



Council Chambers,
BERRIGAN NSW 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 16th January, 2019** when the following business will be submitted:-

9:00AM

Public Question Time

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

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday 16th January, 2019

BUSINESS PAPER

1. APOLOGIES

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST

3. VISITORS ATTENDING MEETING

4. CONFIRMATION OF MINUTES

RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 12th December, 2018 be confirmed.

5.1 FINANCE - ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.019.1

RECOMMENDATION: - that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 December 2018, be received and that the accounts paid as per Warrant No. 12/18 totaling \$2,337,475.11 be confirmed.

Items requiring Council Resolution

REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 December 2018 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 December 2018.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 December 2018, totaling \$2,337,475.11 and will be submitted for confirmation of payment as per Warrant No. 12/18
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
- i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#),
and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) December has shown a slight decrease in total funds held in comparison to the end of November. The movement in cash holdings is largely comparable with the same period last year and represents the general pattern in cash holdings over the year.

Overall funds however have grown from \$28.985M in December 2017 to \$32.021M in December 2018. Total funds held are expected to remain stable in the January period.

Items requiring Council Resolution

Statement of Bank Balances as at 31 DECEMBER 2018

Bank Account Reconciliation

Cash book balance as at 1 DECEMBER 2018	\$ 5,033,910.93
Receipts for DECEMBER 2018	\$ 1,324,250.75
Term Deposits Credited Back	\$ -
	\$ 6,358,161.68

Less Payments Statement No 12/18

Bank Transfers (NAB to Bendigo)	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 655,925.09
Electronic Funds Transfer (EFT) Creditors E030496-E030663	\$ 1,639,011.70
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 42,538.32
Total Payments for DECEMBER 2018	\$ 2,337,475.11
Cash Book Balance as at 31 DECEMBER 2018	\$ 4,020,686.57

Bank Statements as at 31 DECEMBER 2018

Bank Statements as at 31 DECEMBER 2018	\$ 4,020,686.57
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 DECEMBER 2018	\$ 4,020,686.57

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	133/17	365	2.75%	28/05/2019	\$ 1,000,000.00
AMP	125/16	365	2.75%	5/06/2019	\$ 2,000,000.00
AMP	136/18	365	2.75%	17/10/2019	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	365	2.75%	15/05/2019	\$ 2,000,000.00
Bendigo Bank	141/18	365	2.30%	13/09/2019	\$ 2,000,000.00
Bendigo Bank	142/18	365	2.30%	26/09/2019	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	2.70%	31/08/2019	\$ 2,000,000.00
Defence Bank Limited	138/18	275	2.80%	10/01/2019	\$ 2,000,000.00
Defence Bank Limited	102/14	365	2.80%	4/04/2019	\$ 2,000,000.00
Defence Bank Limited	106/14	365	2.90%	29/06/2019	\$ 2,000,000.00
ME Bank	139/18	272	2.80%	25/03/2019	\$ 2,000,000.00
ME Bank	132/17	212	2.83%	8/08/2019	\$ 2,000,000.00
ME Bank	140/18	365	2.83%	8/08/2019	\$ 1,000,000.00
WESTPAC	137/18	94	2.76%	8/01/2019	\$ 2,000,000.00
NAB	143/18	365	2.75%	19/11/2019	\$ 2,000,000.00
					\$ 28,000,000.00

Total Funds Held at 31 DECEMBER 2018

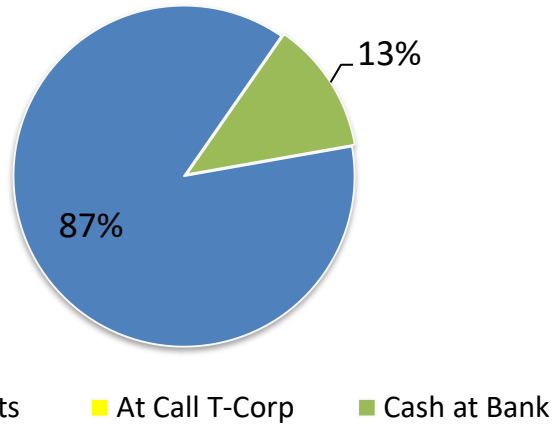
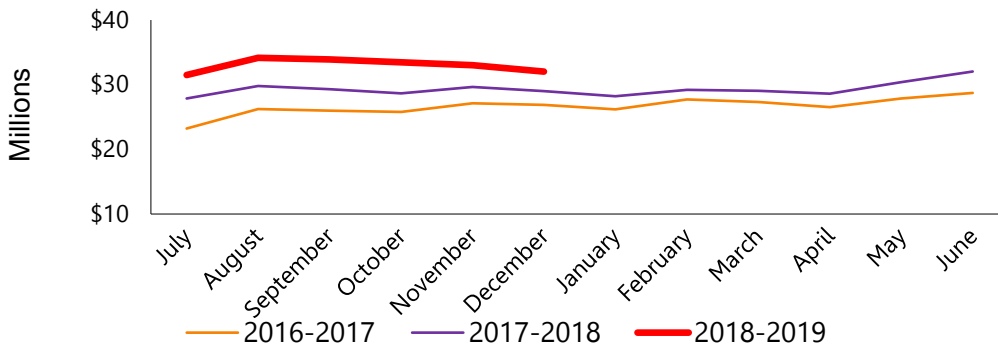
\$32,020,686.57

Carla von Brockhusen - Finance Manager

RESOLUTION

Items requiring Council Resolution

Total Cash and Investments



NO-HITCHES-RESOLUTION

Items requiring Council Resolution

5.2 ALCOHOL FREE ZONES

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 24.128.1

RECOMMENDATION: That the Council prepare proposals for the establishment of the following Alcohol Free Zones:

- Barooga (commercial and residential area)
- Berrigan (commercial and residential area)
- Tocumwal (commercial and residential area)
- Finley (commercial and residential area)

REPORT:

At present, the Council has four Alcohol-Free Zones (AFZs) in operation, one each in Barooga, Berrigan, Finley and Tocumwal. These AFZs were established in 2015 and as AFZs can only be established for a four-year period, they are due to expire on 30 June 2019.

If the Council wishes to re-establish these zones for another four-year term, it must resolve to prepare a proposal for consideration at a future meeting.

Background

Alcohol Free Zones are established under Chapter 16, Part 4 of the [Local Government Act 1993](#) (the Act)

Once established, the zones allow for a police officer to confiscate any alcohol in the possession of a person, if the officer has reasonable cause to believe that the person is drinking, is about to drink or has recently been drinking alcohol in the AFZ. The officer then immediately tips alcohol confiscated out of its container.

Note that the Council may appoint its own staff as enforcement officers for the purposes of enforcing the AFZ. The Council's current position is that this is a role better suited to the police.

AFZs may only be established in the following areas:

1. A public road (including footpath and nature strips in the road reserve)
2. A public car park

Items requiring Council Resolution

Alcohol-free zones cannot be established on private property. Alcohol-free zones also cannot be established in areas such as parks, recreation reserves and other public spaces. Prohibition of alcohol consumption in these areas requires the establishment of an [Alcohol Prohibited Area under s632A of the Act](#).

Process

To establish an AFZ, the Council must follow the requirements of the Act and the [Ministerial Guidelines issued pursuant to s646 of the Act](#).

The process is as follows:

1. Council either
 - a. Receives a request from a resident, a police officer or local community group to prepare a proposal to establish an AFZ
 - b. Resolves itself to prepare a proposal to establish an AFZ
2. Council staff prepare a proposal for the establishment of AFZs in line with the Ministerial Guidelines. Under the Guidelines when re-establishing an AFZ, the Council should consider the following criteria:
 - What were the factors that originally supported a zoning in that area?
 - How successful was the previous alcohol-free zone in achieving a reduction in unacceptable street drinking?
 - What do police statistics indicate about the value of re-establishing an alcohol free zone in that area?
 - What other measures may need to be considered (e.g. a community education program) if unacceptable street drinking is still of concern in that area?
 - Has the community's perceptions of safety improved?
3. Council considers the proposal and if satisfied adopts the proposal for public consultation
4. Council circulates the proposal for public consultation. This must include:
 - a. Publishing a notice in a local newspaper inviting representations and objections within 30 days of the notice. The notice must give the location of the proposed AFZ and the place and time the proposal can be inspected.
 - b. Sending a copy of the proposal to the Police Local Area Commander **and** the officer-in-charge of the police station within or nearest to the zone – again inviting representations and objections within 30 days

Items requiring Council Resolution

- c. Sending a copy of the proposal to liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone– again inviting representations and objections within 30 days
 - d. Sending a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area– again inviting representations and objections within 30 days
5. After consideration of any representations or objections, Council resolves to establish the AFZ. Once established, the Council is required to inform all parties are advised of the original proposal
 6. Once established, the Council must publicly advertise the establishment of the AFZ by notice published in the local newspaper. An alcohol-free zone will not operate until 7 days after publication of the notice AND until the roads, footpaths and public carparks affected are adequately signposted.

Extent of zones

The existing AFZs in place in Berrigan Shire are shown at the end of this report. The AFZ covers all public roads and road reserves (including footpaths and nature strips) inside those boundaries.

The Council may wish to consider extending the AFZs – particularly in Barooga and Tocumwal. However, the extension would only cover very small, low risk areas in each town.

Barooga – extend to cover Riverview Court.

Tocumwal – extend to cover Remembrance Lane and Labelle Court.

Tocumwal – extend to cover Liberator Place and Wirraway Court. This area is zoned industrial, although with residential rights, and would be low-risk.

Alcohol Prohibited Areas

At present, the Council has issued orders prohibiting the consumption of alcohol in two public areas:

1. Memorial Park, Finley
2. Tocumwal Foreshore (between the river and the road reserve)

The orders prohibit the consumption of alcohol in these areas between sunset and sunrise.

