should reflect the Council's accounting policies and policy positions - so long as they meet the relevant accounting standards.

While this is not cost-shifting per se in that the Council is not asked to make an additional financial contribution, it is an attempt to off load depreciation of the NSW government's books. It also means given the Council is targeting a break even operating result before capital income, it will need to reduce its own expenditure on services to cover this additional depreciation. Given the Council already pays an Emergency Services Levy to cover the purchase, maintenance and operation of this equipment, this would appear to be double dipping.

The Council may also wish to consider seeking clarification from the Department of Planning Industry and the Environment (DPIE) on how it came to arrive at its position regarding control of rural fire fighting equipment.

## 8. ITEMS FOR NOTING

**Recommendation:** that Items for Noting numbered 8.1 to 8.2 inclusive be received and noted.

**Council Meeting**

**16 June 2021**

### 8.1 Public Service Medal

Report by: Director Corporate Services, Matthew Hansen

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

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### Report:

The NSW Department of Premier and Cabinet has invited the Council to nominate eligible persons for the Public Service Medal for the 2022 Australia Day Awards. A copy of this letter is attached as "**Appendix 8.1-A**".

Nomination guidelines and an FAQ are attached as "**Appendix 8.1-B**" and "**Appendix 8.1-C**".

Council Meeting

16 June 2021

8.2 Development Determinations for Month of May 2021

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 MAY 2021**

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	Active	Total
112/18/DA/D1-M	DWELLING	1145 PEPPERTREE ROAD, TOCUMWAL NSW 2714 (Lot1//DP338228)	SWANBUILD	MS M J THOMPSON	Approved 28-05-2021	\$ 126000.00		828	833
137/20/DA/DO-M	RURAL SHED	3075 MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot8//DP1027384)	BENJAMIN BRENTNALL-COOK	MS LA GOLDMAN AND MR B BRENTNALL-COOK	Approved 04-05-2021	\$ 44500.00		163	293
40/21/DA/DM	CONSTRUCTION OF A SOLAR RENEWABLE ENERGY DEVELOPMENT WITH A CAPACITY OF UP TO 4.95 MEGAWATTS (MW) ON APPROXIMATELY 17 HECTARES.	BROUGHANS ROAD, FINLEY NSW 2713 (Lot126//DP752299)	BISON ENERGY - C/- HABITAT PLANNING	MRS MF STEPHENS, MR KA STEPHENS AND	Approved 12-05-2021	\$ 6500000.00		0	193
91/21/DA/D9	24 LOT SUBDIVISION	2-16 BANKER STREET, BAROOGA NSW 3644 (Lot194//DP752274)	OVENS & MURRAY LAND SURVEY	RAY BROOKS INVESTMENTS PTY LTD	Approved 20-05-2021	\$ 0.00		135	135
100/21/DA/D5-M	RESIDENTIAL STORAGE SHED	19 MOORE STREET, TOCUMWAL NSW 2714 (Lot21//DP545305)	VICKIE ANN WRIGHT	MR S M DENVER AND MS V A WRIGHT	Approved 10-05-2021	\$ 19350.00		117	117
130/21/DA/D5	DECK	46 LAWSON DRIVE, BAROOGA NSW 3644 (Lot43//DP1045702)	MICHAEL KEAMY	MS R C KEAMY	Approved 21-05-2021	\$ 4900.00		75	75
136/21/DA/D9	2 LOT SUBDIVISION	16 FLIGHT PLACE, TOCUMWAL NSW 2714 (Lot1//DP847411)	BRIAN MITSCH & ASSOCIATES	JOHN H WILLIAMS AVIATION P/L	Approved 13-05-2021	\$ 0.00		36	57
148/21/DA/DM	HAY SHED, COMMODITY SHED & FEED PAD	WOOLSHED ROAD, FINLEY NSW 2713 (Lot66//DP752283)	WOODLAWN PASTORAL COMPANY PTY LTD	WOODLAWN PASTORAL COMPANY PTY. LTD.	Approved 14-05-2021	\$ 918418.00		47	47
149/21/DA/D5	RESIDENTIAL STORAGE SHED & RAINWATER TANK	25 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot231//DP1135941)	ROGER CONWAY	MS S L CONWAY	Approved 19-05-2021	\$ 18871.00		9	52
163/21/DA/DM	GOOD TIMES IN TOCUMWAL - STREET FESTIVA	DENILQUIN STREET, TOCUMWAL NSW 2714	STRAWBERRY MUSIC GROUP P/L	BERRIGAN SHIRE COUNCIL	Approved 19-05-2021	\$ 0.00		34	34



