



## ORDINARY MEETING OF COUNCIL

Wednesday 15 September, 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 15 September, 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>
5.1	CEO Performance Agreement	4
<b>6.</b>	<b>NOTICES OF MOTION</b>	<b>5</b>
<b>7.</b>	<b>ITEMS FOR RESOLUTION</b>	<b>5</b>
7.1	Action List Report	6
7.2	Finance - Accounts	7
7.3	Debt Management and Hardship Policy	12
7.4	Water Trading Policy	14
7.5	Beaufort Garden	20
7.6	Development Application 162/21/DA/D9 - Proposed 17 Lot Subdivision, Bruton Street Tocumwal	22
7.7	2020-21 Financial Statements	32
7.8	Temporary Occupation of Lots and the Use of Residential Storage Sheds	33
7.9	Council Re-Brand	35
7.10	Pecuniary Interest Disclosure 2020-2021	37
7.11	Tocumwal Recreation Reserve Committee of Management	38
7.12	Barooga Recreation Reserve Committee of Management	39
7.13	Berrigan Conservation Group and Tidy Towns Committee of Management	40
7.14	Berrigan War Memorial Swimming Pool Committee of Management	42
7.15	Finley Recreation Reserve Committee of Management	43
7.16	Finley Showgrounds and Sporting Complex Committee of Management	44

7.17	Finley War Memorial Swimming Pool Committee of Management	45
7.18	Tocumwal Friends of the Library Committee of Management	46
7.19	T07/21/22 – Finley Saleyards Refurbishment	47
7.20	Volunteer Committees - Annual Returns	50
<b>8.</b>	<b>ITEMS FOR NOTING</b>	<b>52</b>
8.1	STAND Program – Nomination of to Strengthen Telecommunications against Natural Disasters	52
8.2	Financial Assistance Grant	54
8.3	Broadband Internet Connection – Administration Office	57
8.4	Development Determinations for Month of August 2021	60
8.5	Foundry Park	64
<b>9.</b>	<b>CLOSED COUNCIL</b>	<b>65</b>
	<b>RESOLUTIONS FROM THE CLOSED COUNCIL MEETING</b>	<b>66</b>
<b>10.</b>	<b>COMMITTEES</b>	<b>67</b>
<b>11.</b>	<b>MAYOR’S REPORT</b>	<b>68</b>
<b>12.</b>	<b>DELEGATES’ REPORTS</b>	<b>69</b>
<b>13.</b>	<b>BUSINESS ARISING</b>	<b>70</b>
<b>14.</b>	<b>CLOSE OF MEETING</b>	<b>70</b>

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

KARINA EWER  
CHIEF EXECUTIVE OFFICER



## Council Meeting

Wednesday 15 September, 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

Nil

4. CONFIRMATION OF MINUTES

**Recommendation:** That the Minutes of the meeting held in the Council Chambers and via Zoom on Wednesday 18 August, 2021 be confirmed.

5. MAYORAL MINUTES

- 5.1 CEO Performance Agreement

**Recommendation:** That the Council adopt the CEO Performance Agreement as presented, noting review of the outcomes will be required by the incoming Council in January 2022.

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#### Report:

Prior to the September Strategic Planning Workshop, Council met with Stephen Blackadder, Senior Managers and Chief Executive Officer to review the performance of the Chief Executive Officer for the first three months of tenure and to develop a CEO Performance Agreement to allow for Council to manage and assess the performance for the next 12 months. A copy of the minutes from that meeting is attached as **"Appendix 5.1-A"**.

The Draft Performance Agreement is attached at **"Appendix 5.1-B"**.

Both the Mayor and Chief Executive Officer have been involved in the development of this document with Stephen Blackadder.

**6. NOTICES OF MOTION**

Nil

**7. ITEMS FOR RESOLUTION**

Council Meeting

15 September 2021

7.1 Action List Report

Report by: Chief Executive Officer, Karina Ewer

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 receive and note the Action List Report

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**Report:**

The Action List Report, circulated separate to this Agenda to Councillors is designed to note the motion, and actions being taken to implement that decision, including the timeframe in which it is likely to be completed.

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Council Meeting

15 September 2021

7.2 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 August 2021,
- b) Confirm the accounts paid as per Warrant No. 08/21 totaling \$2,322,485.57, and
- c) Note the report on investments attached as **"Appendix 7.2-A"**

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**Report:**

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 August 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 August 2021.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 August 2021, totaling \$2,322,485.57 and will be submitted for confirmation of payment as per Warrant No. 08/21
- 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) August has seen an increase in total funds held compared to the end of July of \$1.89M. This increase is from:
  - i. The receipt of Quarter 1 Financial Assistance Grant
  - ii. The receipt of the first instalment of council rate
  - iii. The receipt of first instalment of Roads Repair Grant

Overall funds have increased by \$1.99M from the same period last year.

- f) Further information regarding Council's investments is attached to this Agenda as "Appendix 7.2-A".

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

**Bank Account Reconciliation**

Cash book balance as at 1 AUGUST 2021	\$13,665,819.74
Receipts for AUGUST 2021	\$ 4,213,135.53
Term Deposits Credited Back	\$ -
	<b><u>\$17,878,955.27</u></b>
<i>Less Payments Statement No 08/21</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 626,796.07
Electronic Funds Transfer (EFT) Creditors E037911-E038109	\$ 1,630,646.31
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 65,043.19
Total Payments for AUGUST 2021	<u>\$ 2,322,485.57</u>
<b>Cash Book Balance as at 31 AUGUST 2021</b>	<b><u>\$15,556,469.70</u></b>
<i>Bank Statements as at 31 AUGUST 2021</i>	
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
<b>Reconciliation Balance as at 31 AUGUST 2021</b>	<b><u>\$15,556,469.70</u></b>

**INVESTMENT REGISTER**

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	136/18	365	**0.60%	19/10/2021	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	182	**0.30%	22/11/2021	\$ 1,000,000.00	BBB+
AMP	SEWER	144/19	365	**0.30%	23/03/2022	\$ 2,000,000.00	BBB+
AMP	GENERAL	125/16	365	**0.35%	31/05/2022	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	GENERAL	124/16	365	0.40%	13/05/2022	\$ 2,025,954.84	UNRATED
Bendigo Bank	WATER	141/18	364	*0.85%	13/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*0.80%	26/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.80%	28/09/2021	\$ 5,000,000.00	BBB+
Central Murray Credit Union	GENERAL	126/16	365	1.00%	31/08/2021	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	146/19	365	0.80%	31/08/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	102/14	365	0.50%	6/04/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.55%	18/11/2021	\$ 2,000,000.00	AA-
						<b><u>\$ 28,025,954.84</u></b>	
<b>Total Funds Held at 31 AUGUST 2021</b>						<b><u>\$43,582,424.54</u></b>	

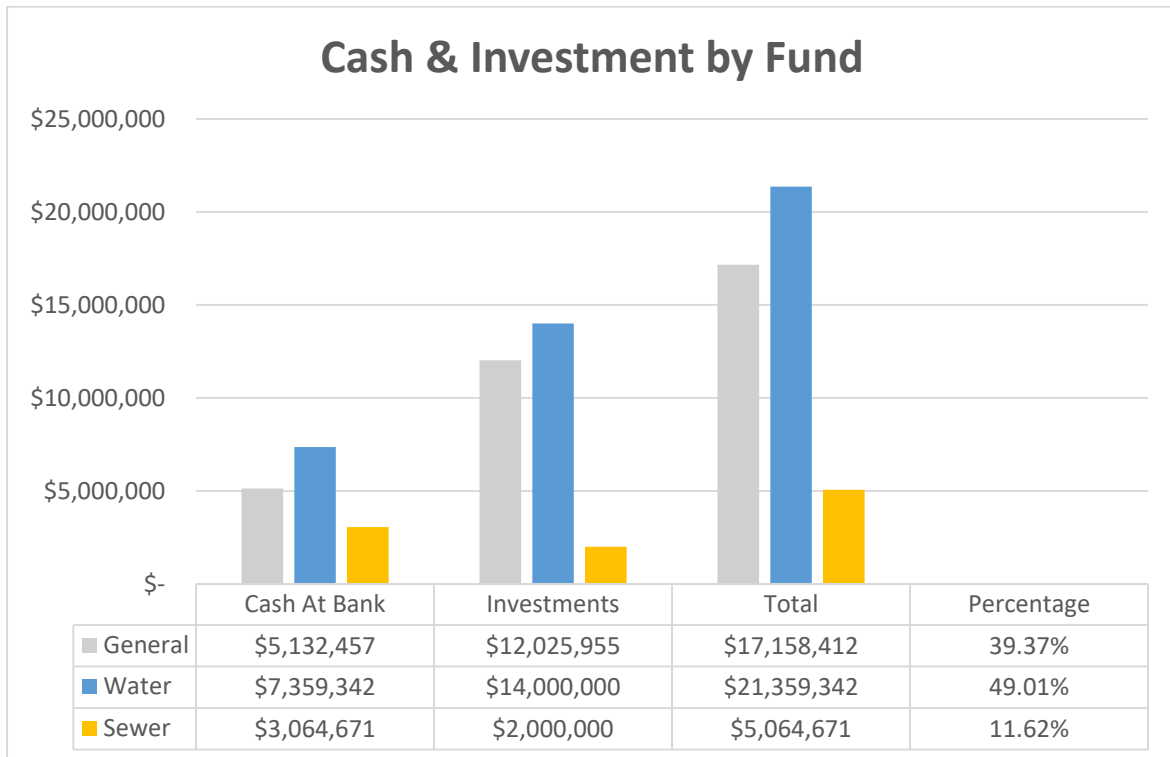
**Tahlia Fry - Finance Manager**

\*The Council also receives an additional 0.25% commission

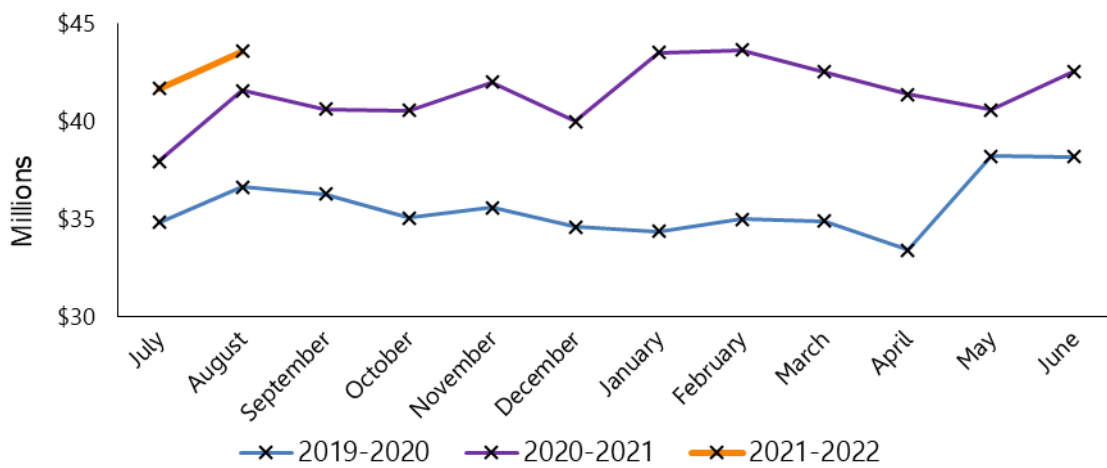
\*\*The Council also receives an additional 0.20% commission