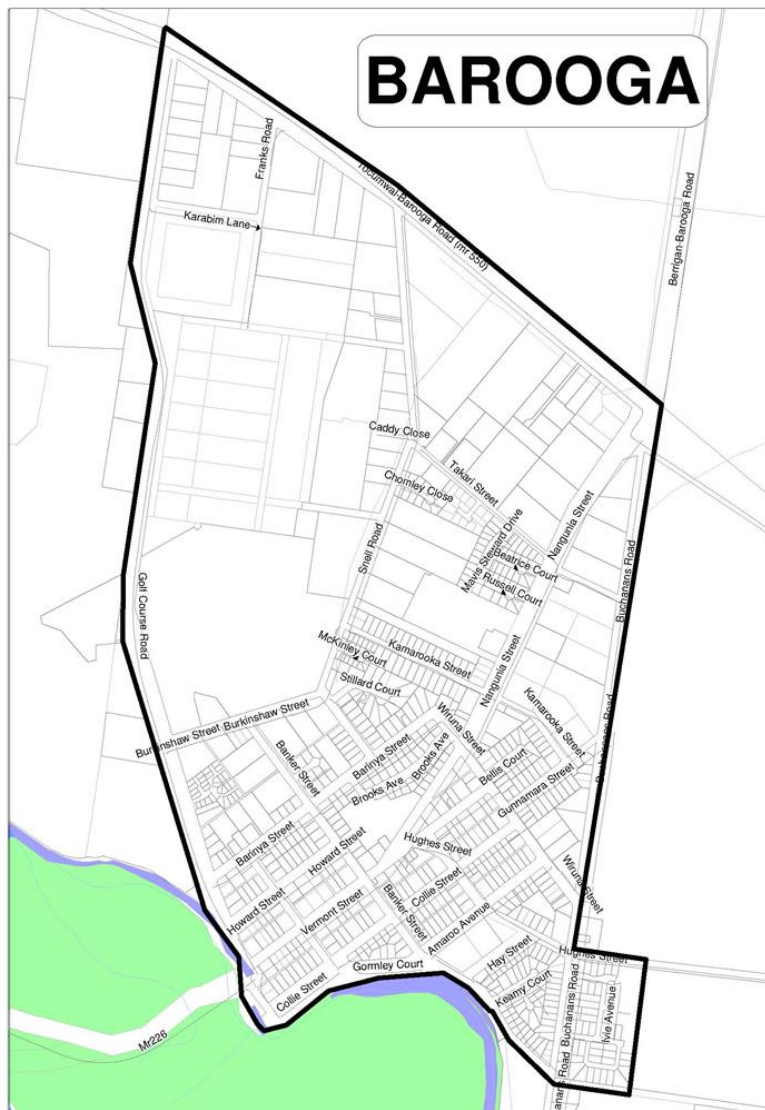
The orders were issued under s632 of the Act. Since the orders were issued, the Act has changed and alcohol prohibition orders now must be issued under

Items requiring Council Resolution

s632A(4) of the Act. Section 632A(11) of the Act subsequently automatically created Alcohol Prohibited Areas (APAs) to cover those two areas.

APAs work in a similar way to AFZs, including providing police with the power to confiscate and tip out alcohol. However, the Council is not required to consult with the public, liquor licencees or other interested parties when establishing an APA. However, Council must consult with NSW police.

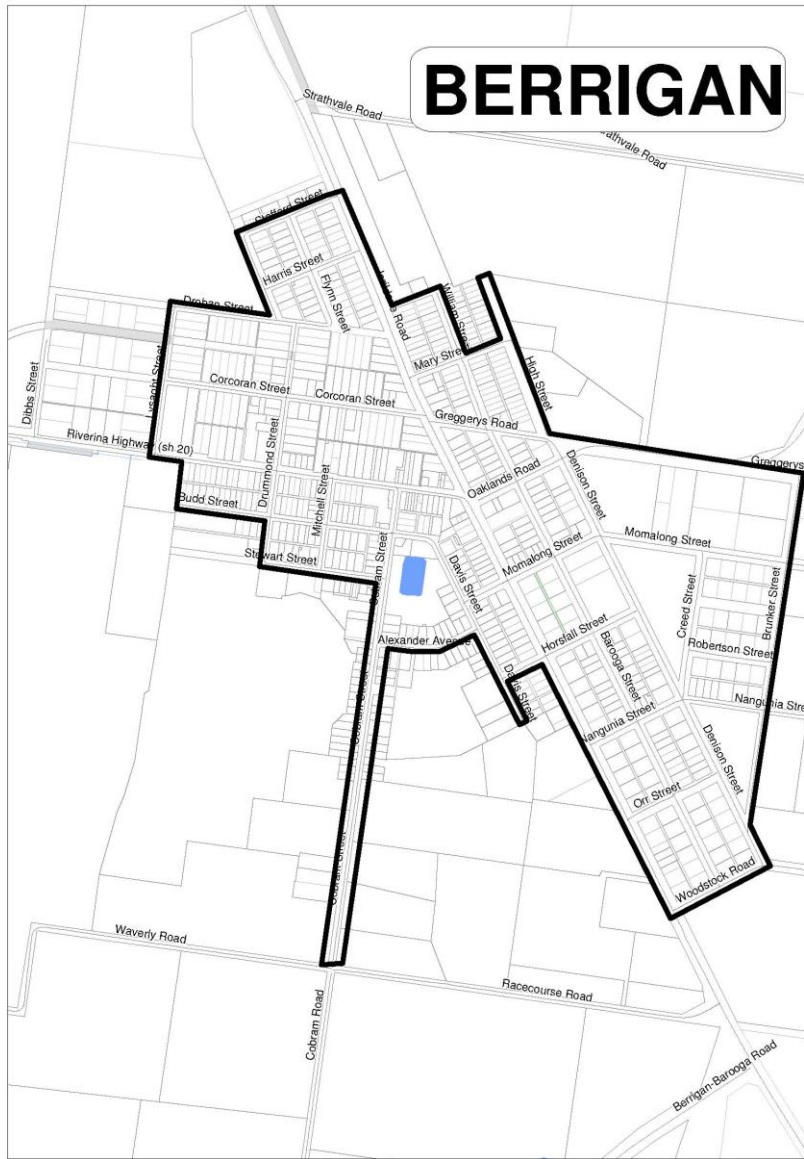
As part of its review of the AFZs, the Council may wish to review its existing APAs and/or consider the creation of new APAs.



RESOLUTION

Items requiring Council Resolution

NO-HCFSM R



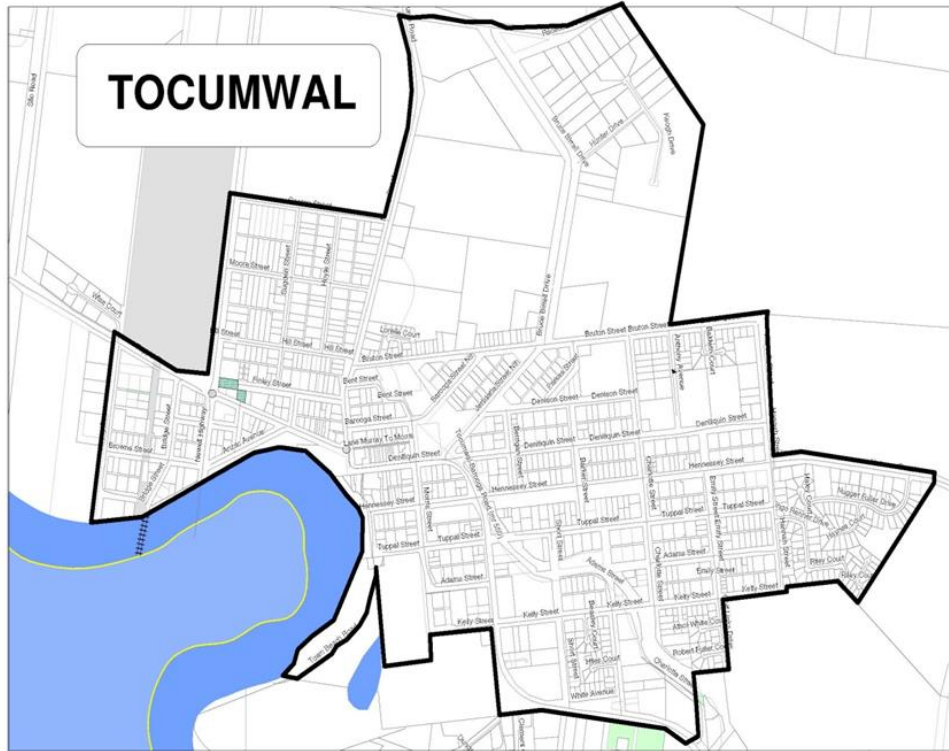
Items requiring Council Resolution



NO-HUT-OFF

Items requiring Council Resolution

NO-HCFSM R



Items requiring Council Resolution

5.3 PROPOSAL TO DISSOLVE CENTRAL MURRAY COUNTY COUNCIL**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 11.160.1**RECOMMENDATION:** For discussion

REPORT:

Council delegates to the Central Murray County Council have received copy of a proposal to dissolve the Central Murray County Council prepared by Murray River Council and Central Murray County Council and apparently lodged with the Minister for Local Government on 18th December 2018.

The Council's position is not to support the proposed dissolution rather the Council finds itself in a position where it has been forced to either participate or to remain as the sole member of the Central Murray County Council. It is Murray River and Edward River Councils that have actually chosen to withdraw from the County Council.

The Council expressly requested that its lack of support be included in any proposal submitted to the Minister which it has been.

As the Council has been previously advised, there are concerns over both the future cost of the Council providing the services provided by Central Murray County Council in house and also the loss of staff expertise in actually delivering the service.

As the proposal has now been lodged with the Minister, she is required to conduct a public consultation process to determine the wider community's response to it before determining the matter. The timeframes around this process are currently unknown.

The purpose of this report is to determine what, if any action the Council wants to take in relation to making any submission in to the public consultation process.

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Items requiring Council Resolution

From an officer's perspective the value of a submission is low as even if the Minister determines not to wind up the Central Murray County Council the other two member Councils that support the dissolution would retain the right to resign from it in any case leaving this Council the sole remaining member. This would have the effect of this Council still providing the service to its own area while also having to administratively maintain two Councils.

A copy of the proposal and the letter from Murray River Council lodging the proposal with the Minister are circulated with this agenda as **Appendix "A"** and **Appendix "B"**.

It does not appear that the Central Murray County Council itself has adopted the proposal.

