



Council Chambers,
BERRIGAN NSW 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **17th January, 2018** when the following business will be submitted:-

9:00AM

Public Question Time

COUNCIL MEETING

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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 17th January, 2018

BUSINESS PAPER

1. **APOLOGIES**

2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**

3. **VISITORS ATTENDING MEETING**

4. **CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 13th December, 2017 be confirmed.

- 5.1 **FINANCE – ACCOUNTS**
AUTHOR: Finance Manager
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting
RECOMMENDATION: - that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 December 2017, be received and that the accounts paid as per Warrant No. 12/17 totaling \$3,923,664.25 be confirmed.

REPORT

Items requiring Council Resolution

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 December 2017 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 December 2017.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 December 2017, totaling \$3,923,664.25 and will be submitted for confirmation of payment as per Warrant No. 12/17
- 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) December has shown a slight decrease in total funds held in comparison to the end of November. The movement in cash holdings is largely comparable with the same period last year and represents the general pattern in cash holdings over the year.

Overall funds however have grown from \$26.867M in December 2016 to \$28.985M in December 2017. Total funds held are expected to remain stable in the January period.

Items requiring Council Resolution

Statement of Bank Balances as at 31 December 2017

Bank Account Reconciliation

Cash book balance as at 1 December 2017	\$ 5,665,173.76
Receipts for December 2017	\$ 1,243,232.35
Term Deposits Credited Back	\$ 2,000,000.00
	\$ 8,908,406.11

Less Payments Statement No 12/17

Cheque Payments V075812 - V075816	\$ 12,731.86
Electronic Funds Transfer (EFT) payroll	\$ 646,530.75
Electronic Funds Transfer (EFT) Creditors E027781 - E028031	\$ 1,237,858.10
Term Deposits Invested	\$ 2,000,000.00
Loan repayments, bank charges, etc	\$ 26,543.54
Total Payments for December 2017	\$ 3,923,664.25

Cash Book Balance as at 31 December 2017

\$ 4,984,741.86

Bank Statements as at 31 December 2017

\$ 4,985,091.86

Plus Outstanding Deposits

Less Outstanding Cheques/Payments

\$ 350.00

Reconciliation Balance as at 31 December 2017

\$ 4,984,741.86

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	133/17	271	2.60%	28/05/2018	\$ 1,000,000.00
AMP	125/16	274	2.60%	5/06/2018	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	275	2.75%	13/01/2018	\$ 2,000,000.00
Goulburn Murray Credit Union	131/17	90	2.65%	20/2/2018	\$ 2,000,000.00
Bendigo Bank	135/17	182	2.60%	6/06/2018	\$ 2,000,000.00
Bendigo Bank	134/17	365	2.60%	13/09/2018	\$ 2,000,000.00
Bendigo Bank	128/16	365	2.60%	21/09/2018	\$ 2,000,000.00
Central Murray Credit Union	130/17	365	3.05%	1/03/2018	\$ 1,000,000.00
Central Murray Credit Union	104/14	365	2.70%	18/07/2018	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	2.70%	31/08/2018	\$ 2,000,000.00
Defence Bank Limited	106/14	270	2.70%	29/12/2017	\$ 1,000,000.00
Defence Bank Limited	129/17	365	2.80%	28/02/2018	\$ 1,000,000.00
Defence Bank Limited	102/14	182	2.60%	4/04/2018	\$ 2,000,000.00
ME Bank	132/17	182	2.65%	8/01/2018	\$ 2,000,000.00
T-CORP HOURGLASS AT CALL		AT CALL			\$ -
					\$ 24,000,000.00

Total Funds Held at 31 December 2017

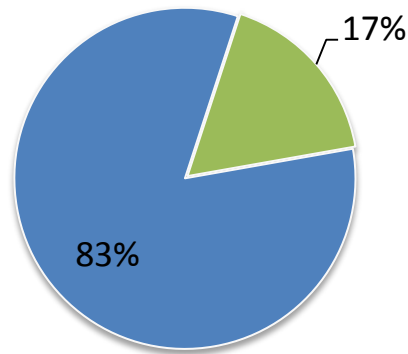
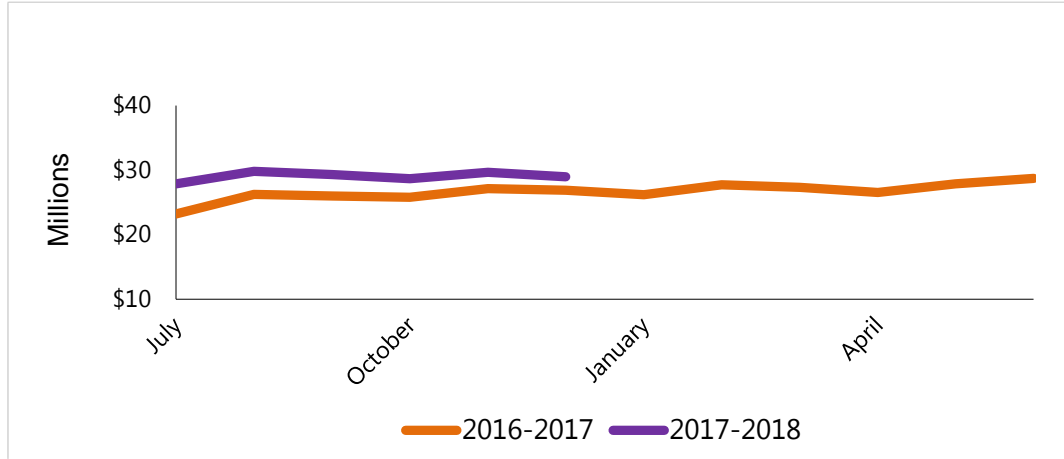
\$28,984,741.86