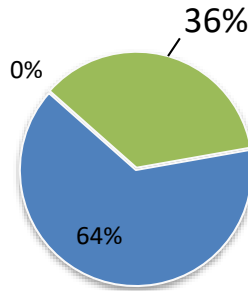
Total Funds held between General, Water and Sewer are as follows:



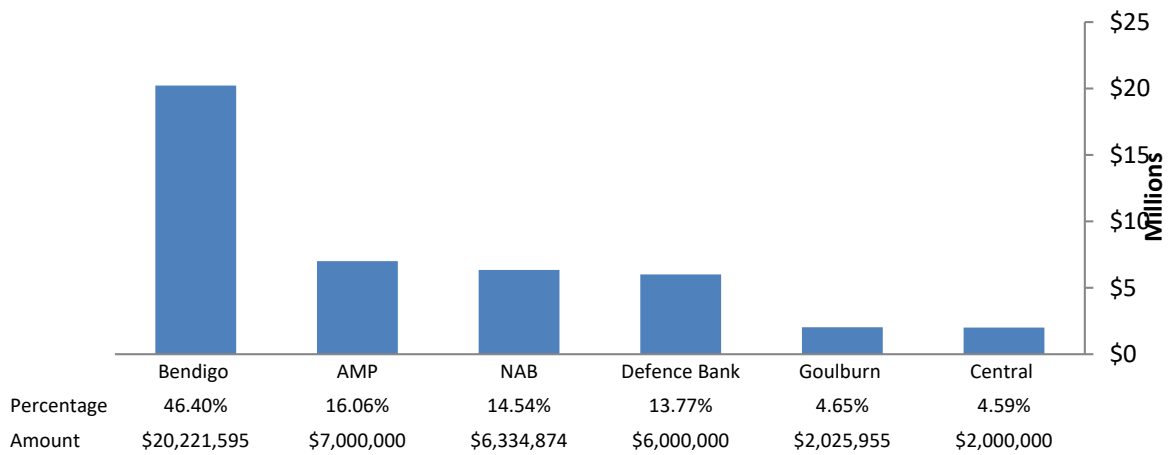


### Total Cash and Investments





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



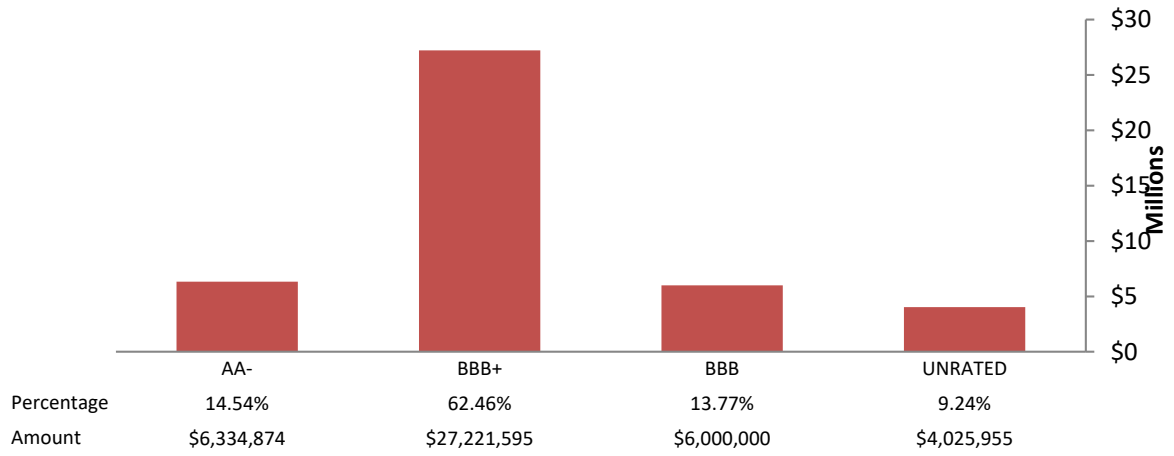
**Term Deposits Credited Back**

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES TO TERM DEPOSITS FOR AUGUST 2021				

**Term Deposits Invested / Reinvested**

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES TO TERM DEPOSITS FOR AUGUST 2021				

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



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Council Meeting

15 September 2021

7.3 Debt Management and Hardship Policy

Report by: Deputy Chief Executive Officer, 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. delegate to the Chief Executive Officer, authority to waive penalty interest charges on application for assessments, over and above the requirements of the Council's Debt Management and Hardship Policy, subject to the CEO being satisfied that the applicant is in genuine hardship;
2. note the Chief Executive Officer will report monthly to the Council on the number of applicants for whom penalty interest is waived.
3. note this delegation will be reviewed by the Council no later than 31 January 2022.

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**Report:**

The COVID-19 pandemic and the associated restrictions on movement have had a major impact on sections of the Berrigan Shire business community – especially those businesses in the tourism and hospitality sector.

Despite this impact, rates and charges collection over this period has remained strong. There are signs now that this economic impact will see businesses unable to pay rates and charges as they fall due.

Council staff have been approached by several businesses in the accommodation sector in particular – informing Council that it is unlikely they will be able to pay by the due date. Information provided to the Council indicates that turnover for these businesses is at 5% or less than normal which makes it almost impossible to continue to operate.

It is in the interests of the Council and the broader community that our tourism and hospitality sector can rebound when restrictions are lifted. Every business that closes during this time is one that won't be there to service customers and employ staff when this is over.

The Council has in place a [Debt Management and Hardship Policy](#) that allows it to waive penalty interest on overdue rates where genuine hardship is shown – in effect granting a grace period for repayments.

This policy has been effective in the past. It is however mainly designed for residential homeowners who are struggling financially and require long term assistance rather than

business owners with temporary problems who require short-term relief. It is also quite a bureaucratic process – again because it is generally tied to a long-term plan to repay significant sums owing.

These businesses are also telling Council staff they have “form fatigue”. There are many assistance packages offered by all levels of government. There are two things they all share – there is a lot of paperwork and not a lot of assistance, financial and otherwise.

To support these businesses, the Council should consider a streamlined assistance process. This could simply consist of allowing the Chief Executive Officer to waive penalty interest on application – provided she is satisfied of the bona-fides of the applicant. There is really no need to ask a motelier (for example) to complete a form and gather evidence to tell the Council he is struggling financially now – this is self-evident.

An alternative is that Council could waive penalty interest across the board for all ratepayers. Council staff don't see this as necessary at this stage. While there are pockets of real hardship at present, this is not the case across the board.

Council Meeting

15 September 2021

7.4 Water Trading Policy

Report by: Deputy Chief Executive Officer, 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. revoke the Water Trading Policy adopted on 6 February 2003; and
2. adopt the Water Trading Policy as set out below:



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## Policy

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### 44

### WATER TRADING

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	20 October 2021	Minute Number:	
Date for Review:	17 September 2025		
Responsible Officer:	Director Corporate Services		
Document Control:	Replaces the Water Trading Policy adopted 6 February 2003		
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing		

#### 1. POLICY STATEMENT

In order to have a secure supply of water to meet the needs of its town water supply customers, Berrigan Shire Council holds high-security water allocations. These allocations have economic value to the Council.

In situations where the Council has more than sufficient water to meet customer demand, the Council will look to trade surplus allocation to productive or other use elsewhere to generate additional revenue for the Council's water fund.

#### 2. PURPOSE

This policy has been developed to generate additional revenue for the Council's Water Fund to improve service delivery, provide additional capital improvements and reduce the financial burden on water service customers.

#### 3. SCOPE

This policy applies to all trading of water allocations owned by the Berrigan Shire Council Water Fund.

It excludes water owned by the Council's General Fund and by its volunteer committees of management used for community purposes.

#### 4. DEFINITIONS



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## Policy

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- Allocation assignment:** An Allocation assignment (previously known as a Temporary Transfer) is the formal movement of a volume of water from one access licence to another and is valid only within a water year;
- Permanent Transfer:** The transfer of whole or part of the Allocation of an Entitlement under Division 4C of the *Water Management Act*, such transfer being without limitation as to duration
- Water Allocation:** The volumetric quantity of water that can actually be taken during any year, consequent to Water Allocation Announcement(s). It is defined in Division 4B of the *Water Management Act 2000*

### 5. POLICY IMPLEMENTATION

#### 5.1 When will water be traded?

The primary use of the Council's water allocations is to provide water to its customers via its urban water supply service.

Water will only be traded where:

1. The Council has sufficient water to meet the expected needs of its customers, and
2. The Council has statutory and regulatory approval to trade water, and
3. The value of the surplus allocation is sufficient to make trading profitable for the Council.

#### 5.2 How will water be traded?

The Council's sole objective when trading from its water allocation is to maximize "best value" to the Council's Water Fund over the long term. The "best value" concept is defined in the Council's Procurement and Disposal Policy as "the best return and performance" for the Council

All trades will be made at "arm's length" using an appropriate water trading exchange.

Any trades made for a purpose other than maximizing the financial return to Council must be authorised by resolution of the Council.

Permanent transfers of water allocations (as opposed to allocation assignments) must be authorised by resolution of the Council.

#### 5.3 Who will trade water?





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## Policy

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All trades made under this policy will be authorised by the Chief Executive Officer or by other staff with explicit delegated authority granted by the Chief Executive Officer.

### 5.4 Exceptions

There may be circumstances where application of this policy is not appropriate, and Council reserves the right to consider other methods of trading surplus allocation assignments subject to separate resolution.