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Items requiring Council Resolution

5.4 2020 COUNCIL ELECTION

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 13.055.1

RECOMMENDATION: That the Council resolves:

1. pursuant to s. 296(2) and (3) of the Local Government Act 1993 that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

REPORT:

Under section 296AA of the Local Government Act 1993 (the Act), councils must make a decision about how their September 2020 ordinary elections are to be administered no later than 11th March 2019. The Council must resolve either:

- to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda or;
- that the council's elections are to be administered by the general manager of the council.

If a council fails to resolve to engage the NSWEC to administer its elections by 11th March 2019, it will be required to administer its own elections.

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Items requiring Council Resolution

If the Council resolves to administer the elections itself, it must specify the following information in their resolution:

- whether the general manager intends to administer elections personally or to engage an electoral services provider;
- if the general manager intends to administer elections personally, whether the general manager has identified any persons to be appointed as the returning officer and substitute returning officer and, if so, their names;
- if the general manager intends to engage an electoral services provider, whether the general manager has identified an electoral services provider and, if so, the name of that provider.

If the Council chooses to engage the Electoral Commission to conduct its elections etc.:

When must the election arrangements with the NSWEC be finalised?

Where councils have resolved to enter into an election arrangement with the NSWEC, the contract with the NSWEC must be finalised no later than 15 months before the next ordinary elections (i.e. 11 June 2019).

Can election arrangements with the NSWEC be terminated?

Yes, but only after the council's ordinary election. An election arrangement for the NSWEC to administer all elections, polls and referenda of a council can be terminated by the council or the NSWEC at any time after the ordinary election by giving written notice of termination and in accordance with any notification requirements set out in the contract. If the election arrangement is not terminated by either party, the arrangement is automatically terminated 18 months before the following ordinary election when the council will be required to determine who will conduct its next ordinary election.

If a council does not engage the NSWEC to administer its ordinary election, can it engage the NSWEC to administer a particular by-election, poll or referendum after the ordinary election?

Yes. Where a council does not enter into an election arrangement with the NSWEC to administer its ordinary election, the council may resolve to enter into an election arrangement with the NSWEC to administer a particular by-election, poll or referendum following the ordinary election

If the Council chooses to conduct its own elections etc. or to engage a private provider:

Items requiring Council Resolution

If a council does not engage the NSWEC to administer its ordinary election, can it engage the NSWEC to administer a countback election following the ordinary election?

A countback election to fill a casual vacancy must be conducted by the returning officer who conducted the election at which the person whose departure created the casual vacancy was elected. If that is not possible, the countback election must be conducted by the substitute returning officer at that election and if that is not possible, by another returning officer appointed in accordance with the Act.

If a council appoints a returning officer and substitute returning officer who are employees of a commercial electoral services provider, the council's option to resolve to enter into an election arrangement with the NSWEC for the administration of a particular countback election may be limited by both the Act as well as the contractual arrangements agreed to between the council and the commercial electoral services provider.

If a council does not engage the NSWEC to administer its ordinary election, can it engage the NSWEC to administer a particular by-election, poll or referendum after the ordinary election?

Yes. Where a council does not enter into an election arrangement with the NSWEC to administer its ordinary election, the council may resolve to enter into an election arrangement with the NSWEC to administer a particular by-election, poll or referendum following the ordinary election.

What should the general manager consider when identifying persons to be appointed as a returning officer and substitute returning officer?

The general manager must ensure that the persons they identify for appointment as the returning officer and substitute returning officer (who exercises the functions of the returning officer in that person's absence), is suitably qualified and independent.

What is meant by 'independent'?

To ensure the conduct of an election is seen to be at arms' length from the council, an employee of a particular council cannot be appointed as a returning officer or substitute returning officer for a particular area (section 296A(4))

To avoid any perception of bias, friends or relatives of the mayor, councillors, general manager or candidates for election should not be appointed as the returning officer or substitute returning officer.

Items requiring Council Resolution

It is also important that electoral officials, including the returning officer are, and are seen to be politically neutral. For example, they must not have current or recent political affiliations with any political party, candidate, councillor or mayor.

A general manager of any council is ineligible for appointment as a returning officer, substitute returning officer or an electoral official (section 296A(5)).

If council decides to use a commercial electoral services provider is it necessary to go to tender?

Section 55 of the Act exempts councils from tendering when entering into a contract or arrangement for the NSWEC to administer the council's elections, referendums and polls. This exemption does not apply to contracts or arrangements with any other service provider.

Unless the cost of administering the elections is under \$150,000 or any of the other exemptions provided for in section 55 apply, councils will be required to go to tender or to conduct a selective tender when engaging a commercial electoral services provider.

This Council's anticipated election costs would likely be under \$150,000.

What services will the NSWEC provide to councils that administer their own elections?

The NSWEC provides enrolment services to councils conducting their own elections such as the provision of authorised rolls, candidates' rolls, an online look-up facility for non-residential electors, a list of general postal voters and enrolment declaration envelopes. These products and services will be provided at cost to the relevant councils.

What information are councils that administer their own elections required to provide to the NSWEC?

Councils conducting their own elections are required to provide certain information to the NSWEC to support it in the exercise of its statutory functions in connection with the administration of candidate registration and other electoral funding and disclosure requirements and the enforcement of the failure to vote provisions of the Act and Regulation.

Other considerations:

Is it possible for councils to share a returning officer to conduct several elections concurrently?

Items requiring Council Resolution

The legislation permits councils to share a returning officer. In this way costs (wages of the returning officer, office staff, and office accommodation) could be apportioned to participating councils.

If the decision is taken by councils to engage a single returning officer to conduct a number of concurrent elections, the general manager of each participating council will nonetheless retain ultimate responsibility for the conduct of their council elections.

As many election-related tasks and activities have legislative timetables that are nonnegotiable, strategies will need to be put in place to address the challenges of having only one returning officer, and detailed project plans will be required to ensure the delivery of the individual elections satisfies the legislation.

Each general manager in the combined group must issue an instrument of appointment nominating the same person as the returning officer for the group. The allocation of tasks (for example, one council may nominate a staff member to source the cardboard material, another council may nominate someone to work with Vision Australia on the arrangements for Braille ballot papers) and the costs to be apportioned to each council in the group also need to be documented.

Is it possible to conduct the count and distribution of preferences manually?

No. Under proposed amendments to the Regulation a new method of preference allocation will be used for council elections. The new method, the weighted inclusive Gregory method, uses a fractional transfer system. All ballot papers of the elected candidate are used to distribute the surplus (instead of a sample). The ballot papers are distributed at a reduced rate with each transfer of votes by applying a transfer value, making manual counts impossible.

Councils should ensure that any commercial electoral services provider they engage to conduct their elections is able to undertake a count utilising counting software that allocates preferences using the soon to be prescribed weighted inclusive Gregory method.

What arrangements should be made for countback elections?

Under amendments proposed to the Regulation, councils will have the option of filling vacancies that occur in the 18 months following the September 2020 council elections using a countback of the votes cast at the ordinary election instead of a by-election. Countback elections are not available for elections using the optional preferential voting system (including elections for popularly elected mayors).

Items requiring Council Resolution

In order to fill vacancies using a countback election, councils must resolve at their first meeting following the ordinary election that any casual vacancy is to be filled by a countback election.

The Council has previously engaged NSWEC to conduct its elections and despite reservation regarding the cost of providing these services they have been conducted professionally.

Engaging the NSWEC to conduct the next election also improves the opportunity of engaging a shared Returning Officer.

On balance, it is suggested that the Council engage NSWEC to conduct the 2020 Council election and other potential electoral services beyond that.

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Items requiring Council Resolution

5.5 SOUTHERN LIGHTS PROJECT**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** 28.101.5**RECOMMENDATION:** That the Council

1. Support the business case for funding of the smart street lighting program by the NSW Government at a cost of \$61.4M and seek support for the project from the local member
2. Support the rollout of LED lighting with smart technology capability for all street lights in the local government area

REPORT:

The Southern Lights project proposed to deliver LED street lights and digital enabling infrastructure through 83,000 street lights across southern NSW. It will provide better, cheaper, more efficient, more reliable street lighting and digital connectivity that will be enabling infrastructure for smart community technologies. This infrastructure will be a 'smart technology deployment' to regional communities and will include opportunities for all types of digital monitoring for example ; security, traffic measurements, asset tracking, livestock location, water meter measurements, garbage bin sensors, parking sensors, pedestrian movements and noise monitoring. Southern Lights is seeking the program to be fully funded by the State Government for \$61.4M and implemented over the 3 years.

1. Background

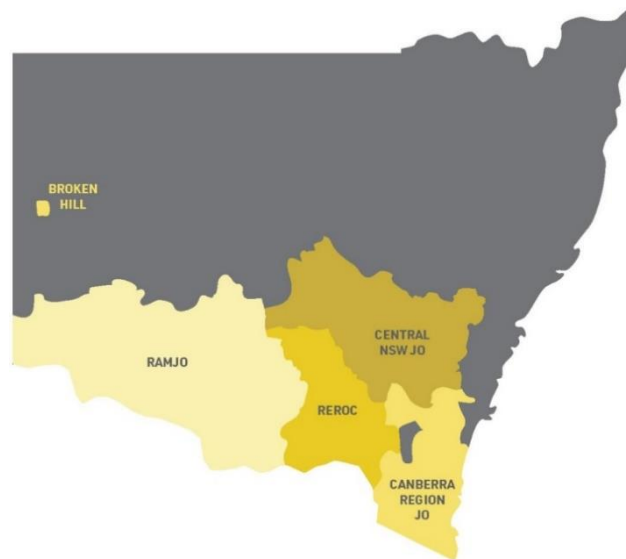
The Southern Light Project commenced in 2016 with a number of interested Councils and ROCs collaborating to drive the conversion of street lighting to LED lighting in order to save Councils up to 50% of the cost of their street lighting costs. The consortium of Councils is now represented by Riverina Eastern Regional Organisation of Councils (REROC), the Riverina and Murray Joint Organisation (RAMJO), the Central NSW Joint Organisation, the Canberra Region Joint Organisation and Broken Hill City Council.