Carla von Brockhusen - Finance Manager

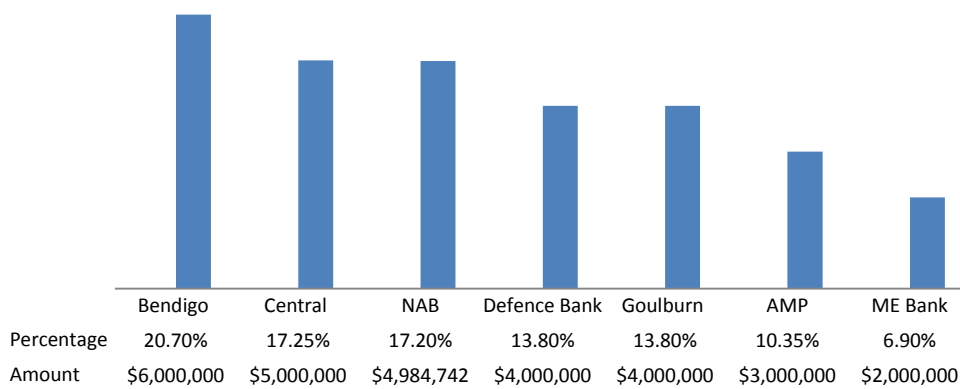
RESOLUTION

Items requiring Council Resolution

Total Cash and Investments



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



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Items requiring Council Resolution

Prior Financial Institution	Previous Investment			Current Financial Institution	New Investment		
	Term (Days)	Amount	Interest Rate		Term (Days)	Amount	Interest Rate
				BENDIGO	182	\$2M	2.60%
AMP	273	\$2M	2.75%				

RESOLUTION

Items requiring Council Resolution

**5.2 STATE EMERGENCY SERVICE –
APPOINTMENT OF LOCAL CONTROLLER**

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO:

RECOMMENDATION: - the direction of the Council is sought.

REPORT:

The Commissioner of the NSW State Emergency Service has recently provided copy of a letter he sent to the Berrigan State Emergency Service local controller appointing that person for a further period of two years.

The local controller can only be appointed on the recommendation of a Council of a local government area or by the Commissioner where no suitable recommendation is made.

S17 of the State Emergency Service Act 1989 States:

17 Local controllers

- (1) The Commissioner may, on the recommendation of the council of a local government area, appoint one or more persons as a local controller for the area.
- (2) The Commissioner may revoke an appointment under this section at any time and for any reason.
- (3) A local controller is, subject to any direction of the Commissioner or the relevant region controller, responsible for the control and co-ordination of the activities of SES units in the relevant local government area.
- (4) The Commissioner may appoint as a local controller an emergency officer not recommended by the council of the local government area concerned if the council fails to make a recommendation which is acceptable to the Commissioner within 30 days after the council is requested to do so by the Commissioner.
- (5) The council of a local government area must, within 3 months of the appointment of a local controller for the area, provide (free of charge) suitable training facilities and storage and office accommodation to enable the local controller to exercise his or her functions.
- (6) Any such facilities and accommodation are to be of a standard approved by the Commissioner.

Items requiring Council Resolution

This is the second occasion where the Commissioner has made such an appointment without consultation with the Council.

On the previous occasion the Council took exception to the lack of consultation and required the Commissioner to recommence the appointment process.

The above should not be misinterpreted as any criticism of the local controller.

The purpose of the report is to clarify whether the Council, again, wants to take action in relation to the lack of consultation.

For the information of Councillors, the State Emergency Service operates much like the Rural Fire Service where the brigades, and in this case the unit, are in fact the responsibility of Councils.

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Items requiring Council Resolution

5.3 REQUEST TO WAIVE TIPPING FEES

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO:

RECOMMENDATION: - that the Council advise Hunters Haven Anglican op Shop that it will not waive tipping fees for the Hunters Haven Anglican Op Shop for the next twelve months.

REPORT:

The Council has a request from the Hunter Haven Anglican Op Shop for free tipping fees for the next twelve months.

The letter requests free disposal of up to 4m² at the Tocumwal Landfill free from putrescible waste.

The Council has historically refused similar requests primarily because of the precedent this would create and difficulty in defining the scope of any such concession.

It is however noted that the Council did allow a one of allowance for the Berrigan Red Cross Shop in 2016.

While the recommendation reflects the status quo it is not intended as a reflection on the Hunter Haven Anglican Op Shop.

If the Council prefers to support the Hunter Haven Anglican Op Shop it could do so by way of a donation.

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Items requiring Council Resolution

5.4 DOCUMENTS FOR SIGNING AND SEALING**AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities**FILE NO:** 05.005.4**RECOMMENDATION:** - that the Council sign and seal the sub-lease with Finley Community Help Group Inc. for the lease of the Second Hand Shop on part Lot 1, DP 1126444

REPORT:

After quite a long and convoluted process, the Council is now in a position to offer a lease to the Finley Community Help Group and Second Hand Shop for their premises.

The land in question is leased by the Council from the NSW Rail Corporation and getting permission to offer a sub-lease has taken some time.

Once executed, the lease will enable the Second Hand shop to obtain suitable insurance coverage and thus separate themselves from the Council in an administrative sense.

The lease is for a five year term. Rent is \$1 per year. All outgoings are the responsibility of the lessee.

A copy of the lease is available for perusal if desired as Appendix "A" and Appendix "B".

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Items requiring Council Resolution

5.5 EVENT FUNDING APPLICATION**AUTHOR:** Economic & Industry Development Liaison**STRATEGIC OUTCOME:** Diverse and resilient business**STRATEGIC OBJECTIVE:** 4.2 Diversify and promote local tourism**FILE NO:****RECOMMENDATION:** - that the Council allocates \$600 to funding the promotion of the Finley Show and Shine and Swap Meet**REPORT:**

The Lions Club of Finley and the Southern Riverina Vehicle and Machinery Club are holding a Show and Shine exhibition and competition and also a Swap Meet on the 18th of March, 2018. This will be the 3rd time that this event has been held and the second time that Council has been asked to assist with funding (see Appendix "C" for funding application).

Show and Shine events are popular with car enthusiasts from the competition perspective but they also draw the general public to the exhibitions. These types of events have a strong following and have proved to be popular in this region as evidenced by the growth of the Berrigan Show and Shine event.

The budget for the Finley event is modest as is the expected visitation however the event impact summary below still indicates a reasonable return on investment for the Council.