		(Lot11//DP523802)						
168/21/DA/D5	RESIDENTIAL STORAGE SHED	11 FINLEY STREET, TOCUMWAL NSW 2714 (Lot1//DP513049)	BRENT & LEANNE WALDRON	MR BR WALDRON AND MRS LI WALDRON	Approved 17-05-2021	\$ 9000.00	Active 28	Total 28
170/21/DA/D1	BV DWELLING & ATTACHED GARAGE	33 EMILY STREET, TOCUMWAL NSW 2714 (Lot62//DP1256882)	KENNEDY BUILDERS	MR BJ MCKENNA AND MS GM RYAN	Approved 10-05-2021	\$ 322433.00	Active 22	Total 22
171/21/DA/D5	RESIDENTIAL STORAGE SHED	16 MAVIS STEWARD DRIVE, BAROOGA NSW 3644 (Lot8//DP1102913)	D & M BOWDEN CONSTRUCTION	MR G R & MRS J A CAMERON	Approved 14-05-2021	\$ 10000.00	Active 25	Total 25
172/21/DA/D5	RESIDENTIAL STORAGE SHED	72 COLLIE STREET, BAROOGA NSW 3644 (Lot73//DP570014)	D & M BOWDEN CONSTRUCTION	MR DJ BOWDEN AND MRS MA BOWDEN	Approved 14-05-2021	\$ 19500.00	Active 25	Total 25
173/21/DA/D2	CAFE FIT OUT/USE AS AVIATION MUSEUM	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot51//DP1246486)	KAREN & MATTHEW HENDERSON	BERRIGAN SHIRE COUNCIL	Approved 13-05-2021	\$ 100000.00	Active 22	Total 22
174/21/DA/D5	RESIDENTIAL STORAGE SHED	8 MALONE MEWS, FINLEY NSW 2713 (Lot9//DP1097289)	J HOGERVORST & E KERR	MR JA HOGERVORST AND MS EAS KERR	Approved 10-05-2021	\$ 8000.00	Active 19	Total 19
175/21/DA/D6	ADDITIONS TO DWELLING	1951 WOOLSHED ROAD, TOCUMWAL NSW 2714 (Lot11//DP1176571)	TOM & HANNAH KELLY	MR TW & MRS HM KELLY	Approved 12-05-2021	\$ 200000.00	Active 21	Total 21
176/21/DA/D5	RESIDENTIAL STORAGE SHED & TREE REMOVAL	68-70 MURRAY STREET, TOCUMWAL NSW 2714 (Lot11/6/DP6464)	MARTIN WALSH	MR MJ & SE WALSH	Approved 14-05-2021	\$ 33000.00	Active 22	Total 22
177/21/DA/D9	2 LOT SUBDIVISION	58-60 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot6/3/DP758981)	BRIAN MITSCH & ASSOCIATES	MR CM STEWART AND MRS LW STEWART	Approved 26-05-2021	\$ 0.00	Active 30	Total 30
179/21/DA/D2	COMMERCIAL STORAGE SHED	6-10 JAMES COURT, FINLEY NSW 2713 (Lot6//DP713895)	ENTEGR SIGNATURE STRUCTURES	MR PL BRUNT	Approved 19-05-2021	\$ 394740.00	Active 25	Total 25
180/21/DA/D6	ADDITIONS TO DWELLING	138 DENISON STREET, FINLEY NSW 2713 (Lot2//DP24073)	DEAN RUSSELL	MR SG FULLER AND MRS JM FULLER	Approved 26-05-2021	\$ 305000.00	Active 28	Total 28
181/21/DA/D5	RESIDENTIAL STORAGE SHED & CARPORT	3 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot64//DP1131677)	CHARLES MCKENNA	MR RL TROETH AND MRS M TROETH	Approved 21-05-2021	\$ 9850.00	Active 25	Total 25
182/21/DA/D9	3 LOT SUBDIVISION	21-23 KELLY STREET, TOCUMWAL NSW 2714 (Lot1311//DP1045176)	TURNING POINT PROPERTY AND PROJECTS	MR TJ BIRD AND MRS K J BIRD	Approved 26-05-2021	\$ 50000.00	Active 28	Total 28
185/21/DA/D5	RESIDENTIAL STORAGE SHED/ DEMOLITION OF DWELLING	62 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot1491//DP737393)	PETER JAMES BABINGTON	MR PJ BABINGTON AND MRS BS BABINGTON	Approved 18-05-2021	\$ 40000.00	Active 22	Total 22
191/21/DA/D6	ADDITIONS TO DWELLING	70 DALES ROAD, FINLEY NSW 2713 (Lot1202//DP774166)	JAMES AND HELEN BRAYBON	MR JW BRAYBON AND MRS HM BRAYBON	Approved 27-05-2021	\$ 90000.00	Active 25	Total 25
192/21/DA/D5	CARPORT	23 KAMAROOKA STREET, BAROOGA NSW 3644 (Lot7//DP248812)	MARK & ALISON BROWN	MR M A BROWN AND MRS A M BROWN	Approved 28-05-2021	\$ 9000.00	Active 23	Total 23