From the initial focus of LEDs, the project has grown to encompass smart street lighting with street lighting being the *vehicle* for smart controllers that

Items requiring Council Resolution

will lead digital technology throughout regional NSW. The group engaged energy consultant NextEnergy to assist the preparation of the business case for the Southern Lights project. Essential Energy was recognised as a major stakeholder in the project being the provider of the majority of street lighting across the area. The Council group has now been working closely with NextEnergy and Essential Energy to:

- develop a business case to convince the State Government it should be funding an immediate rollout of smart street lighting
- develop the specifications for the street lighting and associated smart technology



2. Benefits of the Project

In summary the benefits are:

- *Reduced electricity costs to Council* ; up to 50% cost saving on traditional street lights
- *Improved service levels* ; smart technology will indicate any failed lights back to the maintenance authority
- *Lower maintenance costs* ; LEDs are more reliable, have a longer life and eliminate the need and maintenance is lower
- *Safer lighting* ; LED lighting levels can be adjusted for high security areas
- *Community enabling smart technology*; the streetlights are a vehicle for potentially hosting many other forms smart technology through the communication network connecting the street lights e.g. for example ; security, traffic measurements, asset tracking, livestock location, water meter measurements, garbage bin sensors, parking sensors, pedestrian movements and noise monitoring.

Items requiring Council Resolution

3. Business Case

Key Points from the Business Case roll out across the Southern Lights area are:

- The cost to implement the program across the 41 Councils \$71.2 M
- The program covers 83,000 lights
- Essential Energy will provide a rebate of \$9.8M
- The program(subject to funding) would be implemented over a 2-3 year time frame
- The payback period is 8.8 years
- Funding request to NSW Government is \$61.4M

This Business Case was submitted to the NSW Government in November seeking funding for the project.

4. What's needed now?

- a. Light suppliers** – it is proposed call tenders and establish a number of contracts for the supply of luminaire suppliers. The technical specification is in the process of being finalised and Essential Energy propose to call tenders in the near future.
- b. Smart Controllers and the Communication Backbone** - tenders will be called for both the smart controllers and the 'communication backbone'. Smart controller must be compatible with the enabling communication network (low to medium band width). Tenders will be called for these components by Essential Energy in the near future as soon as specifications have been finalised.
- c. Agreement for access to smart controllers** – an agreement for access to data from the smart street lights needs to be resolved prior to installation of the lights. This agreement will be developed early in 2019 while tenders for the infrastructure are being processed.
- d. Funding and Support**– the project needs the NSW Government to commit to funding the rollout of the project across the 41 Southern Lights Councils and our local members need to be familiar with the benefits this project and support its funding by the NSW
- e. Council Commitment** - council commitment is needed for 'smart' street lighting and not just upgrading with LEDs. Existing street lighting can be replaced with LED lighting without being 'smart enabled' however such a strategy is considered to be very short sighted and ignores the opportunity for our regional communities to take advantage of current and future digital technology.

Items requiring Council Resolution

5.6 DELIVERY PROGRAM PROGRESS REPORT & DECEMBER 2018 REVIEW

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO: 04.121.6

RECOMMENDATION: That the Council:

1. Note the December 2018 Delivery Program Progress Report and December 2018 Quarter Review of the Annual Operational Plan 2018/19 circulated as Appendix "C"


REPORT:

Circulated with this Agenda as **Appendix "C"** is the Delivery Program Progress Report December 2018 and second quarter review of the Council's *Annual Operational Plan 2018/19*.

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

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

The traffic light format provides a visual update on the status of *Council's Annual Operational Plan* and Council's progress toward full implementation of its 4-year *Delivery Program*. It is read in accordance with the following key:

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

Items requiring Council Resolution

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

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

The Council should also note that not all Annual Operational Plan Actions or objectives have targets and are reported in qualitatively by the responsible officer. Delivery Program Monitoring Measures are published in the appended Delivery Program Progress Report December 2018

The following table provides a summary by strategic outcome and the year to date the status of the Council’s 2018/19 Annual Operational Plan actions.

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	0	14	1	1	2	18
Good government	0	15			1	16
Supported and engaged communities	0	14	0	0	0	14
Diverse and resilient business	0	16	0	0	1	17

RESOLUTION

Items requiring Council Resolution

5.7 FINANCIAL REVIEW**AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 12.019.1**RECOMMENDATION:** that the Council:

- Note the second quarterly review of the 2018/19 budget and vote the funds contained therein as shown in Appendix "D"
- Note the Quarterly Budget Review Statement attached also as Appendix "E"

REPORT:

Circulated with the Agenda as **Appendix "D"** is the Quarterly Financial Review for the period 1 October 2018 to 31 December 2018. This report takes into account all known factors and work variations until 31 December 2018 and later where possible, including budget allocations for the 2018/19 financial year.

The summarised results are as follows:

	\$
Revised budget surplus as at 30/09/18	953,948
Additional expenditure as per this report	(415,834)
Additional revenue as per this report	<u>168,712</u>
Revised budget surplus as at 31/12/18	706,826

Significant changes proposed in this review include:

Favourable

1200-1951 Crown Lands Management Grant: The Council has received \$65,000 from the NSW government to prepare plans of management for each parcel Crown Land that is vested in the Council. This is expected to take three years to complete. Matching expenditure is included in this budget.

1011-0105 Tech Services Salaries EXE: The Council has been unable to fill some of its specialist design engineer staff and this is shown as a saving to

Items requiring Council Resolution

the Council. This saving is being used to help pay for recruitment and to fund contractors to complete the required design work.

Unfavourable

1010-0162 Bank Fees – GST inclusive: The move to the Bendigo Bank has seen the Council's bank fees – in the main BPay fees – jump significantly. The Council's BPay charges were around \$2,000 per month with NAB while for December 2018 under Bendigo Bank the charge was \$22,000. It appears the Council has been overcharged and a refund is to be provided.

1511-0398 Automate Centralised Meter Reading An additional \$500,000 has been pulled from the Water Supply Reserve for this project. This is required as the Council revised its initial tender to go with a higher standard and longer lasting meter.

4110-1700 Water Loan Proceeds: Council has included in its budget a loan to match anticipated grant funding for an upgrade to the water treatment plant at Barooga. The grant will not be available this year and so the loan proceeds and other associated funds have been removed from this year's budget.

Significant variations contained in the attached quarterly review document are detailed below. Variances which are unfavourable to the Council's result are shown with a (u) next to them and variances which are favourable are denoted with a (f).

Councillors are invited to make comments or ask questions about any of the variances in this report

JOB / GL	DESCRIPTION	VARIATION	COMMENT
1010-0162	BANK FEES - GST INCLUSIVE	\$66,590 U	Estimated Bendigo Bank Fees – under review
1010-0202	ADMIN LEGAL EXPEN - DEBT/COLL	\$15,509 F	Lower debt collection costs – reduced in line with 1200-1870
1010-0280	CROWN LANDS MANAGEMENT EXPENSES	\$65,697 U	Funded by 1200-1951
1200-1951	CROWN LANDS MANAGEMENT GRANT	\$65,697 F	New grant program – expenditure in 1010-0280
1011-0105	TECH SERVICES SALARIES - EXE.	\$175,800 F	Savings from unfilled positions. Used to fund new position and consultants to complete design work
1011-0106	TECH SERVICES SALARIES - PROJECT MGR	\$130,000 U	Funded from unfilled positions elsewhere
1011-0142	TECH SERVICES EXP - ADVERTISING	\$12,000 U	Required to help recruit design engineer positions

RESOLUTION

Items requiring Council Resolution

JOB / GL	DESCRIPTION	VARIATION	COMMENT
1011-0146	TECH SERVICES - CONSULTANCY	\$22,415 U	Required to complete work as a result of unfilled vacancies
1200-1870	LEGAL COSTS RECOVERED	\$10,000 U	Debt collection costs reduced
1400-1510	WORKERS COMPENSATION INSURANCE REFUND	\$18,938 F	Refund received
2120-1950	RFS OPERATIONAL GRANT (B&C)	\$59,400 F	Grant received
1412-0527	BGN - NEW LANDFILL HOLE	\$65,933 U	Funded from reserve
1412-0532	BGN - COMPACTION EQUIPMENT	\$70,000 U	Funded from reserve
1412-0534	BGN - TRANSFER STATION	\$120,000 U	Funded from reserve – as per December Council meeting
3660-1000	DWM CHARGES COLLECTED	\$13,263 F	Additional funds received
3670-1926	GARBAGE TRANSFER FROM RESERVE	\$233,436 F	To fund new works
1417-0841	JERILDERIE ST HORSFALL TO NANG	\$180,929 U	RMS funded works / Half cost Council
1417-0842	JERILDERIE ST - NANGUNIA TO ORR	\$15,675 F	RMS funded works / Half cost Council
3750-1950	DRAINAGE - SH17 RIVERINA HWY	\$75,946 F	RMS funded works / Half cost Council – distribute to 7300-1668
1420-0000	PUBLIC CONVENIENCE CLEANING	\$16,256 U	Additional costs – need to apportion cemetery costs
3850-1812	CEMETERY CHARGES - SHIRE INCLUDING G	\$30,000 U	Fewer burials than budgeted to date
1510-0500	WATER SUPPLIES PRINCIPAL ON LO	\$282,405 F	Remove possible loan from 18/19 budget
1510-0560	MAINS RETIC - BGA	\$18,482 U	Apportion budget to Barooga
1510-0567	MAINS RETIC - BGN JERILDERIE ST	\$17,988 F	RMS funded works / Half cost Council
1511-0355	WATER SUPPLY INTEREST ON LOANS	\$42,898 F	Remove possible loan from 18/19 budget
1511-0398	AUTOMATE CENTRALISED METER READ	\$500,000 U	Upgrade in standard of new meters. Funded from water reserve
4110-1700	WATER LOAN PROCEEDS	\$1,500,000 U	Remove possible loan from 18/19 budget
4110-1926	WATER TRANSFER FROM RESERVE	\$2,319,539 F	Remove possible loan from 18/19 budget
4110-2026	WATER SUPPLIES TRANSFER TO RESERVE	\$647,691 U	Less funds required from water reserve for major projects
1610-0852	IMPROVE EMBANKMENT OF THE PONDS	\$21,449 U	Required works undertaken not in budget
1611-0144	SEWER - EFFLUENT RE-USE - FIN	\$11,047 U	Redistribute budget to Finley works