Event Impact Summary

Berrigan Shire - Finley Show and Shine - Modelling the effect of \$12,000 from a Sports and Recreation Activities event with Local significance				
	Output (\$)	Value-added (\$)	Employment (annual FTE)	Resident Jobs (annual FTE)
Direct impact	10,315	4,799	0.1	
Industrial impact	3,587	1,648	0.0	
Consumption impact	1,377	634	0.0	
Total impact on Berrigan Shire economy	15,279	7,081	0.1	

Source: [National Institute of Economic and Industry Research \(NIEIR\)](#) ©2016.

Compiled and presented in *economy.id* by [.id](#), the population experts.

Note: All \$ values are expressed in 2014-15 base year dollar terms.

Items requiring Council Resolution

5.6 REQUEST TO WAIVE FINANCIAL CONTRIBUTION**AUTHOR:** Development Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:****RECOMMENDATION:** - that the Council:

1. Amend Condition of Consent No. 18 of Development Consent No. 33/18/DA/D2 to reflect the correct financial contribution of \$9.170 and;
2. Reaffirm that the financial contribution for Car Parking is due and payable prior to the issue of an Occupation Certificate.

REPORT:**Background**

Development Application No. 33/18/DA/D2 – Extension to Supermarket at 22-24 Deniliquin Street, Tocumwal, was granted consent on 17 October, 2017 subject to conditions.

Subject to the provisions of Councils Development Contributions Plan and Development Control Plan No. 3 – Parking (see Appendix “D” and Appendix “E”), a requirement for a financial contribution was applied as a condition of consent to the development as the proponent was unable to meet the standard for off street car parking on the site.

The recipient of the above consent has formally written to Council (Appendix “F”) requesting that the financial contribution be waived as a walkway from the car park to the main street has been provided within the building that will allow access to the general public.

In calculating the financial contribution applicable to the development Council staff inadvertently applied an incorrect rate. The total contribution payable as per the condition of consent was the sum of \$15,610 based on a cost of \$1,115 per space deficient for a new development where not all spaces can be provided on site.

(Based on one space per 50m² with a gross floor area of 700m² the additional spaces required was 14)

Items requiring Council Resolution

The correct formula for additions where there is an increase of greater than 20% of gross floor space is \$655 per space deficient. This equates to a financial contribution of \$9,170 payable to Council.

Discussion

Development Control Plan No.3 requires commercial developments to provide 1 car parking space per 50m² of gross floor area which are to be located on site. Where the required car parking spaces are unable to be provided on site the Development Contributions Plan provides a mechanism whereby a financial contribution can be accepted in lieu of the deficient car parking spaces to enable Council to provide additional car parking or embellish existing public car parking.

In this instance the extension to the supermarket utilised all of the land acquired to the west of the existing building with no provision for on-site car parking for staff or customers.

The developer has relied on the available car parking spaces located on street and in the Council car park located at the rear of the business to cater for increased floor area of the supermarket and the likely increased visitation to the premises.

The proponent has provided an internal walkway within the premises that will allow people access to the supermarket and to the commercial area in Deniliquin Street from the rear car park however this will also be of a substantial benefit to the supermarket business as no pedestrian access from the rear had previously been provided.

Whilst the new internal walkway will be of a benefit to the public during opening hours of the premises, the onus is on developers of commercial enterprises for the provision of suitable car parking facilities commensurate with the demand for those spaces for that particular development.

Given that the greater floor space created for the supermarket has the potential to generate increased customers and the resultant demand for car parking spaces in the locality it would appear to be reasonable to impose a financial contribution to enable Council to embellish or provide additional car parking facilities in the locality for the public.

It should be noted that a dwelling utilised as chiropractor's rooms and a small shop housing a real estate office was previously located on the site. Staff car parking was available on site at the rear.

To facilitate the correct contribution payable it will be necessary to amend the condition of consent by Council resolution to reflect the provisions of the

Items requiring Council Resolution

Development Contributions Plan. It would also be reasonable to reaffirm that the financial contribution is warranted in this instance.

Summary

Council's Development Control Plan No.3 – Parking and Development Contributions Plan has been adopted to ensure that an acceptable level of amenity is achieved as developments proceed and the cost to Council and the community for the provision of car parking facilities are minimised.

It is suggested that it would be appropriate to impose the amended financial contribution to ensure that the embellishment and/or provision of acceptable levels of public car parking facilities are available to the community as a result of the development. In addition it would also be appropriate to amend condition of consent No.18 of Development Consent No.33/18/DA/D2 to reflect the correct contribution payable.

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Items requiring Council Resolution

5.7 TOURISM ACCOMMODATION LEVY

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO:

RECOMMENDATION: - that the Council support Byron Shire Council in requesting the NSW State Government to establish an expression of interest process seeking submissions from Local Government areas to act as trial locations for the implementation and management of a trial tourism accommodation levy (bed tax).

REPORT:

The Council has received a request from Byron Shire Council to support it in requesting the NSW State Government to establish an expression of interest process seeking submissions from Local Government areas to act as trial locations for the implementation and management of a trial tourism accommodation levy (bed tax).

Byron Shire Council is seeking to implement a trial bed tax to reduce the financial burden on ordinary ratepayers to provide essential infrastructure and amenity works to support its thriving visitor economy.

The Council is faced with the situation were a combination of site value rating, rate capping restrictions and lack of other sources of funds force all ratepayers to contribute to required tourist economy costs even though they may not directly benefit from that industry.

This is a similar situation that faces this Council although on a much reduced scale.

NSW Councils are to some extent compensated by visitor numbers through financial assistance grant calculations.

While such taxes are widely used outside Australia their application domestically appears to be or almost be non-existent.

The proposal appears to be worthy of support as, if successful, it would provide some direct financial correlation between the provision of infrastructure and services and visitor usage.

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Items requiring Council Resolution

The proposal is unlikely to have any great relevance to this Council as each \$1 per night would raise approximately \$30,000 per annum based on existing bed numbers and average occupancy rates.

How such a tax would be applied in an era of Airbnb is not clear.

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Items requiring Council Resolution

5.8 PECUNIARY INTEREST RETURNS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.045.2

RECOMMENDATION: - that the Council note the tabling of the Pecuniary Interest Returns received from Gary George received 22nd December, 2017 and Elizabeth Schindler on 10th January, 2018.