## 6. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 6.1 Legislation

- *Local Government Act 1993*
- *Water Management Act 2000*
- *Local Government (General) Regulation 2005*
- *Pricing and costing for Council Businesses: A guide to Competitive Neutrality (1997)*

### 6.2 Council policies and guidelines

- Procurement and Disposal Policy

## 7. RECORDS MANAGEMENT

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each trade must be kept for at least five (5) years.

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

## 8. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

## 9. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.



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## Policy

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Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

*Berrigan Shire Council  
56 Chanter Street  
Berrigan NSW 2712*

*Ph: 03 5888 5100*

*Email: [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au)*

### 10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
0.1	17/08/2021	draft Policy document	Matt Hansen

### APPENDICES

NIL

## **Report:**

To have a secure supply of water to meet the needs of its town water supply customers, Berrigan Shire Council holds high-security water allocations. These allocations have economic value to the Council.

In situations where the Council has more than sufficient water to meet customer demand, the Council trades its surplus allocation for productive or other use elsewhere to generate additional revenue for the Council's water fund.

The policy is designed to provide guidance to Council staff when trading the Council's water entitlement rights.

The existing policy – which can be found on the Council's website at <https://www.berriganshire.nsw.gov.au/files/policies/Water%20Trading%2044.pdf> – was last reviewed in 2003 and is overdue for review.

The revised policy takes a very narrow view of the Council's water trading strategy. This policy will direct Council staff to undertake all water trading seeking a best value return for the Council's water fund and its customers, with all trades to be made via a water exchange in an arm's length process.

There is scope for the Council to consider assigning surplus allocation for purposes other than seeking best value via an arms-length exchange – this will require a specific Council resolution. When considering this option, the Council must consider its obligations under National Competition Policy and other legislation to operate its water supply business for the benefit of its customers.

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Council Meeting

15 September 2021

7.5 Beaufort Garden

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 1. Sustainable natural and built landscapes

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

**Recommendation:** That the Council approve the concept of the Beaufort Garden, to be installed at the Tocumwal Aviation Museum, within the footprint outlined as part of this report and request finalised plans be presented to Council for final adoption prior to installation of the Beaufort Garden;

That the Chief Executive Officer undertake the development of a Memorandum of Understanding with the Tocumwal Aviation Museum outlining the responsibility of the Aviation Museum to design, install and maintain the Beaufort Garden at the expense of the museum.

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**Report:**

At the August Ordinary Council Meeting, a letter from Ms Elizabeth Gower was presented to Council regarding the establishment of a memorial garden, in memory of Roger Miller, to be established at the Tocumwal Aviation Museum.

Council requested I find out more information regarding the idea before it would be in a position to support the concept or otherwise, including contacting Mr Matt Henderson to assess his understanding of the letter and concept.

I have spoken direct with Mr Henderson and he has forwarded the attached presentation for Council's consideration of which is to remain confidential at this stage ("**Appendix 7.4-A**"). It should be noted; Mr Henderson has engaged one of the designers for the WAAAF Creek walk to develop the design concepts for the garden in question. As can be seen the garden would be called the Beaufort Garden. It is envisaged the garden will provide a type of extension of the WAAAF Creek walk theme.

A concept design of the garden is included, also confidentially as "**Appendix 7.4-B**" for further information and consideration.

Should Council agree to allow the project to go forward, formal plans will be drawn up for the finished garden and again, presented to Council for their consideration. I will also develop a Memorandum of Understanding between Council and the Tocumwal Aviation Museum to

outline clearly the responsibilities for the design, construction and ongoing maintenance of the garden will remain the responsibility of the Museum.

Council Meeting

15 September 2021

7.6 Development Application 162/21/DA/D9 - Proposed 17 Lot  
Subdivision, Bruton Street Tocumwal

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 the Council approve Development Application 162/21/DA/D9 – Proposed 17 Lot Subdivision, Bruton Street Tocumwal subject to the following conditions of consent:

**1. Approved Plans**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Description	Sheet	Revision	Date
Engineering Layout 1	1	A	July 2021
Engineering Layout 2	2	A	July 2021
Engineering Kerb Detail	3	A	July 2021
Engineering Turning Manoeuvre	4	A	July 2021
Drainage Layout	5	A	July 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**2. Construction Certificate**

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

**3. Uncovering relics or Aboriginal objects**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by

either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

#### **4. Subdivision Certificate Preliminary Review**

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with. Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

#### **5. Kerb and Gutter**

Kerb and gutter as well as road shoulder sealing from the existing pavement to the kerb must be provided for the full length of the Bruton Street frontage of proposed Lots 1 - 17 at no cost to Council in accordance with Councils Subdivision Code. These works must be completed prior to the issue of a Subdivision Certificate.

#### **6. Kerb and Gutter**

Concrete kerb and gutter must be provided in Bruton Street adjacent to the subdivision as per Council policy and prior to the issue of a Subdivision Certificate.

#### **7. Road Seal**

Bruton Street and proposed unnamed Road must be constructed to a sealed standard 4 metres wide adjacent to the subdivision prior to the issue of a Subdivision Certificate. The works must conform with the standards and specifications imposed by Councils Director of Technical Services.

#### **8. Financial Contribution Public Open Space**

A financial Contribution of \$10,560 must be submitted to Council for the embellishment of existing and future open space areas as required by Councils Development Contributions Plan under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 prior to the issue of a Subdivision Certificate.

#### **9. Easements**

Easements must be created over interlot utility services where necessary and shown on the formal plan of subdivision following survey of the land.

**10. Telephone and Electricity Connections**

Evidence from the appropriate providers must be submitted to Council that proposed Lots 1-17 are able to be connected to telephone and power services prior to the issue of a Subdivision Certificate.

**11. Telephone and Electricity Connections**

Separate telephone and electricity services must be connected to each allotment prior to the issue of a Subdivision Certificate.

**12. 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.

**13. Filling**

Filling of a site and alteration of surface levels is an activity which requires prior development consent from Council. Soil excavation for installation of the swimming pool shall be removed from the site to an approved location, so as to prevent future drainage, stability or privacy issues

**14. Site Survey**

Prior to commencement of construction, the applicant must engage a registered land surveyor to identify the exact location of all property boundaries. The applicant, being the person benefiting from this consent, is responsible for ensuring that no part of any structure encroaches over property boundaries or causes nuisance to adjoining properties. An identification survey certificate will be required to be provided to Council by a Surveyor prior to issue of a Final Occupation Certificate.

**15. Financial Contribution Stormwater**

A financial contribution of \$197,824 must be submitted to Council for the provision of stormwater infrastructure as required by Councils Development Contributions Plan under the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 prior to the issue of a Subdivision Certificate.

**16. Financial Contribution Water Supply**

A financial Contribution of \$125,256 must be submitted to Council for the augmentation of the town water supply scheme in accordance with the provisions of Councils Water Development Servicing Plan created under Section 64 of the Local Government Act 1993 prior to the issue of a Subdivision Certificate.

**17. 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.

**18. 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.

**19. Comply with Noise Control Act**

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

**20. 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.

**21. Protection of Public Places**

Building material, rubble, waste containers, plant and the like are NOT permitted to be stored on the road reserve including the footpath. The footpath is to be kept clean, tidy and in a safe condition during building operations.

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before a Subdivision Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

**22. Sewer Extension Plan**

A sewer extension plan must be submitted to Council for approval. All lots within the subdivision must then be provided with a sewer connection prior to the issue of a Subdivision Certificate.

**23. Water Connection**

Water connections must be provided to each allotment within the subdivision.

**24. Water and Sewer Connections**

Separate water and sewer connections must be provided to proposed Lots 1-17 as per Council policy prior to the issue of a Subdivision Certificate.

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**25. Landscape Plan**

A landscape plan must be provided in accordance with Council's Engineering Guidelines for Subdivisions and Developments prior to the issuance of a construction certificate. This plan must also show the location and species list of all proposed street trees.

**26. Traffic Management Plan (TMP)**

A traffic management plan must be prepared and submitted to the Principal Certifying Authority prior to the issue of a construction certificate that provides detail on how traffic is proposed to be managed during the subdivision works. The TMP must be prepared in accordance with Part 1(4.4) of Council's Works Specification Subdivisions/ Developments and any other required Australian Standards.

**27. Compliance with Council Standards**

A full set of detailed engineering plans must be submitted to Council for approval that comply with Council's Engineering Guidelines for Subdivisions and Developments prior to the issuance of a construction certificate.

**28. Standard of Works**

All work must be carried out in accordance with Council's Engineering Guidelines for Subdivisions and Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, and road construction must incur no cost to Council.

**29. Engineering Works & Design**

The design and construction of the engineering works listed below must be provided for in accordance with Council's Engineering Guidelines for Subdivisions and Developments:

**a) Inter-allotment Stormwater Drainage**

Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system.

**b) Construction and Design of New Court Bowl**

The design of the new court bowl must be carried out in accordance with Council's Engineering Guidelines for Subdivisions and Developments. This includes but is not limited to; full kerb and gutter to the entire court bowl, grading and stormwater drainage works and bitumen seal.

Detailed engineering plans of the court bowl design must be submitted to Council for approval prior to the issuance of a construction certificate.

**c) Construction and Design of New Unnamed Road**

The design and construction of the new unnamed road between lots 9 and 10 is to be constructed for the first 50m north from Bruton Street. Detailed engineering plans of the

roads design must be submitted to Council for approval prior to the issuance of a construction certificate.

**d) Construction of New Table Drain**

The design and construction a new table drain and associated works are required to Hannah Street that allows for augmentation and connection into the new stormwater infrastructure constructed as part of the new court bowl.

All works that form part of this condition will be carried out at the full expense to the Developer.

**30. Street Trees**

Street trees must be provided in accordance with Council's subdivision and development standards. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

**31. Contamination**

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Development Manager.

**32. Creation of Restrictions / Positive Covenants**

The final plan and Section 88B instrument must provide for the following:

**33. Restriction – No build buffer**

Lot 6 DP1275427 must be burdened with a restriction to enforce a 15m wide 'no build' buffer between the southern and western portion of the subject lot that shares interface with RU5 zoned lots. Wording must be confirmed with Council prior to registration.

**34. Easement – Private Stormwater Drainage**

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

**35. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas

- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing)

### **36. Stockpiles**

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **37. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and

All stockpiles of materials that are likely to generate dust must be kept damp or covered.