NON-FUNCTIONAL RESOLUTION

Items requiring Council Resolution

JOB / GL	DESCRIPTION	VARIATION	COMMENT
5110-1700	INTEREST INCOME - INTERNAL LOAN 385	\$42,898 U	Remove possible loan from 18/19 budget
5110-1926	SEWER TRANSFER FROM RESERVE	\$1,145,183 U	Remove possible loan from 18/19 budget
5110-3700	Internal Loan 385 Receivable-Current	\$282,405 U	Remove possible loan from 18/19 budget
5110-3750	Loan 387 Receivable - Current	\$1,500,000 U	Remove possible loan from 18/19 budget
1710-0246	GET ONLINE WEEK GRANT EXP	\$14,000 U	To match grant funds (Income recognized in Sept 2018)
1717-0238	BGN - SPORTSG LIGHTING SCCF2	\$48,637 F	Reduced scope of works as a result of reduced funding from NSW government
0015-0356	MR356 BERRIGAN - OAKLANDS RD	\$14,149 U	Distribution from Block Grant Budget
0015-0363	MR363 BERRIGAN - BAROOGA RD	\$12,846 U	Distribution from Block Grant Budget
0015-0550	MR550 TOCUMWAL - MULWALA RD	\$20,870 U	Distribution from Block Grant Budget
0015-0999	RTA MR BLOCK GRANT BUDGET ONLY	\$280,292 F	Distribution to Block Grant Jobs
1905-0100	TOWN ENTRY - BAROOGA	\$16,780 U	Adjustment of allocation of Town Entry funding
1905-0300	TOWN ENTRY - FINLEY	\$16,780 F	Adjustment of allocation of Town Entry funding
1910-0708	RESEAL DAVIS ST	\$11,276 U	Additional costs incurred
1910-0712	RESEAL DRUMMOND ST BGN	\$12,309 U	Additional costs incurred
1912-0121	FIRE BREAKS - RURAL UNSEALED R	\$10,377 U	Additional costs incurred
1912-0242	RESHEET EDNIES RD YARRAWONGA	\$15,061 U	Additional costs incurred
1913-0841	JERILDERIE ST- HORSFALL TO NANG	\$18,165 F	RMS funded works / Half cost Council
1911-0062	RESEAL CROSBIES RD - BRIDGE	\$32,930 U	Reallocation of costs from 1914-0062
1911-0565	RESEAL BROUGHANS RD WEST END	\$59,410 U	Increase in priority of works
1914-0112	MAXWELLS RD 0-1500	\$81,562 U	Rehabilitation work required.
1916-0841	JERILDERIE ST - HORSFALL TO NANGUNIA	\$67,455 U	RMS funded works / Half cost Council
1916-0842	JERILDERIE ST - NANGUNIA TO OR	\$26,070 U	RMS funded works / Half cost Council
7300-1668	K & G Jerilderie St - Horsfall to Nangunia	\$10,000 U	RMS funded works / Half cost Council – distribute from 3750-1950

RESOLUTION

Items requiring Council Resolution

JOB / GL	DESCRIPTION	VARIATION	COMMENT
7300-1951	K&G - RMS Funding	\$54,187 U	RMS funded works / Half cost Council – distribute from 3750-1950
1956-1000	RTA REGIONAL ROAD REPAIR BUDGET	\$222,570 F	REPAIR funding allocated
1956-1017	MR363 REHAB 8.937-9.93	\$41,985 U	REPAIR funding allocated
1956-1019	MR564 4047-4714	\$175,334 U	REPAIR funding allocated
2012-0196	TOURISM STRATEGIC PLAN	\$10,000 F	Savings identified
8720-1894	FINLEY ST SUBDIVISION - DISPOSAL	\$45,454 F	Sale funds to reserve
8720-1926	REAL ESTATE DEVT - TFR TO RESERVE	\$45,455 U	Sale proceeds
9400-1842	INTEREST - TERM DEPOSITS	\$23,275 F	Additional funds received
9400-1843	INTEREST - OTHER	\$35,619 F	Additional funds received

The Quarterly Budget Review Statement (QBRs) for the period 1 September 2018 to 31 December 2018 is attached as **Appendix “E”**.

The QBRs consists of six statements:

1. Report by Responsible Accounting Officer – The Responsible Accounting Officer is satisfied that the Council’s financial position at 31 December 2018 is satisfactory.
2. Income & Expenses Budget Review Statement – This statement projects the Council’s annual operating statement for the financial year based on the budget position on 31 December 2018.

The Council’s budgeted net operating result was projected to decline by \$506,000 driven by an increase in budgeted employee costs in the main.

The budgeted net operating result at the end of the December quarter is a \$6.7m surplus, becoming a deficit of \$1.9m after deducting \$8.6m of capital grants and contributions. This deficit is largely in line with expectations given the Federal Government’s decision to pay 50% of this year’s Financial Assistance Grant in June 2018.

3. Capital Budget Review Statement – This statement tracks the Council’s capital expenditure and the sources of funding used to pay for the capital works.

The Council increased its capital works program by \$1.0m, mainly relating to works at the Tocumwal waste management facility and the scheduled water meter replacement

Items requiring Council Resolution

4. Cash and Investments Budget Review Statement – This statement indicates what the Council's expected end-of-year cash position is likely to be taking into account all known budget changes until the end of the quarter.
5. Key Performance Indicators Budget Review Statement – This statement is designed to provide some simple financial indicators to give the Council a snapshot of how it is performing financially.

Unlike the earlier reports there is some freedom here for the Council to choose what indicators it would like to see included in the report. The finance team have chosen three that seem reasonably useful for the Council to track.

- Debt Service Ratio – an indicator of how much of the Council's income is used to service its debt
- Rates & Annual Charges Coverage Ratio – an indicator of how reliant the Council is on its rates revenue
- Building and Infrastructure Renewal Ratio – an indicator of the Council's effort in renewing its assets as they deteriorate.

All indicators show that the Council is on target to meet its overall objectives – with the exception of the Rates and Annual Charges Ratio. This has been heavily impacted by the receipt of capital grant funding for the Tocumwal Foreshore, the various Stronger Country Communities Fund projects and the Strathvale Road/Berrigan bypass project. The more grants Council; gets, the worse this ratio will become.

6. Contracts and Other Expenses Budget Review Statement – This statement is an attempt to provide the Council with some detail about the Council's new contractual arrangement and expenditure on consultancies and legal expenses.

Items requiring Council Resolution

5.8 EVENT FUNDING

AUTHOR: Economic & Industry Development Liaison

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO: 08.063.3

RECOMMENDATION: - that the Council not approve the funding request for the Barooga Rodeo.

REPORT:

The Barooga Rodeo is in its second year however a similar event – The Barooga Professional Bull Riding (PBR) - ran for two years without success. The Barooga Rodeo is being promoted by the same person as the PBR. The lack of success for the PBR was attributed to bad weather and an unsuited collaboration of the event with a music festival known as ‘The Barooga Strings’.

The Barooga Rodeo replaces the Tocumwal Rodeo on Easter Sunday, 21st April 2019 so will have an audience already in the area and looking for entertainment.

Council funded the Radio advertising program for the 2018 Barooga Rodeo of \$4,300. In the 2019 application the radio advertising is quoted at \$7,000, however no programming schedule is provided to indicate where the increase in advertising spend will be realised. The Marketing and Promotion budget is incorrectly totaled in the application and reflects a reuse of the 2018 application with some figures altered.

Two budget documents are provided with the application attached as **Appendix “F”** and **Appendix “G”**. The documents are confusing as they are both dated for the 2018 event and the income figures do not agree.

The application indicates that an advertising prospectus was developed and circulated in November 2018 but the document was not supplied with this funding application.

The organiser predicts an audience of 2500 – 3000 people based on last year’s figures however there is no mention of the number who attended in 2018.

Under Councils Event Funding criteria this event satisfies the following key indicators:

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Items requiring Council Resolution

- * As a sporting event this event is relevant to the Berrigan Shire Tourism Strategy and would satisfy as a tier three event.

The Event Impact summary indicates a modest financial impact for the Berrigan Shire economy assuming an attendance of 2500 people and all paying full entrance fees and purchasing food at the event site.

Event Impact Summary

Berrigan Shire - Barooga Rodeo - Modelling the effect of \$45,000 from a Sports and Recreation Activities event with Local significance				
	Output (\$)	Value-added (\$)	Employment (annual FTE)	Resident Jobs (annual FTE)
Direct impact	38,682	17,996	0.3	
Industrial impact	13,451	6,181	0.1	
Consumption impact	5,162	2,377	0.0	
Total impact on Berrigan Shire economy	57,295	26,554	0.4	

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

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

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



The Funding application is circulated as **Appendix “H”**

Items requiring Council Resolution

5.9 STRATEGIC RELATIONSHIP WITH THE SPORTIES GROUP

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

FILE NO: 08.094.1

RECOMMENDATION: that the Council advise the Sporties Group that it is prepared to develop a strategic partnership with it to advance the local economy and community.

REPORT:

Councillors may recall that at the November 2018 meeting of the Corporate Services Committee it received a presentation from representatives of the Sporties Group. Unfortunately the Council did not resolve any specific outcome following that presentation.

Set out below are the notes from the presentation contained within the minutes of that meeting.

Bobby Brooks & Tony Tranter – Barooga Sporties
Bobby Brooks

- New strategic plan
- About sustainability and community support
- See the Council as a strategic partner

Tony Tranter

- Developing sports program with the Council and Cobram Barooga Business & Tourism
- Sports program targets being exceeded
- Want to be No. 1 destination in the region and to be valued by members and guests
- Making operational surplus but assets aging
- 3,500 golf visitors per annum
- Golf is critical to the region
- Only 0.04% of the golf market
- Need to stay ahead of the game

Items requiring Council Resolution

- Golf flagship events – European ladies tour second tier events at Cobram/Barooga, Tocumwal and Yarrawonga
- Attraction of conferences – grows off golf
- Key strategic projects
- Want to make the Council aware

My understanding of the purpose of the presentation was to request the Council to develop an acknowledged strategic partnership that would endorse the two organisations working together on a range of not yet defined projects with the broad aim of developing the local economy and the local community.

It would be useful for the Council to determine its position and to advise the Sporties Group.