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:

Designated Officer: Gary George (Assets & Operations Manager)
Elizabeth Schindler (Town Planner)

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Items requiring Council Resolution

**5.9 CODE OF MEETING PRACTICE –
CONSULTATION DRAFT****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:****RECOMMENDATION:** - that the Council make a submission in relation to the Model Code of Meeting Practice based upon the comments contained within following report.

REPORT:

Currently, the conduct of Council and its associated meeting are regulated by the Local Government Act and the Local Government (General) Regulation.

Broadly, the Act and the Regulation allow for a Council to either observe the prescribed Regulations in conducting its meetings or to adopt its own Code of Meeting Practice. In adopting its own Code of Meeting Practice a Council is still required to comply with the Regulation but may add addition components provided that these are not contrary to the regulated position.

The Local Government Act provides:

360 Conduct of meetings of councils and committees

- (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors.
- (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.
- (3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

The Local Government (general) Regulation provides the actual details about how meetings are convened conducted and reported etc.

Items requiring Council Resolution

This Council does not adopt its own Code of Meeting Practice, rather it observes the Regulations.

It is now proposed that all Councils be required to adopt a Code of Meeting Practice, based on the proposed Model Code of Meeting Practice.

An adopted Code of Meeting Practice is proposed to still allow Councils to include additional components provided that they are not inconsistent with the Model Code.

Given the present proposal the Office of Local Government has circulated a draft Model Code of Meeting Practice for comment by Councils. Submissions are required by 16th March 2018.

The Model Code of Meeting Practice can be viewed at:
http://www.olg.nsw.gov.au/sites/default/files/OLG%20-%20Draft%20Model%20Code%20of%20Meeting%20Practice_0.pdf

The draft Code is quite extensive and broadly follows the existing Regulations however it also includes some optional inclusions and also some new provisions.

The optional provisions can be generally considered when the Council is required to adopt a Code.

In this report, it is proposed to only highlight areas of concern and the optional provisions. Optional provisions that of concern are shown in **red**

These are commented upon below and subject to the Council’s consideration are intended to be the basis of a submission by the Council.

Specific Provision	Comment
<p>3.13 A Councillor may submit no more than [number to be specified by the council] notices of motion to be considered at each ordinary meeting of the council.</p>	<p>While the intent of this provision is understood as its provisional nature it is unclear how a Council will determine an appropriate number of notices of motion and what occurs if that adopted number is inappropriate.</p>
<p>3.29 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting. 3.30 Despite clause 3.29, business may be considered at an extraordinary meeting of the council,</p>	<p>There is no definition of either “urgent” or “great urgency” both of which are used in the Model Code. A definition should be included to clarify these terms and indeed their difference.</p>

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Items requiring Council Resolution

<p>even though due notice of the business has not been given, if: (a) a motion is passed to have the business considered at the meeting, and (b) the business to be considered is ruled by the chairperson to be of great urgency.</p>	
<p>4.1 The council will hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.</p> <p>4.2 Public forums are to be chaired by the mayor or their nominee.</p> <p>4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by [date and time to be specified by the council] before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.</p> <p>4.4 A person may apply to speak on no more than [number to be specified by the council] items of business on the agenda of the council meeting.</p> <p>4.5 Nominated candidates at federal, state or local government elections and serving councillors are not permitted to speak at a public forum.</p> <p>4.6 Legal representatives acting on</p>	<p>It is accepted that some Councils may require this type of provision however the provision as outlined is quite draconian in its operation and may inhibit free interaction between the Council and its residents etc.</p> <p>While obviously optional there is concern that if the Council chooses to continue with its existing "Question Time" it may be required to comply with this procedure.</p> <p>It needs to be clarified that this is not the case and if it is the case then to object to it.</p>

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Items requiring Council Resolution

RESOLUTION

behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.7 The general manager or their delegate may refuse an application to speak at a public forum.

4.8 No more than [number to be specified by the council] speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

4.9 If more than the permitted number of speakers applies to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.

4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than [number to be specified by the council] days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

4.11 The general manager or their delegate is to determine the order of speakers at the public forum.

Items requiring Council Resolution

4.12 Each speaker will be allowed [number to be specified by the council] minutes to address the council. This time is to be strictly enforced by the chairperson.

4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.

4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to [number to be specified by the council] minutes.

4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.

4.17 The general manager or his or her nominee may, with the concurrence of the chairperson, address the council for up to [number to be specified by the council] minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

Items requiring Council Resolution

NO-TICLOSURE

4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.

4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as

Items requiring Council Resolution

<p>the general manager or their delegate considers appropriate.</p> <p>4.23 Councillors (including the mayor) must disclose and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do at a council or committee meeting. Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council.</p> <p>Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council.</p>	
<p>A councillor’s civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because he or she has been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA</p>	<p>It is suggested that the words “without good reason” be inserted after “(3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned”.</p> <p>Whilst the intent of the provision is understood there may nonetheless be a situation where neither of the two exceptions have been met and yet a Councillor should be able to resume their duties.</p>
<p>5.18 All meetings of the council and committees of the council are to be webcast.</p> <p>5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.</p> <p>5.20 At the start of each meeting the chairperson is to make a statement</p>	<p>This clearly should be an optional provision with any decision to webcast meeting being quite rightly made between the Council and its residents.</p> <p>The provision will likely curtail the activities of Councils that currently move meetings around its area due to</p>

RESOLUTION

Items requiring Council Resolution

<p>informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.</p>	<p>the cost of establishing multiple webcasting facilities.</p> <p>The need for this provision has not been established.</p>
<p>14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.</p> <p>14.13 No more than [number to be specified by the council] speakers are to be permitted to make representations under clause 14.9.</p>	<p>This provision applies to public speakers and again the question is “how will determine an appropriate number of speakers” given that this is likely to vary dependent upon the issue.</p> <p>While the intent of the provision is understood there should also be a method to vary it at short notice.</p>
<p>14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.</p>	<p>See above.</p>
<p>15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.</p>	<p>Again, while the intent of the provision is understood there should be some capacity for the chairperson to grant permission for a phone to left on in an emergency or impending emergency situation.</p>

In a general sense the draft Code of Meeting Practice reflects current practice and can be supported in a general sense and subject to the above comments.

Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.8 inclusive be received and noted.

6.1 RATES AND CHARGES - 2017/2018 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 2nd QUARTER REPORT TO COUNCIL

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 25.138.1

REPORT:

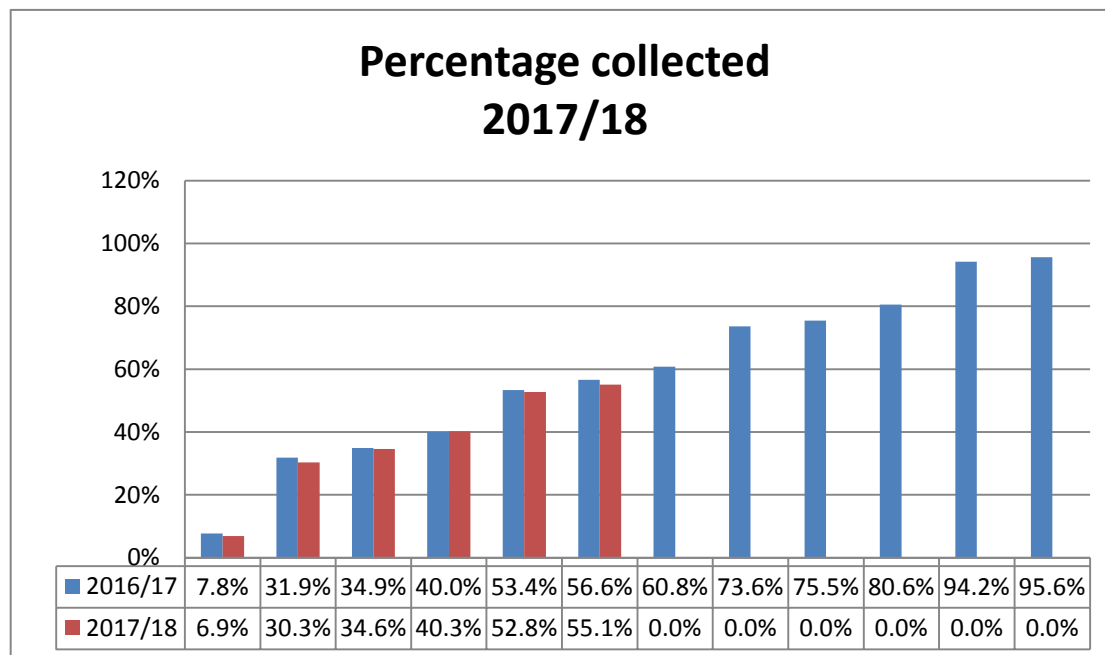
1. Rates & Charges

At 1 January 2018, the Council has collected 55.11% of the total rates, service charges, arrears and water consumption charges raised in 2017/18 to date – a very similar percentage collected as at the same time last year. Staffing changes may result in a slight lag to collections for the quarter.

Council has had success with the collection of some large outstanding rates in the first quarter, using a more hands on approach; therefore, I am confident that Council will continue to meet the rates collection benchmarks it has set.

NOTING

Items for Noting

**2. Debtors**

A brief list of outstanding debtors as at the end of November and December 2017 is as follows:-

DEBTORS	2017/18	
	END NOVEMBER	END DECEMBER
GENERAL/SUNDRY/OTHER DEBTORS	\$117,253	\$124,351
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	\$404	\$404
HALF COST K&G/FOOTPATH DEBTORS	\$137,912	\$134,912
SEC 355 COMMITTEE LOANS	\$32,012	\$30,834
SWIMMING POOLS	\$4,128	\$34,548
CEMETERY DEBTORS	\$18,083	\$698
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$274,740	\$103,735
STAFF DEBTORS	\$143	\$542
STAFF SUPERANNUATION	-\$1,186	-\$904
SHIRE LAND SALE DEBTORS	\$261,000	\$88,050
TOCUMWAL AERODROME	\$408	\$408
TOTAL	\$844,896	\$517,578

In the table above the only major difference between November and December is the Government Department Grants and Subsidies column and the Shire Land Sale Debtors. Grant debtors are raised in expectation of payment, although there may be timing issues for payment. Two land sales

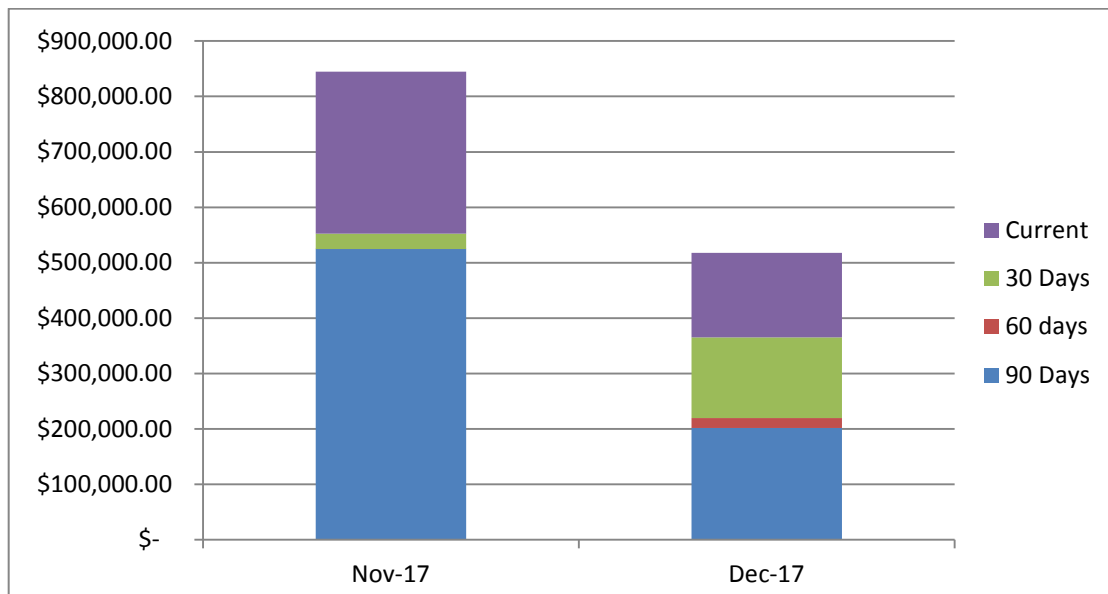
Items for Noting

have settled on the aerodrome blocks, with one sale still outstanding, and a deposit held.