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## **REPORT:**

### **Purpose of Report**

This report is provided to Council for the determination of a Development Application (DA) as the development contains matters which do not allow determination under delegated authority. The application has been referred to Council for determination for the following reasons:

- The application includes a request to vary a 'Development Standard' under Clause 4.6 of the Berrigan Local Environmental Plan 2013
- The application is non-compliant with Clause 7.2 of the Berrigan Development Control Plan and a variation is required.

### **Executive Summary**

The subject application seeks consent for a seventeen (17) lot subdivision of Lots 6, 8 and 9 of DP1275427 addressed as Bruton Street, Tocumwal. The subject lots adjoin the north side of Bruton Street and are located between Hannah Street and Anthony Ave. Lot 8 is 6,000sqm and Lot 9 is 7,200sqm in area, they are rectangular blocks that are approximately 38m in depth and 150 and 180m in width respectively. The subject site contains no existing vegetation and is highly disturbed primary production land. The site is zoned RU5 – Village

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and contains a minimum lot size of 5000sqm under the Berrigan Local Environmental Plan. The site is also affected by the Obstacle Limitation Surface controls of RL130-140(AHD).

The proposal seeks to vary the minimum lot size requirement of 3000m<sup>2</sup> under Clause 4.6 of the Berrigan Local Environmental Plan. The subject site has a minimum lot size of 3000m<sup>2</sup>. The proposed subdivision proposes lot sizes of between 740m<sup>2</sup> and 1,078m<sup>2</sup>. It is considered that the non-compliance in this instance is appropriate to support. It has been demonstrated that the proposal and its lot size breach remain, consistent with the objectives of the subject zone as well as the Berrigan LEP 2013, despite the numerical non-compliance.

The subdivision also requests a variation to Clause 7.2 of the Berrigan Development Control Plan as the proposed subdivision does not comply with the requirements of this control as *“more than two lots in the RU5 zone adjoining a single lot in the R5 zone”* is proposed. The applicant has provided appropriate justification to support the non-compliance and it is considered that compliance with this control is unreasonable in the context of this application.

The variations to the controls and development standards are considered reasonable. Further discussion regarding the assessment this application can be found summarized below and in the attached development assessment report in **“Appendix 7.6-A”**.

A copy of the proposed subdivision plan can is attached as **“Appendix 7.6-B”**.

### **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. Where there are inconsistencies with any controls or standards they have been suitably justified by the applicant and have been considered as part of the assessment of the application.

The application is accompanied by a request to vary a development standard under Clause 4.6 of the Berrigan Local Environmental Plan 2013. The Clause 4.6 variation request has been prepared by the applicant in accordance with Planning Circular PS20-002 dated 5 May 2020 and *“Varying development standards: A Guide”* dated August 2011 prepared by the then Department of Planning & Infrastructure. A clause 4.6 variation request has been lodged by the proponent to apply flexibility to the development standards for this particular application. The clause 4.6 variation request seeks to justify why Council should consider a variation to the development standard in this instance and how approval of the variation would result in a better outcome for and from the development by allowing such flexibility in this circumstance.

The Clause 4.6 seeks to vary the ‘minimum lot size’ which applies to the subject land. Currently the subject site contains a minimum lot size of 5000sqm, and as such the proposed minimum lot sizes of the subject subdivision would not comply with the standards required under Clause 4.1 of the Local Environmental Plan. Further discussion is provided below.

#### Clause 4.1 ‘Minimum subdivision lot size’

Clause 4.1 ‘minimum subdivision lot size’ applies to the subject site. The site contains a minimum lot size requirement of 5000sqm. As such the proposed development does not comply with this development standard.

The proposed subdivision does not comply with Clause 4.1(3) in that the proposed lots will result in an outcome that is less than the minimum 5000sqm minimum requirement.

Clause 4.1(3) states that: *“The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.”*

The table below provides a summary of each lots compliance with Clause 4.1.

Lot Number	Area	Requirement	Compliance	Variation
1	802m <sup>2</sup>	5000 m <sup>2</sup>	No	83.96%
2	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%
3	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%
4	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%
5	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%
6	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%
7	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%
8	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%
9 (corner lot)	1,078m <sup>2</sup>	5000 m <sup>2</sup>	No	78.44%
10 (corner lot)	777m <sup>2</sup>	5000 m <sup>2</sup>	No	84.46%
11	740m <sup>2</sup>	5000 m <sup>2</sup>	No	85.2%
12	740m <sup>2</sup>	5000 m <sup>2</sup>	No	85.2%
13	740m <sup>2</sup>	5000 m <sup>2</sup>	No	85.2%
14	740m <sup>2</sup>	5000 m <sup>2</sup>	No	85.2%
15	740m <sup>2</sup>	5000 m <sup>2</sup>	No	85.2%
16	740m <sup>2</sup>	5000 m <sup>2</sup>	No	85.2%
17	760m <sup>2</sup>	5000 m <sup>2</sup>	No	84.8%

Consent can only be given to the application where a Clause 4.6 variation request has been prepared and submitted to the consent authority for consideration and assessment. The proponent has submitted a Clause 4.6 Variation request, and this is attached at **“Appendix 7.6-C”** of this report. The Clause 4.6 variation request has been assessed as part of the Development Assessment Report attached at **“Appendix 7.6-A”**. It is considered by Council’s Town Planning staff that the subdivision lot size proposed is appropriate and relates well to surrounding development, character, and context of the locality. The non-compliant lot area does not result in any unreasonable visual impacts. The amenity of neighbours is not

unreasonably impacted, and the proposal would not compromise the character or nature of the area sought by the local planning framework. The non-compliance does not result in an adverse impact to streetscape or amenity. The scale of the proposed lot sizes of the development is appropriate. Whilst it is not the most appropriate means to facilitate the development, it is not inconsistent with the proposed vision for this area, and the demand for housing in Tocumwal is high, and the outcomes of this development are considered more appropriate to manage under a Clause 4.6 currently. The applicable minimum lot size will be appropriately amended in the near future.

#### **Compliance with Berrigan Development Control Plan 2014**

The applicant also seeks to vary Clause 7.2 'Neighbourhood Character' under the Berrigan Development Control Plan 2014. The development is considered inconsistent with the objectives when assessed as the existing vacant land to the north will result in more than two lots in the RU5 zone adjoining a single lot in the R5 Zone. Therefore, a variation is required to this control.

The applicant has offered to place an 'restriction as to user' on the 88B instrument of Lot 6 DP1275427 (held in the same ownership) that introduces a 15m 'no build' area on the southern and western boundaries of the lot. This will ensure that a buffer is provided between the existing R5 and RU5 zone to ensure amenity and character requirements are met whilst the land is undeveloped. In the case that the land to the north of the subject development is not rezoned (which is unlikely when considering the objectives and vision of the Berrigan Strategic Land Use Plan). It will ensure that any potential subdivision of this land for large lot residential will not adversely impact the proposed 17 lot subdivision to the south. Although it would be duly noted that Council staff would be unlikely to support any subdivision application to Lot 6 until such time that it is re-zoned in accordance with the Berrigan Land Use Plan.

The application complies with all the other requirements listed in the Development Control Plan.

#### **Conclusion**

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. The variations to minimum site area have been addressed and it is considered that the application is worthy of support. The proposal is recommended for approval subject to conditions.

A copy of the Development Assessment Report is provided at **"Appendix 7.6-A"**

A copy of the Subdivision Plans are provided at **"Appendix 7.6-B"**

A copy of the Clause 4.6 Variation Request is provided at **Appendix 7.6-C."**

A copy of the Draft Consent is provided at **"Appendix 7.6-D"**

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**Council Meeting**

**15 September 2021**

7.7 2020-21 Financial Statements

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 delegate authority to Councillor Matthew Hannan and Councillor Daryll Morris to sign:

1. the Statement by Councillors and Management made pursuant to Section 413(2)(c) of the *Local Government Act 1993* for the 2020/21 General Purpose Financial Statements, and
2. the Statement by Councillors and Management made pursuant to the Local Government Code of Financial Practice and Financial Reporting for the 2020/21 Special Purpose Financial Statements;

following completion of the draft financial statements and their formal referral to audit.

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**Report:**

The 2020/21 Annual Financial Statements are nearing completion with the audit scheduled for 27 September 2021.

As there will be no Council meeting between the completion of the Financial Statements and the Audit, staff recommended that Cr. Hannan and Cr. Morris are delegated authority to sign the Statements by Councillors and Management to allow the Financial Statements to be referred to audit.

The audited statements are expected to be presented to Council for formal adoption at the October meeting.



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Council Meeting

15 September 2021

7.8 Temporary Occupation of Lots and the Use of Residential Storage Sheds

Report by: 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 any Development Applications for the temporary occupation of residential lots and/or residential storage sheds where no dwelling / house exists are brought to the Council for determination.

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**REPORT:**

**Purpose of Report**

This report provided to Council is for the determination of future Development Applications (DA), if submitted to Council for the following uses:

- Temporary occupation of a site prior to a dwelling being constructed; and
- The Construction of a Residential Storage Shed prior to a dwelling occupied.

**Executive Summary**

As brought to your attention at the September Strategic and Policy Workshop, the Council is facing a number of compliance issues where residents are residing in sheds and using properties for temporary accommodation in caravans and the like in residential areas. This issue is becoming a seemingly more common occurrence.

Council staff propose that when we are in receipt of a Development Application for the above-mentioned reasons the following information will now be additionally required when submitted:

- Copy of a building contract/building plans;
- Letter of intention for the use of property indicating timeframes, financial commitment to build, how the property is to be and maintained in healthy condition.;
- Demonstrate to Council that all appropriate avenues have been explored for accommodation;
- Demonstrate how the temporary accommodation or shed will create a positive impact to the existing streetscape and contribute to aesthetically pleasing neighborhoods;

- Demonstrate that all required services and facilities are readily available.

Each Development Application that is lodged is to be in a detailed, concise format so that assessment staff can make a recommendation that is transparent, fair and reasonable when brought to the Council. The additional information that is proposed should take out the applicants looking to use the sheds and the like for the wrong reasons.

The Development Application's will carefully be scrutinized, similar to the process of assessing Development Application's for Dwellings which are previously used and relocated in the Shire. This aims to ensure lots are used appropriately and there is still some flexibility in circumstantial cases where homeowners are saving to build etc.

Additionally a new clause in the Development Control Plan (DCP) may need to be included to address this matter. This can be an item as part of the Local Environmental Plan (LEP) and subsequently Development Control Plan (DCP) review, due to commence in the near future.