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Items requiring Council Resolution

5.10 LAND ACQUISITION – REALIGNMENT OF STRATHVALE ROAD (BARRETT)**AUTHOR:** Director Technical Services**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities**FILE NO:** 05.005.9**RECOMMENDATION:** that the Council agree to sign and seal the agreement “Purchase of Land for Road Realignment between Berrigan Shire Council and Mr PF Barrett and Mrs HW Barrett” (Appendix “I”) and pay compensation as set out in the agreement totaling \$4,057.00

REPORT:

The reconstruction of Strathvale Road includes the realignment of the intersection of Strathvale Road and Berrigan Oaklands Road, and to enable this realignment it is necessary to acquire 105m² of land from property owned by Mr PF Barrett and Mrs HW Barrett.

The Barretts offered to sell the Council the land subject to conditions and compensation as set out in the attached agreement “Purchase of Land for Road Realignment between Berrigan Shire Council and Mr PF Barrett and Mrs HW Barrett”.

The agreement requires Council to pay monetary compensation for the market value of the land, disturbance to the owners being a total amount of \$4,057.00 and to be paid following gazettal of the acquisition. Fencing of the new alignment will be carried out by Council along with the relocation of some existing assets.

Subdivision plans for the acquisition will be prepared and processed at Council’s cost.

Items requiring Council Resolution

5.11 LAND ACQUISITION – REALIGNMENT OF STRATHVALE ROAD (NAMARANG NOMINEES PTY LTD)**AUTHOR:** Director Technical Services**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities**FILE NO:** 05.005.9**RECOMMENDATION:** that the Council agree to sign and seal the agreement “Purchase of Land for Road Realignment between Berrigan Shire Council and Namarang Nominees Pty Ltd” (Appendix “J”) and pay compensation as set out in the agreement totaling \$4012.00

REPORT:

The reconstruction of Strathvale Road includes the realignment of the intersection of Strathvale Road and Berrigan Oaklands Road and to enable this realignment it is necessary to acquire 73m² of land from property owned by Namarang Nominees Pty Ltd.

Kel Baxter offered to sell the Council the land subject to conditions and compensation as set out in the attached agreement “Purchase of Land for Road Realignment between Berrigan Shire Council and Namarang Nominees Pty Ltd.

The agreement requires Council to pay monetary compensation for the market value of the land, disturbance to the owners being a total amount of \$4012.00 and to be paid following gazettal of the acquisition. Fencing of the new alignment will be carried out by Council.

Subdivision plans for the acquisition will be prepared and processed at Council’s cost.

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Items for Noting

6.2 DROUGHT RESPONSE PROJECT**AUTHOR:** Strategic & Social Planning Coordinator**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation**FILE NO:** 08.094.1

REPORT:

In response to the drought, a workshop was facilitated, held 30 August 2018 and attended by the Mayor to:

1. Identify at a community level the social / economic impacts of the recent drought declaration;
2. Consider what local support / strategies should be investigated;
3. How Council and or community resources should be used to support drought affected families, farms, businesses and community groups.

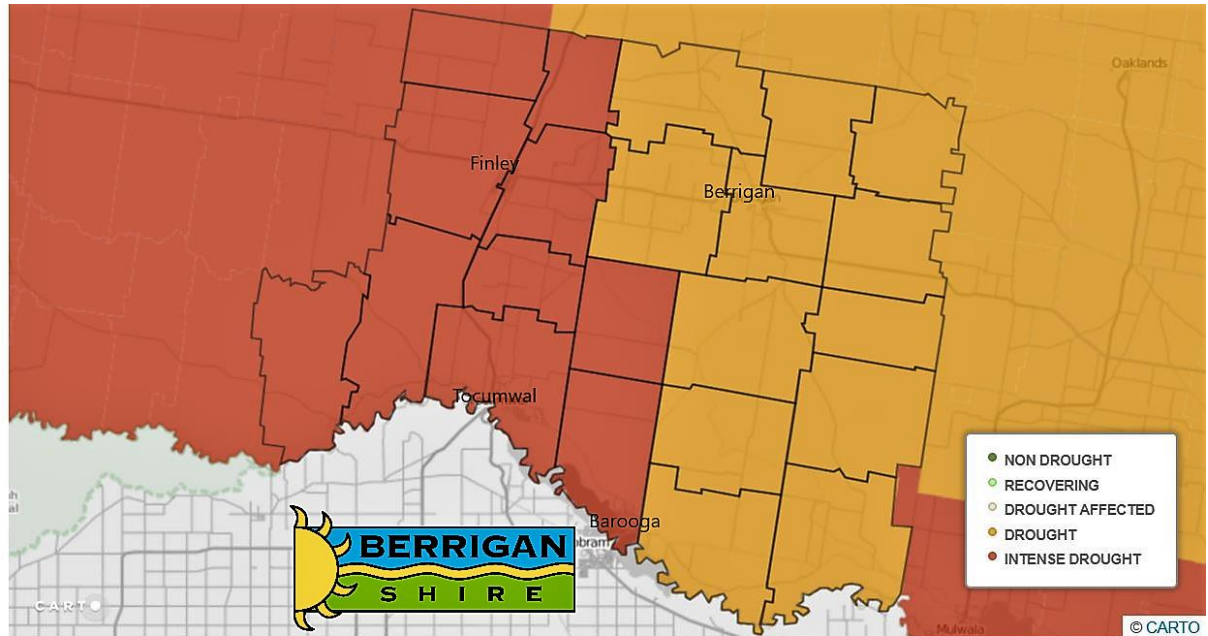
The Council established in October 2018 a Drought Response Project: a time-limited project subject to six-monthly review by the Council. In the past three months, Drought Response activities have included:

- Liaison with Dept. Human Service – mobile service centre visits with Farm Household Case Officer in attendance which visited Tocumwal 6 November 2018 and Finley 7 November 2018.
- Liaison and co-sponsorship with Local Land Services – Animal Management Workshop 15 November 2018 (Tocumwal).
- Liaison with Murray Hut CWA re: CWA Financial Assistance Grants (up to \$3,000 for eligible households). Including the distribution of application forms via Council Libraries, grant promotion and information on how to access this assistance via social media, Council's bulletin and website.
- Preliminary planning for a free community event designed to raise funds for local distribution and projects.
- Facebook posts and website providing information on how to access local support for issues identified as priority specifically: rural financial counselling, family and household assistance, accessing potable water and support for the personal wellbeing or that of family and friends.

NOTING

Items for Noting

Included for Council information in this report is a copy of the NSW Department of Primary Industry Drought Map identifying the extent of drought declarations as at 12 December 2018.



CDI = Combined Drought Indicator. RI = Rainfall Index. SWI = Soil Water Index. PGI = Pasture Growth Index. DDI = Drought Direction Index <https://edis.dpi.nsw.gov.au/retrieved> 12 December 2018

NOTING

Items for Noting

**6.3 AUSTRALIAN LOCAL GOVERNMENT
WOMENS'S ASSOCIATION NSW
CONFERENCE****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 14.064.1

REPORT:

The host of the Australian Local Government Women's Association NSW Conference, Liverpool City Council has written to the Council inviting Councillors to participate in the NSW Conference to be held 4th – 6th April 2019 incl.

Cost of standard registration is \$1,080 with travel, accommodation and sustenance additional.

The conference is open to both men and women.

Interested Councillors can peruse the conference details upon request and if interested in attending should seek an appropriate resolution from the Council.

NOTING

Items for Noting

6.4 2018 COUNCIL BY-ELECTION**AUTHOR: General Manager****STRATEGIC OUTCOME: Good government****STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting****FILE NO: 13.055.1**

REPORT:

As Councillors may be aware the Council held a by-election on 14th July 2018 to fill a casual vacancy caused by the passing of former Cr Bernard Curtin.

The by-election resulted in Cr Reynoldson being elected to the Council.

The by-election was conducted on the Council's behalf by the Electoral Commission NSW.

The NSW Electoral Commissioner has now provided his report into the conduct of the by-election which is circulated with this agenda as **Appendix "K"**

Items for Noting

**6.5 AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION NATIONAL GENERAL
ASSEMBLY – NOTICES OF MOTIONS****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 14.064.1

REPORT:

The Council has been invited by the Australian Local Government Association to submit any motions that it may have for the 2019 National General Assembly that will be held 16th – 19th June 2019 at Canberra.

The Council has only very rarely attended the National General Assembly and in submitting a motion would either need to attend to support it or to arrange for another Council attending to support it.

If a motion is to be submitted it must meet the following criteria:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the NGA
3. complement or build on the policy objectives of your state and territory local government association
4. be submitted by a council which is a financial member of their state or territory local government association
5. propose a clear action and outcome
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: That this National General Assembly call on the Federal Government to restore funding for local government financial assistance grants to a level equal to at least 1% of Commonwealth taxation revenue.

NOTING

Items for Noting

The aim of the National General Assembly this year is to consider what Councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

According to the ALGA this raises the questions of:

1. What can local governments do differently now, and in the future, to deliver more for less? o Are there new business models and new partnerships, new technologies and the willingness to reduce, phase out or change existing practices, opportunities for more sophisticated service planning and more efficient procurement?
2. How can local governments collaborate, be entrepreneurial and embrace disruption and innovation?
3. How can the Commonwealth Government help local governments prepare for the future and why should they care? o What are the opportunities for leveraging regional, state and national partnerships?

The above is seen as the focus of Council motions by the ALGA.

Registration for the Assembly is \$989 with transport, accommodation and sustenance additional.

Any Councillor wishing to attend should obtain an appropriate resolution from the Council.

Staff have no suggested motions for the Assembly.

Items for Noting

**6.6 RATES AND CHARGES - 2018/2019 RATES
COLLECTIONS AND OUTSTANDING
DEBTORS BALANCES – 2nd QUARTER****AUTHOR:** Revenue Officer**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by
Council of Council operations and
reporting**FILE NO:** 25.138.1

REPORT:**1. Rates & Charges**

At 2 January 2019, the Council has collected 56.53% of the total rates, service charges, arrears and water consumption charges raised in 2018/19 to date – a slight increase on the amount collected as at the same time last year.

Council has had success with the collection of some large outstanding rates in the second quarter, using a more hands on approach and continuing to work in conjunction with the Debt Collection Agency, therefore I am confident that Council will continue to meet the rates collection benchmarks it has set.