194/21/DA/D5	RESIDENTIAL STORAGE SHED	19 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot38//DP270154)	ROSS PEDERICK	MR MTC HILL	Approved 27-05-2021	\$ 57662.00	Active 19	Total 19
35/21/CD/M1	BV DWELLING & ATTACHED GARAGE	65 HUGHES STREET, BAROOGA NSW 3644 (Lot7//DP1257753)	METRICON HOMES	MR R GATCUM AND MS B K NYE	Approved 14-05-2021	\$ 282582.00	Active 7	Total 7
36/21/CD/M1	BV DWELLING & ATTACHED GARAGE	82 BRUTON STREET, TOCUMWAL NSW 2714 (Lot5//DP1250358)	KENNEDY BUILDERS	MR JW PATTERSON	Approved 20-05-2021	\$ 321000.00	Active 8	Total 8
196/21/DA/DO	RURAL SHED	95 NGAWA ROAD, BAROOGA NSW 3644 (Lot78//DP257589)	ZANE GOODWIN	MR ZC GOODWIN AND MS G WHINRAY	Approved 28-05-2021	\$ 40000.00	Active 13	Total 13
199/21/DA/D5	FRONT AND REAR VERANDA	8 BRUTON STREET, TOCUMWAL NSW 2714 (Lot11//DP1006609)	SHERIDAN BLUNT	MS S BLUNT	Approved 26-05-2021	\$ 19500.00	Active 11	Total 11
37/21/CD/M1	BV DWELLING & ATTACHED GARAGE	25 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot37//DP270154)	DENNIS FAMILY HOMES	MR G RUTHERFORD AND MRS SJ RUTHERFORD	Approved 27-05-2021	\$ 275256.00	Active 8	Total 8
200/21/DA/DO	RURAL SHED	WINTERS ROAD, LALALTY NSW 3644 (Lot832//DP1257848)	ACM II AUSTRALIA 5 PTY LTD	ACMII AUSTRALIA 5 PTY LTD	Approved 20-05-2021	\$ 45000.00	Active 3	Total 3
202/21/DA/D5	RURAL SHED	41 HIGH STREET, BERRIGAN NSW 2712 (Lot3//DP122893)	ANDREW PYLE	MR A R PYLE	Approved 31-05-2021	\$ 20000.00	Active 8	Total 8