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, land sales and s355 committee loans has decreased.

The amount of debt outstanding between 30-60 days has increased significantly as a result of two half-cost schemes recently approved by Council; invoices for these works were raised in July 2017, these will be repaid and transition to 90 days over time in line with the Council's policy. The other large amount is the yearly Pensioner Subsidy Claim which has been lodged with the Office of Local Government and will be paid sometime in January 2018.



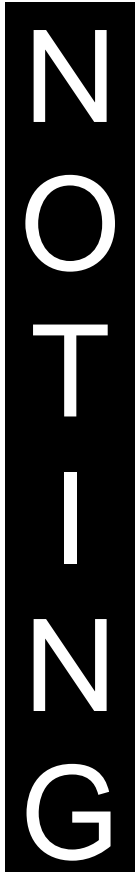
3. Activity

One rate payer is eligible for interest relief under councils Hardship Policy this quarter, an amount of \$7.27 has been written off.

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

Reminder letters sent for rates: 647 ratepayers

Other debt collection information will be available once the companies come back from Christmas leave.



Items for Noting

6.2 FINLEY BAND – USE OF COUNCIL BUILDING

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO:

REPORT:

The Secretary of Finley Band has written to thank the Council for its continued use of the former Early Intervention Service building at Memorial Park, Finley.

The Council is also advised that while the Band has experienced a drop in numbers it is still able to play at aged care facilities etc.

Items for Noting

**6.3 OUTSTANDING LEADERSHIP AWARD –
BAROGA PUBLIC SCHOOL**

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO:

REPORT:

The Principal of Barooga has written to thank the Council for its donation of a book for its Outstanding Leadership Award.

The Principal also thanks Cr Bodey for presenting the Award.

Items for Noting

6.4 RAMROC MEETINGS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO:

REPORT:

Circulated with this agenda as Appendix "G" are the minutes of the RAMROC Annual General Meeting held on 8th November 2017 and as Appendix "H" are the minutes of the ordinary RAMROC meeting also held on 8th November 2017.

Albury Mayor, Cr Kevin Mack was re-elected unopposed as Chairperson and Griffith Mayor Cr John dal Broi was elected as deputy chairperson.

Items for Noting

6.5 GENERAL MANAGER'S HALF YEARLY PERFORMANCE REVIEW

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: PF

REPORT:

As early advice, the mid-year performance review of the General Manager will be conducted at the next Council meeting.

Normally this matter is dealt with as the first item of business at the meeting.

For Councillors' information, circulated with this agenda as Appendix "I" is a copy of the agreed performance assessment model.

Items for Noting

6.6 FIT FOR THE FUTURE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Strengthen strategic relationships and partnerships with community, business and government

FILE NO:

REPORT:

As Councillors may be aware, the Council has been lobbying the Minister for Local Government and the local State Member regarding its continuing “unfit” status under the State’s Fit for the Future Program.

Council could be designated as either “fit” or “unfit” for the future based on either financial sustainability or scale and capacity or both. This Council was designated as “unfit” on the basis of scale and capability.

As a result of its lobbying, the Council has received responses from both the Minister and the local member. These responses are circulated with this agenda as Appendix “J”.

Both responses indicate that as the State has concluded its Fit for the Future program the Council’s unfit designation is no longer relevant and that the restriction on borrowing through TCorp has now been lifted.

This position was also projected by Office of Local Government staff who met with the Mayor and General Manager at the LGNSW Annual Conference.

The responses also express an expectation that the Council will continue to implement its adopted Fit for the Future Improvement Plan.

The continued implementation of the Council’s Fit for the Future Improvement Plan is of no concern as it reflected a “business as usual” position and is already provided for in future budgets and associated programs.

While this outcome is not entirely satisfactory it is probably all that will be achieved given the State’s lack of a strategy to deal with Councils that were deemed to be unfit for the future, based on scale and capacity, and that were not merged and recognizing that there would be a need to otherwise concede that the original designation was incorrect as argued by the Council.

Items for Noting

6.7 CONTAINER DEPOSIT LEGISLATION**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:**

REPORT:

Council representatives met with State local member last year regarding a range of local issues including the Container Deposit legislation that was being implemented.

While not present at the meeting I believe that several issues with the legislation roll out were raised including:

- Lack of collection point where residents could return recyclable containers to redeem the 10c deposit.
- The attraction of purchasing products in Victoria at lower prices due to a lack of recycling deposit.
- The fact that consumers were paying the recycling deposit but were unable to redeem the deposit which is patently unfair.
- The combined effect of the two above factors exacerbating the benefits of purchasing goods in recyclable containers in Victoria.

The local member has raised this issue with the State Minister for the Environment who has now responded. A copy of the response is circulated with this agenda as Appendix "K"

The response fails to address the Council's underlying concern and attempts to brush off responsibility to the contractors engaged by the State to implement the container return system.

Given the unfairness of the present system and also the way it is skewing purchasing decisions, the Council needs to consider how to best address the current situation which sees only one over the counter collection point available at Finley to service the whole Shire area.

NOTING

Items for Noting

A Councillor has requested that discussion around this issue be listed as a general business discussion item at the next Corporate Workshop and this appears to be a useful way to initially progress the issue.