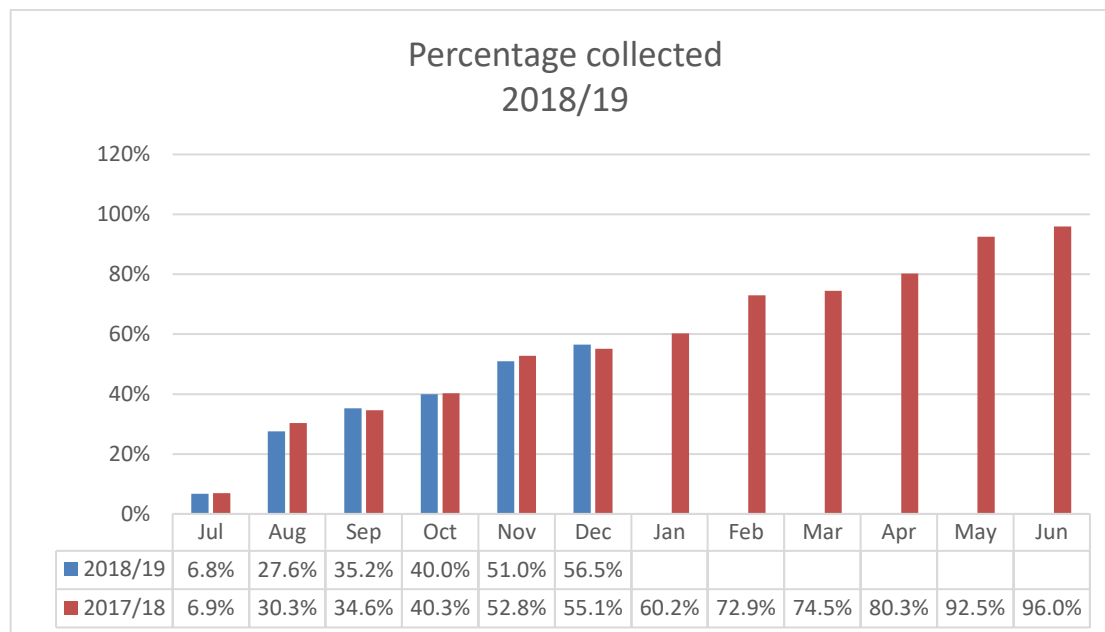
In December the Assistant Revenue Officer (ARO) attended the offices of our Debt Collection Company in Sydney. The ARO spent the day learning the processes involved when outstanding accounts are forwarded for collection. With the introduction of the new Debt Management and Hardship Guidelines in November 2018, it is important moving forward that Council continues to develop and maintain this productive working relationship.

After extended negotiation with a ratepayer regarding a property in Berrigan, the ratepayer decided to sell the property. This sale recouped over \$20,000 in unpaid rates at settlement.

A further two properties with large amounts of rates owing are in the process of being sold, these will hopefully settle in January and the outstanding rates will be paid out on settlement.

NOTING

Items for Noting



2. Debtors

A brief list of outstanding debtors as at the end of November and December 2018 is as follows:-

DEBTORS	2018/19	
	END NOVEMBER	END DECEMBER
GENERAL/SUNDRY/OTHER DEBTORS	\$829,764	\$1,258,320
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	\$981	\$767
HALF COST K&G/FOOTPATH DEBTORS	\$100,750	\$84,412
SEC 355 COMMITTEE LOANS	\$10,307	\$4,171
SWIMMING POOLS	\$2,293	\$2,293
CEMETERY DEBTORS	\$1,984	\$11,628
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$605,578	\$129,868
STAFF DEBTORS	\$1,256	-\$277
STAFF SUPERANNUATION	-\$5,839	-\$5,516
SHIRE LAND SALE DEBTORS	-\$2,000	\$143,000
TOCUMWAL AERODROME	\$4,033	\$1,677
TOTAL	\$1,549,136	\$1,630,343

In the table above the only major difference between November and December is the General/Sundry/Other Debtors. There is three large amounts which attribute to this difference,

- ATO \$194,000 which will be paid by the end of the month

Items for Noting

- Toc Foreshore Committee \$200,000 with payment pending
- Roads and Maritime Services \$632,294.81 with negotiation for payment ongoing

A land sale has settled on an aerodrome block (\$144,000), this is currently in the hands of Solicitors with a 90-day settlement.

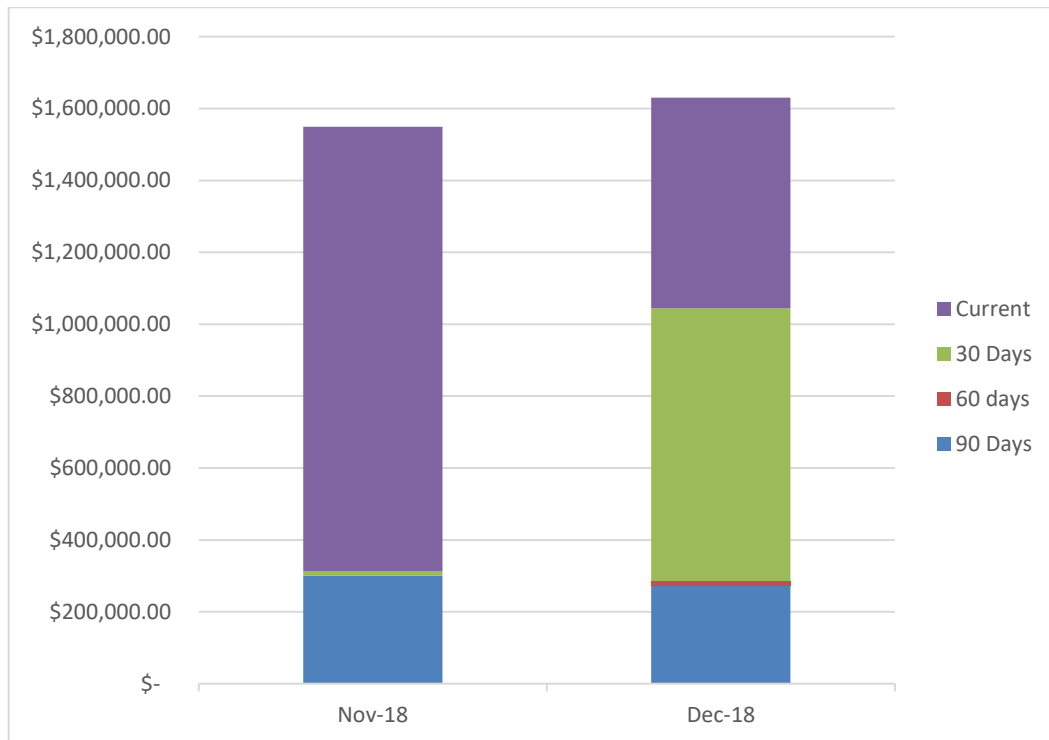
Council have come to an out of court settlement with VicTrack for the disputed half cost works on Tuppal Road Tocumwal. VicTrack have subsequently paid the agreed amount of \$5,784.46 (50%) to Council. The remaining \$5,784.46 is to be written off.

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

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

The amount of debt outstanding over 30 days has increased significantly largely due to the outstanding amounts listed above.

□



NOTING

Items for Noting

3. Activity

There has been no applications for Hardship in this quarter.

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

- Reminder letters sent for rates: 349 ratepayers
- Continued to actively work with ratepayers with large outstanding balances to set up suitable and fair payment arrangements.

Items for Noting

6.7 GENERAL MANAGER'S HALF YEARLY PERFORMANCE REVIEW**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** PF

REPORT:

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

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

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

Items for Noting

6.8 SPECIAL COMMISSION OF INQUIRY INTO THE DRUG “ICE”**AUTHOR: General Manager****STRATEGIC OUTCOME: Supported and engaged communities****STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities****FILE NO: 14.145.3**

REPORT:

The NSW government has established a Special Commission of Inquiry into the Drug “Ice”

The appointed Commissioner, Professor Dan Howard SC, has written to advise that the Special Commission of Inquiry’s terms of reference require it to inquire into and to report to the Governor by 30th September 2019 on:

- A. The nature, prevalence and impact of crystal methamphetamine (ice) in NSW.
- B. The adequacy of existing measures to target ice in NSW.
- C. Options to strengthen NSW’s response to ice, including law enforcement, education, treatment and rehabilitation responses.

The Commissioner is also required to consult with communities and stakeholders on or before 31st January 2019 on detailed terms of reference for the conduct of the Inquiry for consideration by the Premier.

The Council has, therefore, been invited to:

- Nominate the identity of any particular topic, subject matter or issue falling within the above terms of reference, with a brief explanation, that it would like to be considered for possible inclusion in the scope of the Inquiry.
- Commenting upon the draft proposal for the conduct of the Inquiry (see **Appendix “M”**)

Responses to the above are required by 31st January 2019.

Note: actual submissions to the Inquiry are not being sought at the stage.

Items for Noting

Any Councillors with additional items for consideration of the Inquiry or issues in relation to the proposed conduct of the Inquiry should raise these at the meeting for consideration.

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Items for Noting

6.9 NEW COUNCIL OBLIGATIONS**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 14.165.3

REPORT:

The State Government has introduced various new obligations for Council.

The most significant of these are:

New Model Code of Conduct which applies from 14th December 2018 and must be adopted by 14th June 2019.

Model Code of Meeting Practice which applies from 14th December 2018 and must be adopted by 14th June 2019.

New Councillor Induction and Professional Development Guidelines

It is proposed to deal each of the obligations separately at future Committee meeting to allow for a full explanation of the obligations and discussion regarding options for implementation.

Items for Noting

6.10 LOCAL GOVERNMENT REMUNERATION TRIBUNAL – 2019 DETERMINATION**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 14.145.3

REPORT:

The local Government Remuneration Tribunal has advised the Council that it has commenced the review for its 2019 determination for fees payable to Councillors.

The review will consider both minimum and maximum fees to Councillors for each category of Councils. The Tribunal is also required to comply with the State Governments public sector wages policy which in effect caps any increase in remuneration levels to 2.5% pa.

Also, where there is a strong case to do so or otherwise, routinely to as a part of its 2022 review the Tribunal advises they will conduct a review of Council categories.

Berrigan Shire is appropriately classified as “Rural”.

The Tribunal invites submissions from Councils in relation to the two issues by 30th January 2019.