**APPLICATIONS PENDING DETERMINATION AS AT 31/05/2021**

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	TOCUMWAL NSW 2714 (Lot7002//DP1019579)
137/21/DA/D1	23-02-2021	2 STOREY DWELLING & ATTACHED GARAGE	1C RIVERVIEW COURT, BAROOGA NSW 3644 (Lot1//DP1172277)
162/21/DA/D9	01-04-2021	17 LOT SUBDIVISION	100 BURMA ROAD, TOCUMWAL NSW 2714 (Lot4//DP802330)
167/21/DA/D7	06-04-2021	INGROUND FIBREGLASS SWIMMING POOL	53 COLLIE STREET, BAROOGA NSW 3644 (Lot1//DP509326)
184/21/DA/D1	16-04-2021	BV DWELLING & ATTACHED GARAGE	4 MOORE STREET, TOCUMWAL NSW 2714 (Lot71//DP1254608)
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
189/21/DA/DM	22-04-2021	DEMOLITION OF MOTEL	11 MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP511822)
193/21/DA/D5	27-04-2021	RESIDENTIAL STORAGE SHED	9 LA BELLE COURT, TOCUMWAL NSW 2714 (Lot8//DP1194758)
197/21/DA/D3	11-05-2021	CHANGE OF USE TO PACKING SHED AND SITE AMENITIES/OFFICE	SILO ROAD, TOCUMWAL NSW 2714 (Lot3//DP1024841)
198/21/DA/D1	11-05-2021	BV DWELLING & ATTACHED GARAGE/RESIDENTIAL STORAGE/POOL	6 PUTTER COURT, BAROOGA NSW 3644 (Lot1011//DP1257921)

203/21/DA/DO	19-05-2021	RURAL SHED	19-20 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot32//DP1118257)
204/21/DA/D3	20-05-2021	AIRCRAFT HANGAR	4 LIBERATOR PLACE, TOCUMWAL NSW 2712 (Lot27//DP1190777)
207/21/DA/D5	25-05-2021	RESIDENTIAL STORAGE SHED	16 AVA COURT, TOCUMWAL NSW 2714 (Lot23//DP270154)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
209/21/DA/DO	28-05-2021	RURAL SHED	853 BACK BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot1//DP567106)

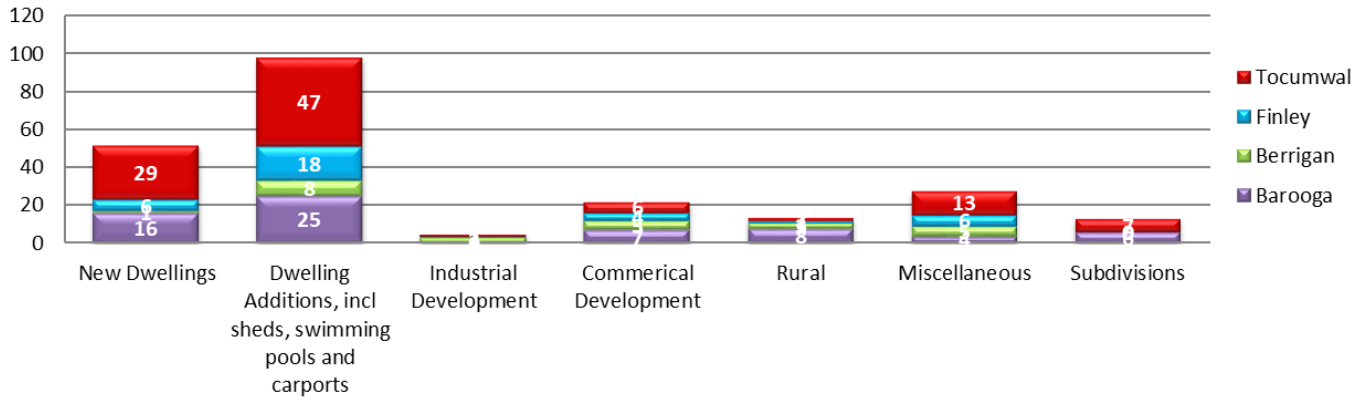
**TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)**

	<b>This Month (May)</b>	<b>Year to Date</b>	<b>This Month's Value (May)</b>	<b>Year to Date Value</b>
<b>Development Applications (DA)</b>	31	200	\$9,414,724	\$35,960,867
<b>Construction Certificates (CC)</b>	20	145	\$2,303,773	\$16,348,582
<b>Complying Development Certificates (CDC)</b>	3	33	\$878,838	\$4,567,462
<b>Local Activity (s.68)</b>	4	86	0	0