In addition to the report presented at the Strategic and Policy Workshop, Council staff will be pursuing further action to resolve properties where residents have occupied sheds over time without consent. There may be some push back from owners to gain consent or remove given the current climate with rental prices and housing availability. Council Staff will endeavor to ensure compliance with the relevant legislation and that each case is brought to the Council's attention if Development Consent is to be sought.

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**Council Meeting****15 September 2021****7.9 Council Re-Brand**

Report by: Communications Co-ordinator, Keelan McDonald

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 endorse the recommendation of a Council Re-Brand

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**Report:**

Berrigan Shire Council's 'brand identity' has remained unchanged for over 23 years. 'Brand identity' refers to the visual identity of an organisation; that being logo, design and colour.

A Year 10 Student developed the current logo, prior to 1998. It embodies specific elements of a waterwheel and following river represented in yellow, separating the blue sky above and green pastures below. Whilst historic, the waterwheel is no longer in use today and as a result is often misinterpreted as a sun.

As our Shire has evolved, our identity has remained in the previous century. Looking at other Councils around us; Moira, Edward River and Federation, they have all undergone re-branding in the last 5 years. Attached, as "**Appendix 7.9-A**" and "**Appendix 7.9-B**", are examples of Edward River and Wellington Shire Council's 'brand guidelines'. They both have a brand that visually represents their Shire, to ensure consistency, authenticity and instant recognition with an audience.

It has been raised and discussed at a staff level that it could be time for a re-brand. A re-brand is much more than just a new logo; it is an overhaul of the entire visual identity of an organisation. The attached appendices depict some of the components to which the re-brand would effect. We will look to put together a project plan, that can be presented to Council, which will include indicative costing.

The following stages are proposed:

- Staff form a working group to develop a project plan for implementation (*September-October 2021*);
- Submit proposed budget, as derived from the project plan (*December 2021*);
- Submit project plan to new Council for adoption (*January 2022*)

- Implement the project plan if adopted by Council (*January 2022 – ongoing until completed, timeframe to be established through project plan stage*)

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Council Meeting

15 September 2021

7.10 Pecuniary Interest Disclosure 2020-2021

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

**Recommendation:** That the Council note the tabling of Pecuniary Interest Returns received from Councillors and designated officers for the period 1 July, 2020 to 30 June, 2021.

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**Report:**

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

Councillors: Matthew Hannan  
Daryll Morris  
John Bruce  
Colin Jones  
Ross Bodey  
Roger Reynoldson

Designated Officers: Karina Ewer (Chief Executive Officer)  
Matthew Hansen (Deputy Chief Executive Officer)  
Matthew Miller (Acting Development Manager)  
Tahlia Fry (Finance Manager)  
Noureen Wajid (Town Planner)  
Gary George (Acting Director Technical Services)  
Ram Murugabubati (Environmental Engineer)  
Nathan O'Connell (Project Manager)

Returns received from  
Designated Officers  
no longer with Council:

Laurie Stevens (Development Manager)  
Rowan Perkins (General Manager)  
Matthew Clarke (Director Technical Services)

At the time of writing this report Pecuniary Interest Disclosures had not yet been received from Crs John Taylor and Denis Glanville.

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Council Meeting

15 September 2021

7.11 Tocumwal Recreation Reserve Committee of Management

Report by: Chief Executive Officer, Karina Ewer

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) revoke existing members of the Tocumwal Recreation Reserve Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Recreation Reserve Committee of Management:

President:	Alan Jones	
Vice President:	Jim Cullen	
Secretary:	David Baldwin	
Treasurer:	Alan Jones	
Committee:		
	Bill Fuller	Dennis Sutton
	Debbie White	Paul McCallum
	Jeremy Cardillo	Alice Stewart
	Renee Paine	Kimberly Carpenter
	Heather Mason	Barbara Cullen

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**Report:**

Advice of committee members has been received and could be endorsed by the Council.

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**Council Meeting**

**15 September 2021**

**7.12 Barooga Recreation Reserve Committee of Management**

Report by: Chief Executive Officer, Karina Ewer

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) revoke existing members of the Barooga Recreation Reserve Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Barooga Recreation Reserve Committee of Management:

President:	Max Steward	
Vice President:	Wes Sutton	
Secretary:	Marcia Nolan	
Treasurer:	Natasha Bignell	
Committee:		
	Darrell Bowden	Stacey Ware
	Gabe Forence	Sheilah Keamy
	Dave Stevens	Paula Kerr
	Jackie Vogel	Craig Atkins

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**Report:**

Advice of committee members has been received and could be endorsed by the Council.

Council Meeting

15 September 2021

7.13 Berrigan Conservation Group and Tidy Towns Committee of Management

Report by: Chief Executive Officer, Karina Ewer

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) revoke existing members of the Berrigan Conservation Group and Tidy Towns Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan Conservation Group and Tidy Towns Committee of Management:

President:	Mark Ryan	
Secretary:	Carol Cottam	
Treasurer:	Jude Lawrence	
Committee:		
	John Lane	Tom Pyle
	David Batten	Leigh Rogers
	Alan Lawrence	Peter Cobb
	Robin Cobb	Lenalda Loats
	Catherine Healy	Emily Ryan
	Peter Biddle	Katie Vandermeer
	Mary Curtin	David O'Dwyer
	Sue Keating	Valerie Daly
	Tracy Dunn	Beverly Scott
	Carol von Brockhusen	Cristina von Brockhusen
	Barbara Dunn	Keith Steel



	Jan Steel	Susan Cameron
	Colin Cameron	Clara Way
	Jiquetta Sloane	Dianne Hardwidge
	John O'Dwyer	Sue Chisholm
	Judy Chisholm	John Walker
	Laurie Thompson	Wayne Kelly
	Lynette Kelly	Muriel Rockliffe

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**Report:**

Advice of committee members has been received and could be endorsed by the Council.

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**Council Meeting**

**15 September 2021**

7.14 Berrigan War Memorial Swimming Pool Committee of Management

Report by: Chief Executive Officer, Karina Ewer

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) revoke existing members of the Berrigan War Memorial Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan War Memorial Swimming Pool Committee of Management:

President:	Sue Chisholm
Vice President:	Gary Lehre
Secretary:	Nicole Lorimer
Treasurer:	Jude Lawrence
Committee:	
	Barbara Fox
	Marcus Lorimer
	Helen Lehre

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**Report:**

Advice of committee members has been received and could be endorsed by the Council.

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Council Meeting

15 September 2021

7.15 Finley Recreation Reserve Committee of Management

Report by: Chief Executive Officer, Karina Ewer

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) revoke existing members of the Finley Recreation Reserve Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Recreation Reserve Committee of Management:

President:	Barry Dawe	
Vice President:	Michael Archer	
Secretary:	Matt Whitty	
Treasurer:	Paul Evans	
Committee:		
	Kristy Clarke	Sasha Wood
	Lindsay Donkin	Ashley Haynes
	Rick Gardiner	Pat Kelly
	Jenny Isedale	Phil Leatham
	John Cattell	Amanda Lyons

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**Report:**

Advice of committee members has been received and could be endorsed by the Council.

**Council Meeting**

**15 September 2021**

**7.16 Finley Showgrounds and Sporting Complex Committee of Management**

Report by: Chief Executive Officer, Karina Ewer

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) revoke existing members of the Finley Showgrounds and Sporting Complex Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Showgrounds and Sporting Complex Committee of Management:

President:	Rodger Sutton	
Secretary/Treasurer:	Katy Wallis	
Committee:		
	Matt Mueller	Trent Royston
	Graham Fisher	Carol Kennedy
	David Webb	Troy Marshall
	Juilian Rourke	Leanne Loughridge
	Robyn Twyman	Sam Price
	Robert Howard	

**Report:**

Advice of committee members has been received and could be endorsed by the Council.

Council Meeting

15 September 2021

7.17 Finley War Memorial Swimming Pool Committee of Management

Report by: Chief Executive Officer, Karina Ewer

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) revoke existing members of the Finley War Memorial Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley War Memorial Swimming Pool Committee of Management:

President:	Linda Turley	
Vice President:	Barry Dawe	
Secretary:	Bruce Ferry	
Treasurer:	Phil Gregory	
Committee:		
	Terrilea Anderson	Maureen Shoulders
	Glen Murray	Gavin Butcher
	Matt Mueller	Paul Burns
	Debbie Shumack	

**Report:**

Advice of committee members has been received and could be endorsed by the Council.

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Council Meeting

15 September 2021

7.18 Tocumwal Friends of the Library Committee of Management

Report by: Chief Executive Officer, Karina Ewer

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

President:	Kathleen Folliard
Vice President:	Esther Bryan
Secretary:	Lois Johnson
Treasurer:	Gayley Blakey
Committee:	
	Sita Baker

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**Report:**

Advice of committee members has been received and could be endorsed by the Council.

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Council Meeting

15 September 2021

7.19 T07/21/22 – Finley Saleyards Refurbishment

Report by: Project Manager, Nathan O'Connell

Strategic Outcome: 4. Diverse and resilient business

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

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

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### Report:

This tender is for T7/21/22 - Design & Construction of the Finley Sale Yards Upgrade.

The contract is a Lump Sum Contract.

Grant funding under the Heavy Vehicle Safety and Productivity Program to a maximum of \$281,500 has been allocated to this project

The Tender requests were set out so the tenderer may submit a conforming tender inclusive of all items listed below however, should a tenderer wish to tender for selected items only, it is recommended that the tenderer submit a non-conforming tender in addition to the conforming tender.

### SCHEDULE ITEMS

- **Item 1** – Supply and install two new forced yards with raised walkways to make the existing ramps easier and safer for the operator to load cattle. This includes 6 x 220w LED flood lights on the 3 existing poles.
- **Item 2** – Supply and install two ramp nibs to get the trucks on a 45° angle, ramps 4 & 5
- **Item 3** – Supply and install lead up yards, rotary force yard and race going up to proposed 9m adjustable cattle ramp. This includes 2 x 220 LED flood lights on the ramp gantry and a new one mounted on the existing roof.
- **Item 4** – Supply and install holding yards and sale pens in the cattle saleyards replacing the original yards. The new pens shall include “butterfly” gates so that cattle can enter a yard from one direction and leave in another. The gates are to be longer than the width of the cattle lane so they hit the opposite side and don’t swing through.
- **Item 5** – Demolition of the existing sheep yards and ramps. Supply and install 3 x new sheep loading ramps on the angle including forcing yards for new sheep loading ramps

Council has received two Tender submissions for the proposed Finley Sale Yards Upgrade as follows.