Items for Noting

6.8 DEVELOPMENT DETERMINATIONS FOR MONTH OF DECEMBER 2017

AUTHOR: Executive Support Officer

STRATEGIC OUTCOME: Good government

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

FILE NO:

REPORT:

APPLICATIONS DETERMINED FOR DECEMBER

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken
49/18/DA/DM	Removal of Asbestos & Partial Wall Demolition	43-45 CHANTER STREET, BERRIGAN NSW 2712 (Lot1//DP220131)	C & C von Brockhusen	MS C VON BROCKHUSEN &	Approved 01-12-2017	\$ 2700.00	Active Total 31 31
55/18/DA/D5	Garage	98 DENISON STREET, FINLEY NSW 2713 (Lot13/23/DP758412)	Ms Jennifer Clark	MS J T CLARK	Approved 01-12-2017	\$ 8500.00	Active Total 23 23
59/18/DA/DM	Change of Use Bowling Club to Gymnasium	5-7 ADAMS STREET, TOCUMWAL NSW 2714 (Lot14//DP720238)	Trigger Performance	LIONS CLUB OF TOCUMWAL & DISTRICT INC	Approved 04-12-2017	\$ 2000.00	Active Total 18 18
60/18/DA/DM	Change of Use Hostel to Place of Worship	34-36 COREE STREET, FINLEY NSW 2713 (Lot9/7/DP758412)	AECOM Australia	DF BICKLEY AND CJ PATTEN	Approved 19-12-2017	\$ 450000.00	Active Total 29 29
61/18/DA/D5	Garden Shed	45 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot127//DP1070311)	Totalspan Cobram	MR AD PENNY & MRS JE PENNY	Approved 05-12-2017	\$ 15735.00	Active Total 13 13
62/18/DA/D6	Additions to Dwelling	83 NGAWA ROAD, BAROOGA NSW 3644 (Lot1//DP617219)	Kandarchitects	MR L G WEST & MRS J H WEST	Approved 18-12-2017	\$ 432500.00	Active Total 17 17
63/18/DA/DM	Extractive Industry	CAMERONS LANE, BAROOGA NSW 3644 (Lot1//DP1102675)	Andrew Goldman Excavations	HATHOR DAIRIES PTY LTD	Approved 20-12-2017	\$ 12000.00	Active Total 19 19
64/18/DA/D1	Transportable Dwelling	20 FLYNN STREET, BERRIGAN NSW 2712 (Lot13/1/DP3329)	Mr Ron Meyer & Mrs Christine Meyer	MRS CM MEYER & MR RL MEYER	Approved 11-12-2017	\$ 132000.00	Active Total 12 12
65/18/DA/D1	BV Dwelling & Attached Garage	12 MAVIS STEWARD DRIVE, BAROOGA NSW 3644 (Lot6//DP1102913)	MS Construction Pty Ltd	MR G D & MRS M D BAXTER	Approved 06-12-2017	\$ 244000.00	Active Total 9 9
67/18/DA/D6	Carport	6 IVIE AVENUE, BAROOGA NSW 3644 (Lot35//DP1093869)	Mr Mark Miller & Ms Tracey White	MR M D MILLER	Approved 20-12-2017	\$ 4000.00	Active Total 16 16
68/18/DA/D1	BV Dwelling & Attached Garage	19 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot5//DP1194758)	JG KING HOMES	MR F P & MRS A L KASCH	Approved 14-12-2017	\$ 266501.00	Active Total 12 12
69/18/DA/DM	Storage Shed	SILO ROAD, TOCUMWAL NSW 2714 (Lot314//DP1121397)	W M Kelly & Sons & Oadash Pty Ltd	OADASH PTY LTD	Approved 21-12-2017	\$ 155146.00	Active Total 14 14
24/18/CD/M1	BV Dwelling & Attached Garage	53 COLLIE STREET, BAROOGA NSW 3644 (Lot1//DP509326)	Afonso Building Solutions Pty Ltd	MR NJ GREATOREX	Approved 18-12-2017	\$ 273540.00	Active Total 11 11

NOTIFICATION

Items for Noting

Private Certifier 25/18/CD/PC BV Dwelling & Attached Garage	19 BELINDA COURT, BAROOGA NSW 3644 (Lot 18//DP270154)	JG King Homes	Mr A L CONBOY & MRS J M CONBOY	Approved 20-11-2017	\$243311.00	Active 5	Total 5
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APPLICATIONS PENDING DETERMINATION AS AT 3/01/2018

Application No.	Date Lodged	Description	Property Location
71/18/DA/D9	19-12-2017	Boundary Realignment	TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot 12 DP1133460)
72/18/DA/DM	20-12-2017	Aircraft Hangar	45 WIRRAWAY COURT, TOCUMWAL NSW 2714 (Lot 47 DP1233177)
73/18/DA/D6	21-12-2017	Additions to Dwelling	22 WOLLAMAI STREET, FINLEY NSW 2713 (Lot 6 DP814008)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