There appears to be no reason for the Council to make any submission as its categorisation is appropriate unless it wants to argue for an increase of less than 2.5%.

NOTING

Items for Noting

6.11 DEVELOPMENT DETERMINATIONS FOR MONTH OF DECEMBER 2018

AUTHOR: Executive Support Officer

STRATEGIC OUTCOME: Good government

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

FILE NO:

REPORT:

APPLICATIONS DETERMINED FOR DECEMBER 2018

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
60/19/DA/DM	EARTHWORK EXCAVATIONS/ RETAINING WALLS	41 COLLIE STREET, BAROOGA NSW 3644 (Lot25//DP574086)	Mr M J & Mrs C L Shannon	MR M J & MRS C L SHANNON	Approved 04-12-2018	\$ 4000.00	Active 3	Total 33
66/19/DA/DO-M	MODIFICATION TO 16/19/DA/DO - RURAL SHED	268 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot2//DP791909)	Kel Twite	MR GD AND MRS JM LYONS	Approved 14-12-2018	\$ 0.00	Active 27	Total 27
70/19/DA/D5	DOUBLE CARPORT	25 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot1//DP320250)	Mr G C Stein	MR GC STEIN & MRS KJ STEIN	Approved 14-12-2018	\$ 2970.00	Active 4	Total 18
74/19/DA/D1	BV DWELLING & ATTACHED GARAGE	4 CHOMLEY CLOSE, BAROOGA NSW 3644 (Lot6//DP1110970)	Mr Wayne & Mrs Joanne Hoolahan	MR WF & MRS J HOOLAHAN	Approved 11-12-2018	\$ 380000.00	Active 0	Total 11
24/19/CD/M4	RESIDENTIAL STORAGE SHED	71 COBRAM STREET, BERRIGAN NSW 2712 (Lot6//DP25875)	Ms Valma Rook	MRS C B BOND	Approved 03-12-2018	\$ 3000.00	Active 4	Total 4
25/19/CD/M1	BV DWELLING & ATTACHED GARAGE	8 PUTTER COURT, BAROOGA NSW 3644 (Lot103//DP1133352)	MS Construction Pty Ltd	MR S J REDMAN & MRS F A REDMAN	Approved 04-12-2018	\$ 412000.00	Active 1	Total 1
78/19/DA/D5	RURAL SHED	BUCHANANS ROAD, BAROOGA NSW 3644 (Lot1//DP712556)	All Sheds Shepparton	BABCON PTY LTD	Approved 12-12-2018	\$ 49750.00	Active 5	Total 5
79/19/DA/DM	TREE REMOVAL	55 COBRAM STREET, BERRIGAN NSW 2712 (Lot56//DP245219)	Mr A J Coldwell	MR AJ COLDWELL	Approved 20-12-2018	\$ 0.00	Active 11	Total 11
26/19/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	4-6 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot5/28//DP758981)	Poolside Cobram	MR CR AND MRS KL STEPHENSON	Approved 19-12-2018	\$ 48770.00	Active 6	Total 6
27/19/CD/M1	BV DWELLING & ATTACHED GARAGE	17 LEWIS CRESCENT, FINLEY NSW 2713 (Lot20//DP1245044)	G J Gardner Homes Albury	MRS LD BURTON	Approved 20-12-2018	\$ 298132.00	Active 7	Total 7
23/19/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	101-105 SNELL ROAD, BAROOGA, NSW 3644 (Lot3//DP1131416)	Naughtons Pools and Spas	MR DR AND MRS MS LAWS	Approved 19-11-2018	\$36000.00	Active 3	Total 3
73/19/DA/D1	DWELLING	4 BROWNE STREET, TOCUMWAL NSW 2714	Stoneway Constructions	MR D A GILLESPIE	Approved 29-11-2018	\$268947	Active 4	Total 4

NOTING

Items for Noting

APPLICATIONS PENDING DETERMINATION AS AT 08/01/2019

Application No.	Date Lodged	Description	Property Location
135/18/DA/D1	15-05-2018	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW (Lot19//DP286078)
136/18/DA/D1	18-05-2018	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot5//DP286078)
75/19/DA/D9	27-11-2018	3 LOT SUBDIVISION	FRANKS ROAD, BAROOGA NSW 3644 (Lot6//DP1076143)
80/19/DA/D1	05-12-2018	BV DWELLING & ATTACHED GARAGE	5 RIVERVIEW COURT, BAROOGA NSW 3644 (Lot5//DP1150036)
81/19/DA/D1	12-12-2018	DWELLING & ATTACHED GARAGE	3 BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot542//DP1107605)
28/19/CD/PC	21-12-2018	SOLAR ENERGY INSTALLATION - 60 PANELS	TONGS STREET, FINLEY NSW 2713 (Lot185//DP752299)
82/19/DA/D9	03-01-2019	6 LOT SUBDIVISION	36 WHITE STREET, FINLEY NSW 2713 (Lot1//DP871378)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

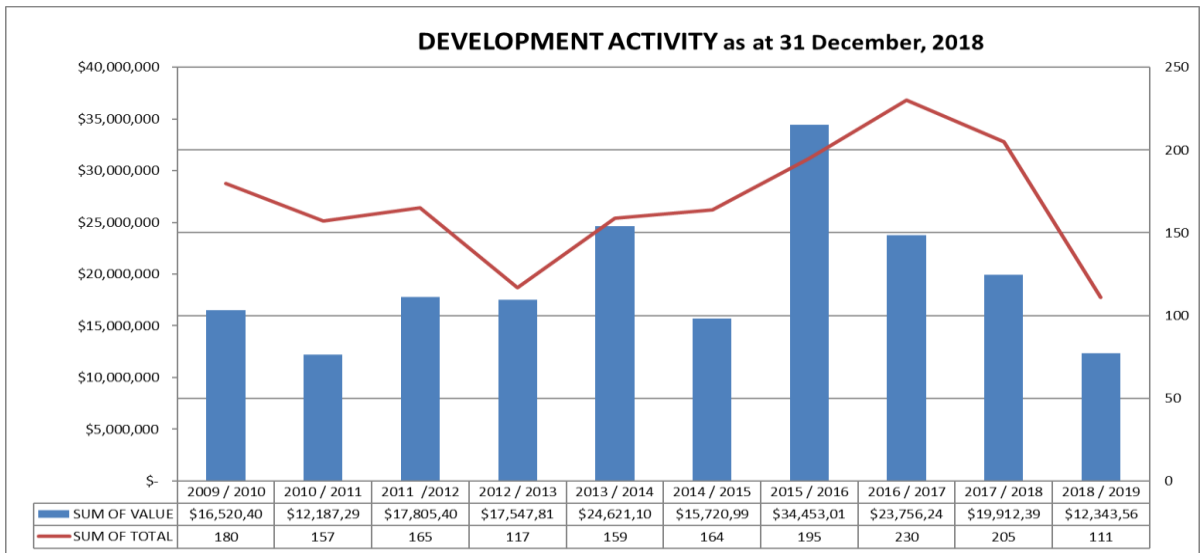
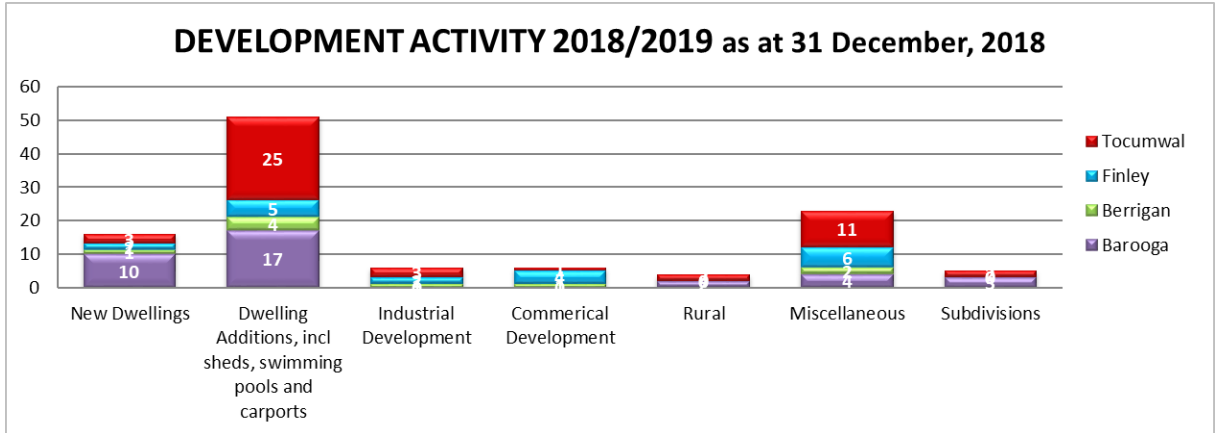
	This Month (Dec)	Year to Date	This Month's Value (Dec)	Year to Date Value
<i>Development Applications (DA)</i>	8	84	\$785,667	\$10,268,258
<i>Construction Certificates (CC)</i>	8	56	\$1,032,097	\$6,942,439
<i>Complying Development Certificates (CDC)</i>	6	27	\$821,902	\$2,075,307
<i>Local Activity (s.68)</i>	7	43	0	0

OTHER CERTIFICATES ISSUED FOR DECEMBER

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total
BAROOGA	5	41	0	0	0	0	0	0	0	0	0	4
BERRIGAN	6	40	0	1	1	7	0	1	0	1	0	1
FINLEY	7	55	0	6	2	5	0	10	0	0	0	3
TOCUMWAL	12	55	0	1	0	3	0	0	0	4	1	3
TOTAL	30	191	0	8	3	15	0	11	0	5	1	11

NOTING

Items for Noting



NOTION

Items requiring Council Resolution

7. CLOSED COUNCIL

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

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

The matters and information are the following:

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

7.1 TECHNICAL SERVICES SUCCESSION PLANNING

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

- (a) personnel matters concerning particular individuals (other than councillors)

Items requiring Council Resolution

It is not in the public interest to reveal the information concerning particular individuals.

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*.

7.1 TECHNICAL SERVICES SUCCESSION PLANNING

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

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Items requiring Council Resolution

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:

RESOLUTION

Items requiring Council Resolution

8.

MAYOR'S REPORT

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RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

9.

DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

10.

GENERAL BUSINESS

RESOLUTION