FOCUS ENGINEERING & CONSTRUCTION PTY LTD

The company has submitted a non-conforming tender only costing the following items;

- 2.3 - Demolition of the unfit-for-purpose existing sheep ramps;
- 3.5 - Supply and install new sheep loading ramps on the angle including forcing yards for new sheep loading ramps only.

PROWAY LIVESTOCK EQUIPMENT

The company has submitted a conforming tender costing all items listed above.

**Consideration of the Tenders**

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

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

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

**Summary**

The Council did not receive a tender within its proposed budget for these works.

The Council has a range of options open to it:

1. Accept a tender; this is obviously subject to identifying a source of funds
2. Delegate to the CEO authority to negotiate with the tenderers or others on the price and scope of works
3. Modify the scope of works and re-tender
4. Partially accept a tender (i.e., accept some of the scheduled items) and make a determination on the remaining items (rescope, abandon, negotiate, etc.) at a later date



5. Reconsider proceeding with the works entirely

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Council Meeting

15 September 2021

7.20 Volunteer Committees - Annual Returns

Report by: Deputy Chief Executive Officer, 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 note the annual returns submitted by the following Volunteer Committees of Management:

- a) Tocumwal Recreation Reserve
- b) Tocumwal Historic Aerodrome Museum
- c) Finley School of Arts
- d) Finley Recreation Reserve
- e) Finley War Memorial Swimming Pool
- f) Finley Showgrounds and Sporting Complex
- g) Berrigan Conservation Group
- h) Berrigan War Memorial Swimming Pool
- i) Barooga Recreation Reserve
- j) Tocumwal Friends of the Library

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**Report:**

The Council has a range of volunteer committees of management established [under s355 of the Local Government Act 1993](#) who provide local government services on behalf of the Council.

These volunteer committees are required to submit an annual return to the Council at the end of every financial year.

The return contains information on the membership of their committee, their income, and expenditure, their assets and other information required for various reports required by the Council's auditors and/or other levels of government.

Committees were given until 31 August 2021 to submit their annual returns.

The table below summarises the financial position of those committees who submitted their return by the due date.

Committee	Income \$	Expenditure \$	Cash and Investments \$
Tocumwal Recreation Reserve	28,209	14,055	26,822
Tocumwal Historic Aerodrome Museum	5,211	111,899	20,910
Finley School of Arts	7,125	3,467	12,002
Finley Recreation Reserve	28,702	36030	11,669
Finley War Memorial Swimming Pool	54,740	59,024	31,152
Finley Showgrounds and Sporting Complex	39,358	35,572	38,041
Berrigan Conservation Group	1,124	4,849	7,276
Berrigan War Memorial Swimming Pool	45,022	36,945	28,364
Barooga Recreation Reserve	14,780	18,597	20,271
Tocumwal Friends of the Library	977	1,000	2,051

At the time of writing, the following committees have not submitted returns

- Barooga Advancement Group
- Berrigan Sportsground
- Berrigan War Memorial Hall
- Finley Railway Park
- Finley War Memorial Hall
- Mary Lawson Wayside Rest and Log Cabin Museum
- Retreat Hall
- Tocumwal Rail Preservation
- Tocumwal War Memorial Hall
- Tocumwal War Memorial Swimming Pool

Reminder letters have been sent to the other committees.

Copies of the submitted returns are available for perusal at the Council administration office.

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## 8. ITEMS FOR NOTING

**Recommendation:** that Items for Noting numbered 8.1 to 8.5 inclusive be received and noted.

**Council Meeting**

**15 September 2021**

### 8.1 STAND Program – Nomination of to Strengthen Telecommunications against Natural Disasters

Report by: Assets & Operations Manager, Gary George

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

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#### **Report:**

The Council received an invitation to nominate Emergency Operations Centre (EOC) facilities to receive NBN Co Sky Muster satellite connections through the Commonwealth Government's [Strengthening Telecommunications Against Natural Disasters](#) (STAND) program.

#### **What this means for our Council**

Eligible facilities will receive from NBN Co, installation and operation of satellite services, at no cost to Councils, for the first three years. After this 3-year period, the Council will need to make a commercial decision on whether to continue the arrangements, including the payment of applicable recurring fees from Year 4 onwards.

Please note that there is no offer of continued funding from the NSW Government. All works will be delivered through direct engagement with NBN Co (not Resilience NSW).

STAND Evacuation Centre solutions are designed to help improve telecommunications resiliency for people temporarily occupying designated evacuation centres during times of disaster. These solutions are powered by nbn™ Skymuster Plus Satellite services with a Wireless Access Point (WAP) allowing access to those in the vicinity. These solutions are not designed to provide data resiliency to sites where existing infrastructure is already in place.

Much like other public Wi-Fi systems, when a user wants to use the service they will connect to the designated WiFi service name where they will be presented with a screen that outlines the terms and conditions and asks them to accept these to be able to continue. Once they are connected, they will be able to browse the internet and use a variety of services online. There are some restrictions on what sort of sites or content can be accessed but most users would not have any difficulties. It's important to note that irrespective of the speed from the Satellite, all users will be capped at 2Mbps -this is so there will be enough bandwidth available for as many users as possible at your site



Further information is attached for Councillors perusal as follows:

- STAND Quick Reference Guide (“**Appendix 8.1-A**”)
- STAND Nomination Locations (“**Appendix 8.1-B**”)
- STAND Frequently asked questions (“**Appendix 8.1-C**”)

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Council Meeting

15 September 2021

## 8.2 Financial Assistance Grant

Report by: Deputy Chief Executive Officer, 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 Local Government Grants Commission (the Commission) have advised the Council regarding its estimated 2021-22 Financial Assistance Grants (FAG). A copy of this advice is attached as "Appendix 8.2-A".

Year	General Purpose	Local Roads	Total
2020-21 (final)	\$3,576,130	\$1,474,638	\$5,050,768
2021-22 (estimated)	\$3,661,973	\$1,504,490	\$5,166,463

This is a 2.3% increase from 2020-21, which is greater than the 2% increase used to calculate the 2020/21 budget. Note that is an estimate and may change slightly as the year progresses.

The amount the Council will receive for 2021-22 and how it compares to the Council's adopted budget is shown in the table below.

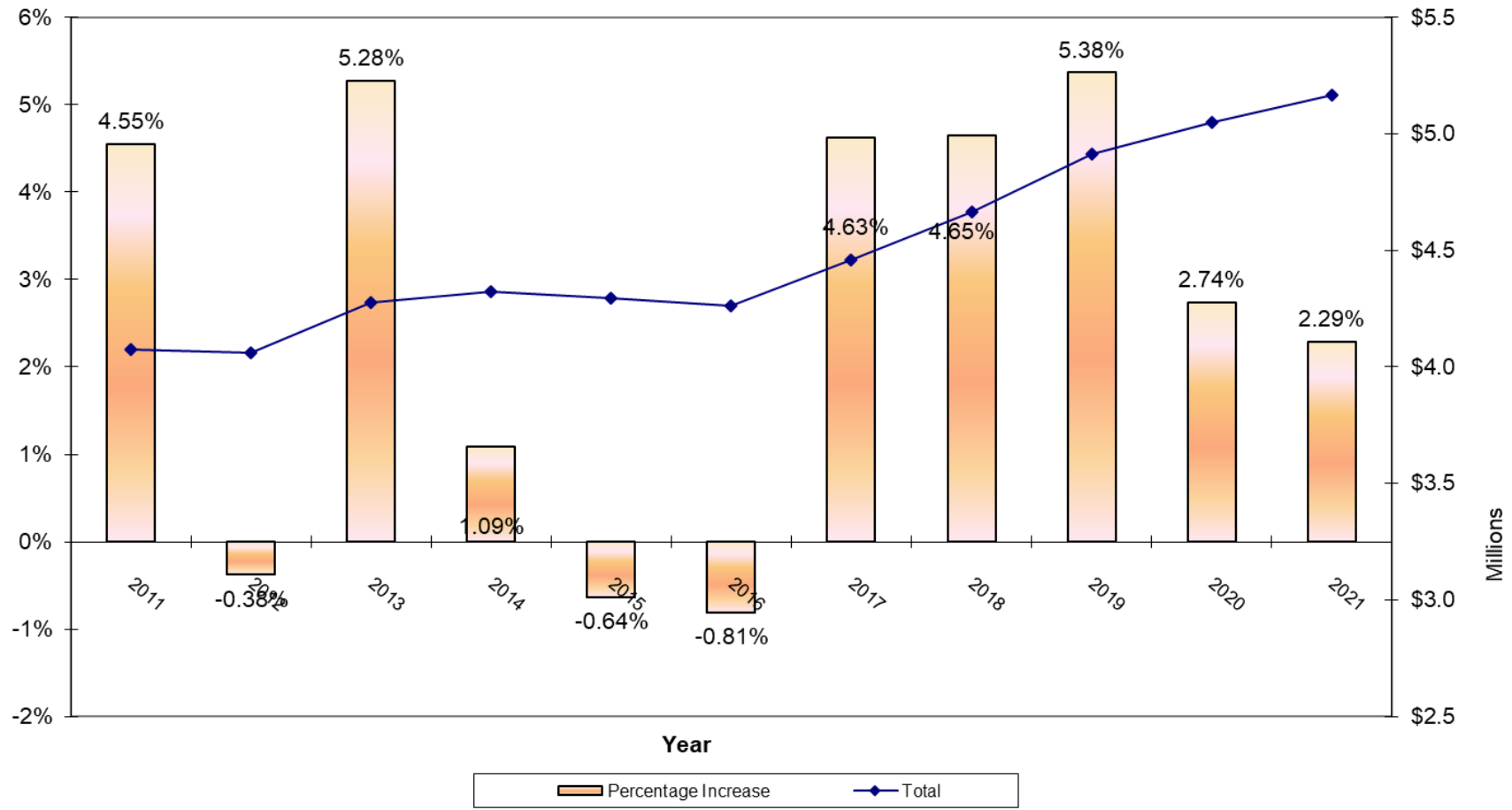
	Budget	Actual	Difference
General Purpose	\$3,605,000	\$3,661,973	\$56,973
Local Roads	\$1,484,000	\$1,504,490	\$20,490
<b>Total</b>	<b>\$4,989,853</b>	<b>\$5,166,463</b>	<b>\$77,463</b>

The Council may wish to adjust their operating budget to reflect this minor increase in income at its next quarterly budget review.