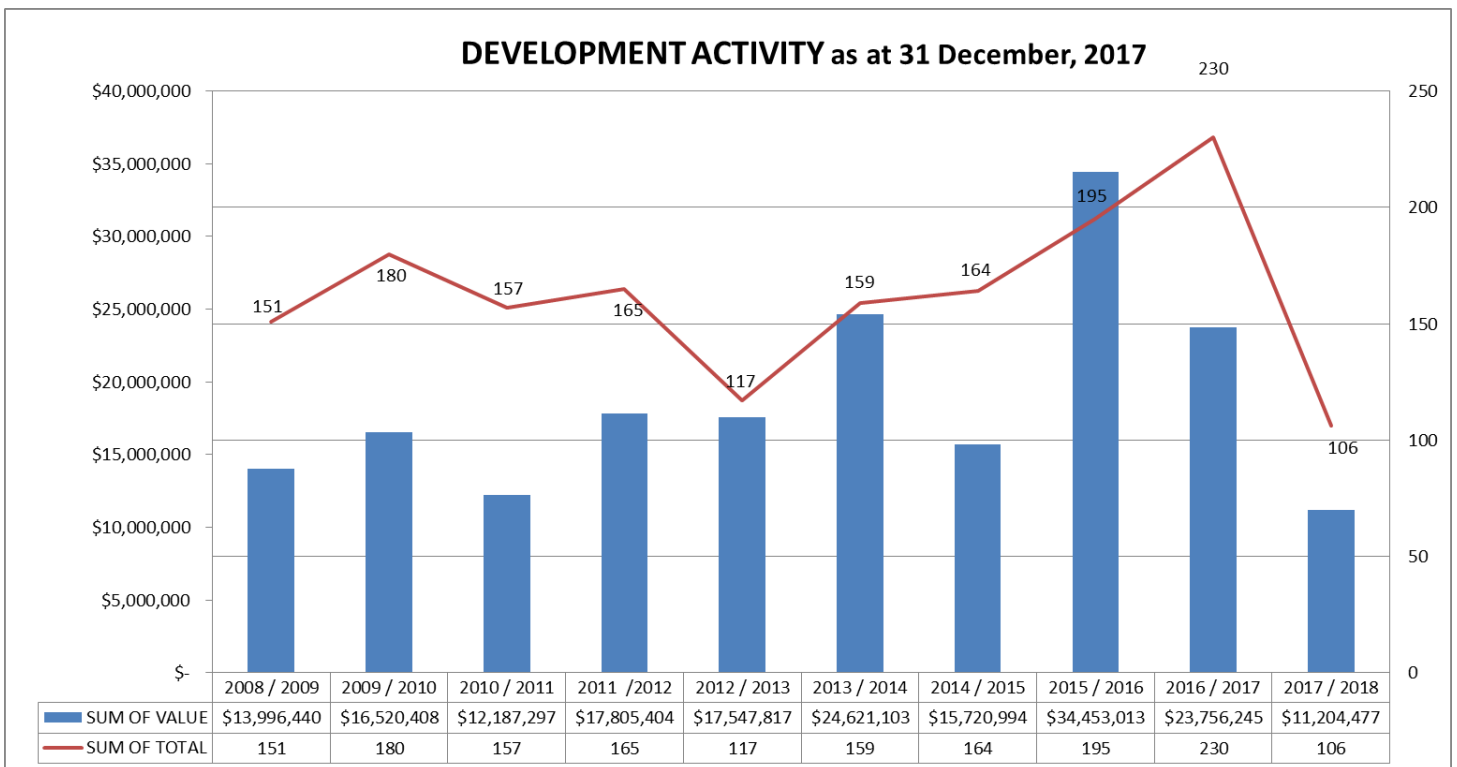
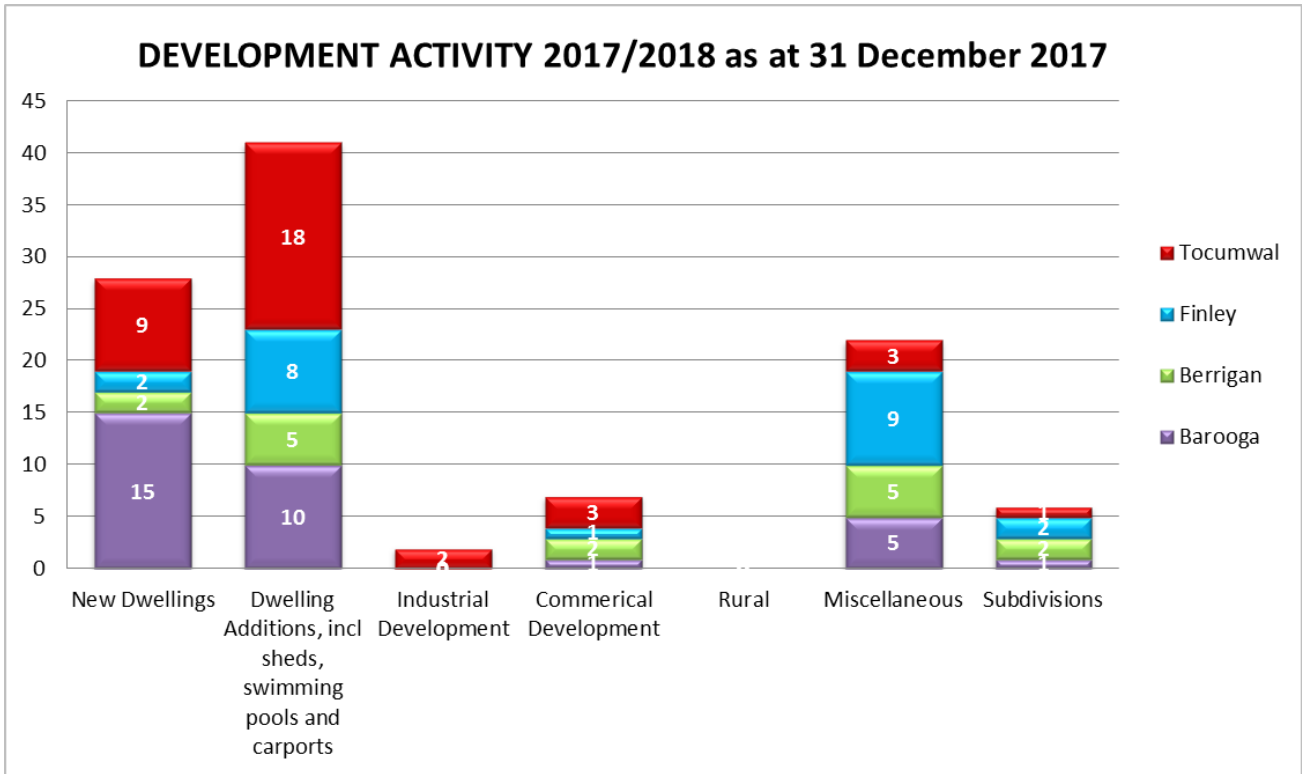
	This Month (Dec)	Year to Date	This Month's Value	Year to Date Value
<i>Development Applications (DA)</i>	13	78	\$1,725,082	\$8,997,435
<i>Construction Certificates (CC)</i>	7	51	\$1,043,646	\$6,148,601
<i>Complying Development Certificates (CDC)</i>	4	27	\$525,851	\$2,207,042
<i>Local Activity (s.68)</i>	9	39	0	0

OTHER CERTIFICATES ISSUED FOR DECEMBER

	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total
BAROOGA	2	56	0	4	0	1	0	0	0	0	2	2
BERRIGAN	4	19	0	2	0	5	0	2	0	0	0	2
FINLEY	2	50	0	15	0	8	0	4	0	0	0	2
TOCUMWAL	11	64	0	0	0	1	0	0	0	2	0	5
TOTAL	19	189	0	21	0	15	0	6	0	2	2	10

NOTING

Items for Noting



Items requiring Council Resolution

7. MAYOR'S REPORT

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RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

8. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

9. GENERAL BUSINESS

RESOLUTION