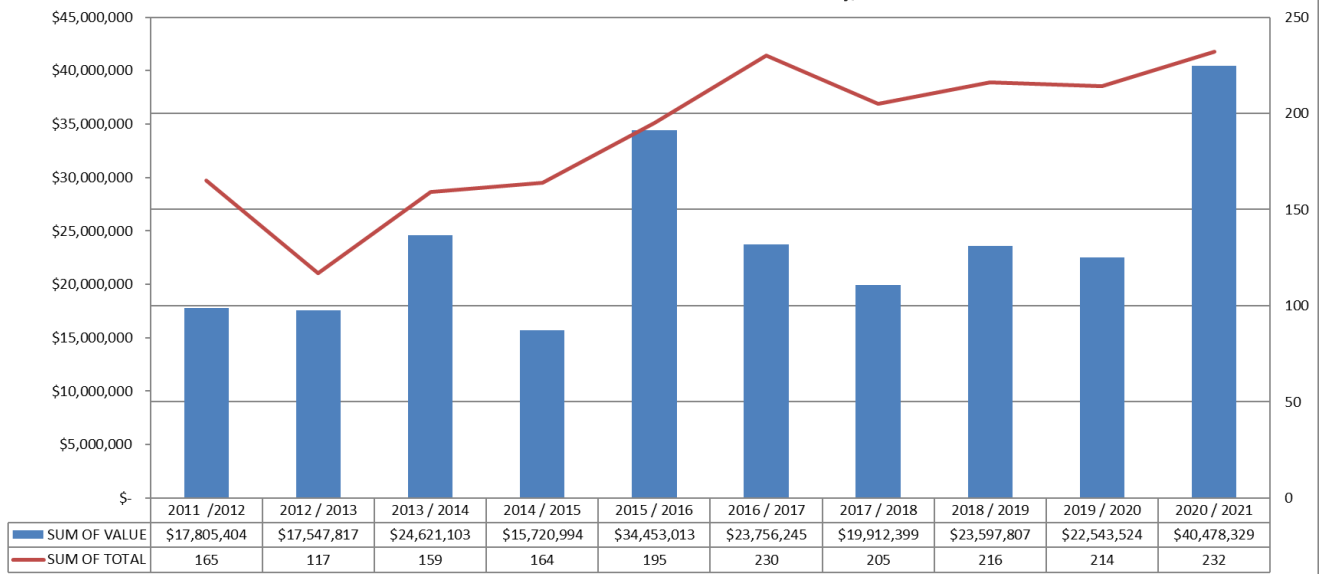
**OTHER CERTIFICATES ISSUED FOR MAY 2021**

	<b>s10.7(2) Planning Certificate</b>		<b>s10.7(5) Certificate</b>		<b>735A Certificate</b> <small>Outstanding Notices or Orders under LG Act 1993</small>		<b>s9.34 Certificate</b> <small>Outstanding Notices or Orders under EP&amp;A Act 1979</small>		<b>s6.24 Building Certificate</b>		<b>Swimming Pool Certificate</b>	
	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total
<b>BAROOGA</b>	10	100	0	2	0	1	0	1	0	0	6	15
<b>BERRIGAN</b>	2	53	0	0	1	8	0	0	0	1	1	3
<b>FINLEY</b>	9	124	0	2	0	5	0	0	1	1	2	4
<b>TOCUMWAL</b>	17	179	1	4	2	3	1	1	0	1	5	19
<b>TOTAL</b>	<b>38</b>	<b>456</b>	<b>1</b>	<b>8</b>	<b>3</b>	<b>17</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>41</b>

### DEVELOPMENT ACTIVITY 2020/2021 as at 31 May, 2021



### DEVELOPMENT ACTIVITY as at 31 May, 2021





9. COMMITTEES

10. MAYOR'S REPORT

**Recommendation:** That the Mayor's Report be received.



**11. DELEGATES REPORTS**



**12. BUSINESS ARISING**

**13. CLOSE OF MEETING**