The Council should note that approximately half (\$2,490,671) of the 2020-21 FAG was paid in June 2021. The balance will be paid in four instalments this financial year.

The chart on the following page provides a history of the Council's FAG allocation.

**Berrigan Shire Council  
Financial Assistance Grant**



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The Commission have provided the following advice to Councils:

*As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. The Commission has had regard to these policies in allocating the grants.*

*A key challenge for the Commission continues to be the Commonwealth's request to apply the minimum per capita grant, which has a significant impact on the ability of the Commission to redirect funding.*

*Following the impacts of the global economic downturn and the pandemic, last year the Commission faced the challenge of a substantially reduced CPI estimate. NSW received an increase of just 0.9%, or \$5.1 million, on the prior year's final general purpose component figure. This was substantially lower than the 4%, or \$21.3 million, increase NSW received in 2019-20. However, at the time, the CPI had been underestimated by the Commonwealth and the adjustment increase for the 2020-21 final CPI has been welcomed by the Commission. The increase has enabled the Commission to resume the quarantining of \$5.0 million for the application to the relative disability allowance (it had to be reduced to \$4.5 million of quarantined funds in the previous year). This ensures that additional funds are still able to be directed to those councils with a greater relative need whilst ensuring that additional uncertainty is not delivered to the sector during this difficult time with the implementation of the 0% floor to the general purpose grant. However, the CPI has not been restored to higher levels of recent years and further fluctuations cannot be ruled out.*

*Councils should be mindful that, given the current economic environment, there is a real possibility that there will be an extended period of a reduced CPI going forward. Should that occur, the Commission will likely need to restore the negative floor to ensure the integrity of the FAGs allocation system is maintained. **Such a decision will result in some councils receiving less in the 2022-23 GPC than they will in 2021-22.***



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**Council Meeting****15 September 2021****8.3 Broadband Internet Connection – Administration Office**

Report by: Deputy Chief Executive Officer, 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:**

One of the priority items identified by the incoming Chief Executive Officer was a review of the Council's Information and Communications Technology (ICT) Strategy with an aim to make the Council's ICT system more flexible and better cater for remote work where required. This is likely to take the form of a move to cloud-based applications and data storage.

The most recent stay-at-home order has amplified the need for this review however it has also forced Council staff to start implementing the move to "the cloud" much sooner than originally planned and before any formal strategy can be prepared.

While the IT Officer has been able to get some staff working offsite, this has been restricted by a system that has been set up to service staff working in the office, not remotely. The restrictiveness of our systems has meant we have more staff working in the office than would be desirable as the Council attempts to abide by the letter and the spirit of the Public Health Orders.

The IT Officer and I are working as quickly as possible to address these problems. In doing this, the biggest hurdle confronting the Council is the size of the "pipe" connecting the Council to the rest of the world – its broadband internet connection.

As with the rest of the town of Berrigan, the Council administration office is connected to the National Broadband Network (NBN) via a Fixed Wireless Broadband connection. This connects the office via the NBNco Fixed Wireless Network Termination Device (NTD) to an NBN tower (located at the Berrigan Water Treatment Plant (WTP)).

To put it in perspective the Council's internet plan is on the "Standard Premium" NBN speed tier, albeit through Telstra Business (50mbps/20mbps). As this is via a fixed wireless service, it also has latency issues.

Latency is the time that passes between a user action and the resulting response. Network latency refers specifically to delays that take place within a network, or on the Internet. In practical terms, latency is the time between a user action and the response from the website or application to this action – for instance, the delay between when a user clicks a link to a webpage and when the browser displays that webpage.

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Fixed wireless is also impacted by number of connections to the NBN tower, so if it is overloaded this impacts the town or end point as a result. Berrigan has only had one single tower upgrade to my knowledge to increase capacity since its inception.

Fixed wireless is also based on a relay from Albury, meaning that if the Albury Point of Interconnect (POI) goes down, we go down.

The libraries at Barooga, Finley and Tocumwal are on "Premium" (100mbps/40mbps). This is a Fibre to the Premise (FTTP) fixed line. This is not impacted by latency as it is a direct fibre connection to the building. It also does not get impacted by the POI issue

While Fixed Wireless connection meets the Federal Government's definition of "broadband" and it is considerably better than the ADSL connection it replaced, it is still significantly inferior to a direct fibre connection.

Of course, this is a known problem. When NBNCo moved away from the initial plan to have fibre to the premises (FTTP) across the board, the town of Berrigan was pushed off the fibre network and onto fixed wireless. The Council lobbied hard for this decision to be reversed – including testifying at a Parliamentary inquiry – but to no avail. The town has been restricted to the "slow lane" of the information superhighway.

An FTTP connection can have speeds of up to 1 gigabit per second (1Gbps). By comparison, the Council's fixed wireless connection is somewhere between 2 to 55 megabits per second – at least 20 times slower.

The ineffectiveness of the system was recognised when it was first suggested and it is more evident now. If you were establishing a business of the size and complexity of Berrigan Shire Council, you wouldn't base the business in Berrigan. The internet infrastructure is unable to cope. The town of Berrigan has been put at a competitive disadvantage with its neighbours and other rural towns with fibre connections

Of course, the Council is invested in Berrigan and is committed to remaining in Berrigan – physical relocation is not a viable option. Council must therefore find some way to make its ICT systems work.

Council staff are actively investigating two options,

1. a second fixed wireless broadband connection; and
2. a direct microwave link to a fibre connection elsewhere

The first option would be relatively cheap if it is technically possible and permissible. However, it is not likely to make a significant difference. Data will still have to get through a choke point – there will just be two of them.

The second option will address the problem but at considerable expense. A microwave link between the Council office and a premises with fibre elsewhere – say Tocumwal or Finley library – is likely to cost in the range of \$100,000 to \$250,000 to install and potentially be

subject to the same reliability problems that saw the Council decommission its earlier microwave network.

Ideally, NBNCo would install fibre to the premises in Berrigan. Installation of fibre however, is unlikely without a government subsidy of some kind. There would not be a commercial return for what would be a multi-million-dollar investment.

**NOTE: What does Mbps mean**

When discussing internet speed, the term “Mbps” will show up often, so it is best to define what "megabits per second" means.

Mbps (note the lower case b – an upper case one means something else) is a universal method used to measure how fast data travels along the network. More Mbps means a faster connection, less means a slower one.

The number of Mbps is also the capacity of your internet connection. Each task you do online occupies a certain amount of this capacity. So, with each new user and task on your connection, the remaining capacity drops. Remember - less Mbps means a slower connection and you can do fewer things at the same time.

1 Gbps = 1,000 Mbps

Council Meeting

15 September 2021

8.4 Development Determinations for Month of August 2021

Report by: Executive Support Officer, Melissa Kennedy

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 AUGUST 2021**

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
216/21/DA/D9	2 LOT SUBDIVISION	118 SILO ROAD, TOCUMWAL NSW 2714 (Lot2502//DP878298)	CHRIS KELLY	KELLY (FINLEY) SUPER PTY LTD	Approved 03-08-2021	\$ 0.00	Active 15	Total 27
217/21/DA/D9	2 LOT SUBDIVISION	1-3 HUGHES STREET, BAROOGA NSW 3644 (Lot3//DP1105784)	OVENS AND MURRAY LAND SURVEY	DAROON DEVELOPMENTS PTY LTD	Approved 16-08-2021	\$ 0.00	Active 17	Total 36
218/21/DA/DM	CARPORT	300-320 MURRAY STREET, FINLEY NSW 2713 (Lot7004//DP1019585)	BERRIGAN SHIRE COUNCIL	BERRIGAN SHIRE COUNCIL	Approved 05-08-2021	\$ 8000.00	Active 0	Total 28
220/21/DA/D3	STORAGE FACILITY	5 WISE COURT, TOCUMWAL NSW 2714 (Lot5//DP1036181)	FRANK LATORRE	P.T.J. PTY LTD	Approved 03-08-2021	\$ 120000.00	Active 1	Total 26
45/21/CD/M5	ABOVE GROUND SWIMMING POOL	80 BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1250358)	PHILLIP HOWE	MR PL HOWE AND MRS LE HOWE	Approved 19-08-2021	\$ 17000.00	Active 6	Total 37
227/21/DA/D9	2 LOT SUBDIVISION	137 CHANTER STREET, BERRIGAN NSW 2712 (Lot56/B//DP2425)	BRIAN MITSCH AND ASSOCIATES	MR B RENDELL	Approved 18-08-2021	\$ 0.00	Active 35	Total 35
2/22/DA/DM	TRANSPORTABLE DWELLING	12 WARMATTA STREET, FINLEY NSW 2713 (Lot4//DP25494)	STANLEY ARMSTRONG	MR SL ARMSTRONG	Approved 26-08-2021	\$ 90000.00	Active 10	Total 42
3/22/DA/D2	HANGAR	19 WIRRAWAY COURT, TOCUMWAL NSW 2712 (Lot41//DP1233177)	KATTY EAST ENGINEERING	MR JT BALL	Approved 30-08-2021	\$ 230000.00	Active 0	Total 31
5/22/DA/D5	RESIDENTIAL STORAGE SHED	25 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot37//DP270154)	SHANES SHEDS	MR G RUTHERFORD AND MRS SJ RUTHERFORD	Approved 03-08-2021	\$ 46893.00	Active 3	Total 3
6/22/DA/D6	DWELLING ADDITIONS	43-49 SNELL ROAD, BAROOGA NSW 3644 (Lot134//DP752274)	MS CONSTRUCTION PTY LTD	MR NA SIM AND MS JG COMER	Approved 30-08-2021	\$ 234350.00	Active 22	Total 22

8/22/DA/D1	<b>BV DWELLING &amp; ATTACHED GARAGE</b>	52 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot34//DP1250358)	KENNEDY BUILDERS	MR GP LINAHAN AND MRS MA LINAHAN	Approved 26-08-2021	\$ 293000.00	<b>Active</b> 7	<b>Total</b> 19
2/22/CD/M1	<b>BV DWELLING &amp; ATTACHED GARAGE</b>	31 HADLEY STREET, TOCUMWAL NSW 2714 (Lot13//DP1250358)	SIMONDS HOMES	MR SC LONG AND MS NR SCOTT	Approved 09-08-2021	\$ 258345.00	<b>Active</b> 4	<b>Total</b> 4
3/22/CD/M5	<b>INGROUND FIBREGLASS SWIMMING POOL</b>	40 HOYLE STREET, TOCUMWAL NSW 2714 (Lot8/4//DP6464)	CSKY SERVICES PTY LTD	MR G MARTIN	Approved 23-08-2021	\$ 49000.00	<b>Active</b> 3	<b>Total</b> 3
6/22/CD/M8	<b>RURAL SHED</b>	105 SEPPELTS ROAD, BAROOGA NSW 3644 (Lot4412//DP773055)	CHRISTOPHER BROOKS	MR CR BROOKS AND MS JM BROOKS	Approved 31-08-2021	\$ 20000.00	<b>Active</b> 2	<b>Total</b> 2

**APPLICATIONS PENDING DETERMINATION AS AT 31/08/2021**

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7002//DP1019579)
162/21/DA/D9	01-04-2021	17 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1275427)
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
223/21/DA/D3	30-06-2021	STORAGE SHED	JERSEY STREET, TOCUMWAL NSW 2714 (Lot300//DP722009)
224/21/DA/D3	30-06-2021	WATER TREATMENT PLANT	13 TUPPAL STREET, FINLEY NSW 2713 (Lot7008//DP1001696)
225/21/DA/D3	30-06-2021	WATER TREATMENT PLANT - BAROOGA	27-29 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot322//DP626847)
229/21/DA/DM	30-06-2021	ADDITIONAL USE - MICRO BAKERY	16 VERMONT STREET, BAROOGA NSW 3644 (Lot2//SP18271)
230/21/DA/D6	30-06-2021	DWELLING ADDITIONS	13 FINLEY STREET, FINLEY NSW 2713 (Lot72//DP865663)
4/22/DA/D9	28-07-2021	2 LOT SUBDIVISION	BAROOGA - TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot8//DP1138900)
7/22/DA/D5	30-07-2021	LEAN TO ON EXISTING SHED	37-47 HAMILTON STREET, FINLEY NSW 2713 (Lot1164//DP875732)
10/22/DA/DM	12-08-2021	BATTERY STORAGE FACILITY	BROUGHANS ROAD, FINLEY NSW 2713 (Lot126//DP752299)
12/22/DA/D5	12-08-2021	RESIDENTIAL STORAGE SHED	66 WELLS STREET, FINLEY NSW 2713 (Lot1//DP39698)
13/22/DA/D1	12-08-2021	BV DWELLING & ATTACHED GARAGE	8 COUNTRY COURT, BAROOGA NSW 3644 (Lot2//DP286044)
14/22/DA/D5	26-08-2021	CARPORT	28 SHORT STREET, TOCUMWAL NSW 2714 (Lot39//DP604022)
4/22/CD/M5	26-08-2021	INGROUND FIBREGLASS SWIMMING POOL	7 BELINDA COURT, TOCUMWAL NSW 2714 (Lot20//DP270154)

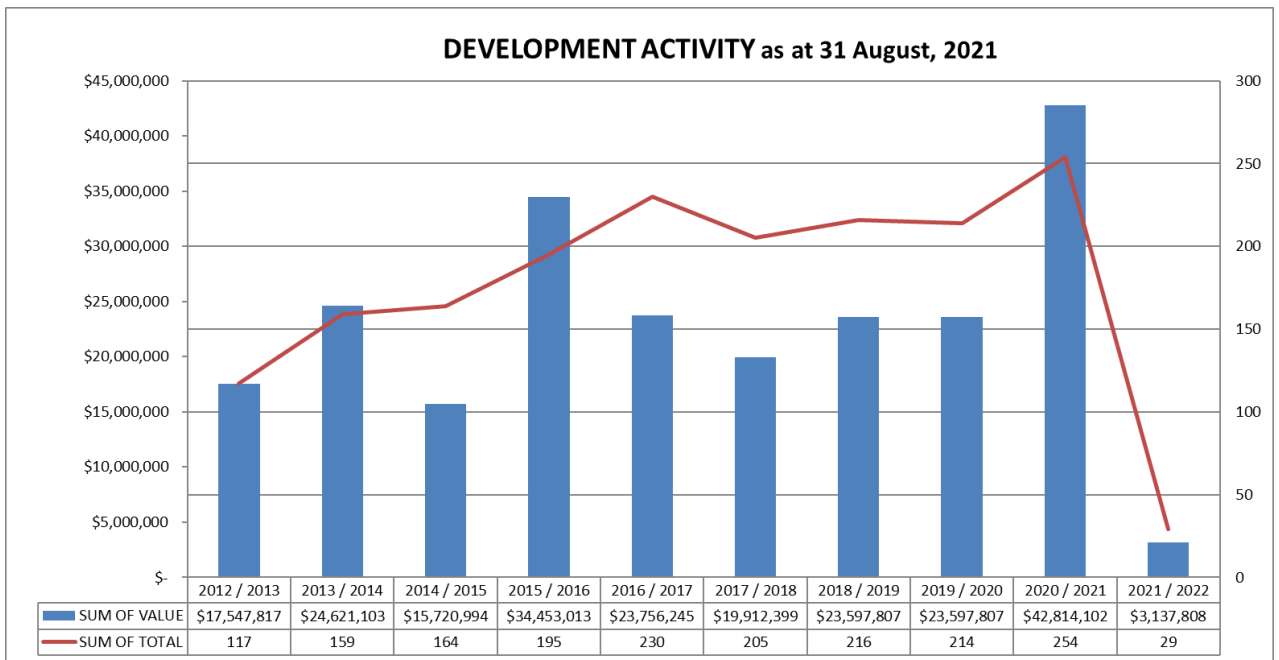
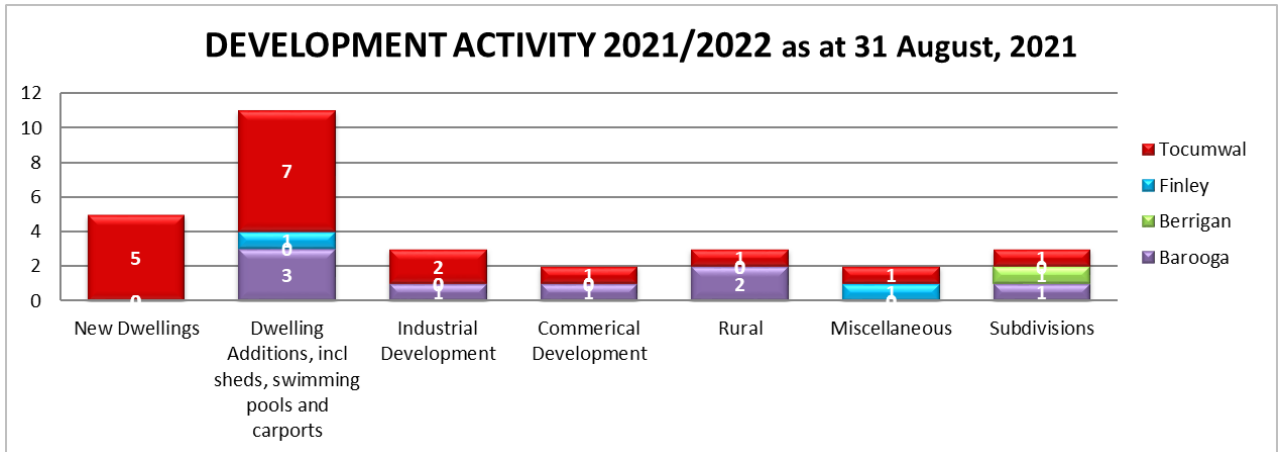
15/22/DA/D1	26-08-2021	BV DWELLING & ATTACHED GARAGE	62 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot1491//DP737393)
16/22/DA/D1	27-08-2021	BV DWELLING & ATTACHED GARAGE	23 HAMILTON STREET, FINLEY NSW 2713 (Lot6//DP1262202)
5/22/CD/M5	27-08-2021	INGROUND FIBREGLASS SWIMMING POOL	26 MACFARLAND STREET, BAROOGA NSW 3644 (Lot102//DP773293)
17/22/DA/D3	29-08-2021	STORAGE SHED	12 HARLEY COURT, FINLEY NSW 2713 (Lot23//DP713898)

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

	<b>This Month (August)</b>	<b>Year to Date</b>	<b>This Month's Value (August)</b>	<b>Year to Date Value</b>
<b>Development Applications (DA)</b>	10	24	\$1,022,243	\$2,404,722
<b>Construction Certificates (CC)</b>	9	19	\$571,399	\$2,964,458
<b>Complying Development Certificates (CDC)</b>	4	5	\$344,345	\$733,086
<b>Local Activity (s.68)</b>	6	10	0	0

**OTHER CERTIFICATES ISSUED FOR AUGUST 2021**

	<b>s10.7(2) Planning Certificate</b>		<b>s10.7(5) Certificate</b>		<b>735A Certificate Outstanding Notices or Orders under LG Act 1993</b>		<b>s9.34 Certificate Outstanding Notices or Orders under EP&amp;A Act 1979</b>		<b>s6.24 Building Certificate</b>		<b>Swimming Pool Certificate</b>	
	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total
BAROOGA	10	17	0	1	0	0	0	0	0	0	1	2
BERRIGAN	7	12	0	0	0	0	0	0	0	0	0	0
FINLEY	4	17	0	1	1	2	0	1	0	0	0	0
TOCUMWAL	4	12	0	1	0	1	0	0	0	0	2	2
<b>TOTAL</b>	<b>25</b>	<b>58</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>4</b>



**Council Meeting**

**15 September 2021**

8.5 Foundry Park

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

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**Report:**

The Geographical Names Board has written to Council to inform it that it received no objections to its application for a proposed name for the new park in Murray St, Finley.

As a result, under Section 10 of the Geographical Names Act 1966, Foundry Park has been officially assigned in the NSW Government Gazette on 10 September 2021



## 9. CLOSED COUNCIL

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

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

### 9.1 Lewis Crescent Parcel Management

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

- (d) commercial information of a confidential nature that would, if disclosed:
  - (ii) confer a commercial advantage on a competitor of the council, or

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

### 9.2 Tocumwal Foreshore Building

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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

### 9.3 T07/21/22 Finley Saleyards Refurbishment

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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

**RECOMMENDATION:** That the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

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

Open Council resumed at .....

### RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

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



10. COMMITTEES

11. MAYOR'S REPORT

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



12. DELEGATES' REPORTS



**13. BUSINESS ARISING**

**14. CLOSE OF MEETING**