

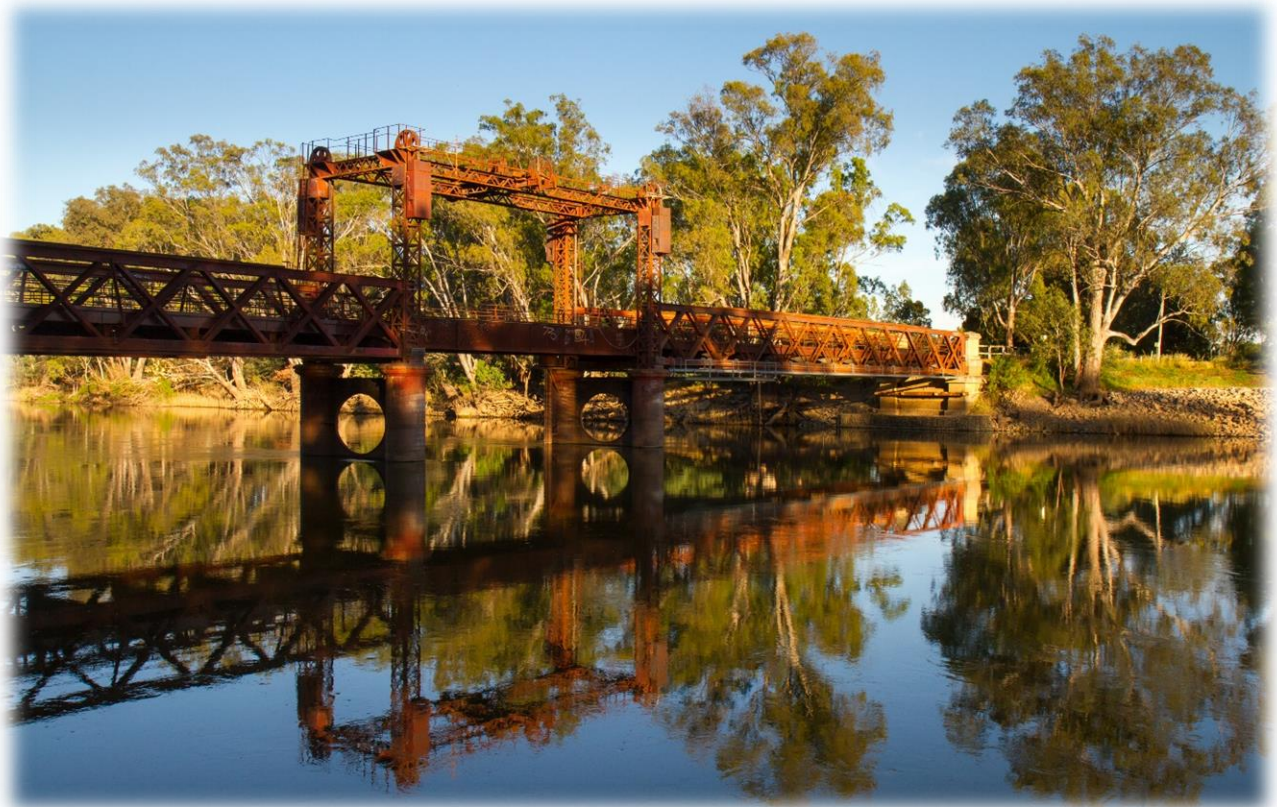


ORDINARY MEETING OF COUNCIL

Wednesday 16 September 2020

at 11:00am

Council Chambers
56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 16 September, 2020** when the following business will be submitted:-

ITEMS OF BUSINESS

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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 16 September, 2020

BUSINESS PAPER

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

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Cr Daryll Morris

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

3. VISITORS

4. CONFIRMATION OF MINUTES

Recommendation: That the Minutes of the Ordinary Council Meeting held in the Council Chambers on Wednesday 19 August, 2020 and the Minutes of the Extraordinary Council Meeting held in the Council Chambers on Wednesday 26 August 2020 be confirmed.

5. MAYORAL MINUTES

6. NOTICES OF MOTION

7. ITEMS FOR RESOLUTION

Council Meeting

16 September 2020

7.1 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2020,
- b) Confirm the accounts paid as per Warrant No. 08/20 totaling \$1,752,481.46, and
- c) Note the report on investments attached as **"Appendix 7.1-A"**.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 August 2020 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 August 2020.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 August 2020, totaling \$1,752,481.46 and will be submitted for confirmation of payment as per Warrant No. 08/20
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) August has seen an increase in total funds held compared to the end of July of \$3.6M. This increase is from:
 - i. The receipt of milestone grant payment
 - ii. The receipt of Quarter 1 Financial Assistance Grant
 - iii. The receipt of the first instalment of council rates



Overall funds have increased by \$4.9M from the same period last year and are expected to remain stable in coming months.

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



Statement of Bank Balances as at 31 AUGUST 2020

Bank Account Reconciliation

Cash book balance as at 1 AUGUST 2020	\$ 10,963,648.63
Receipts for AUGUST 2020	\$ 5,382,049.89
Term Deposits Credited Back	\$ -
	<u>\$ 16,345,698.52</u>
<i>Less Payments Statement No 08/20</i>	
No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 566,516.80
Electronic Funds Transfer (EFT) Creditors E035174-E035346	\$ 1,155,016.54
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 30,948.12
Total Payments for AUGUST 2020	\$ 1,752,481.46
Cash Book Balance as at 31 AUGUST 2020	<u>\$ 14,593,217.06</u>
<i>Bank Statements as at 31 AUGUST 2020</i>	\$ 14,593,217.06
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 AUGUST 2020	<u>\$ 14,593,217.06</u>

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	136/18	365	**1.60%	17/10/2020	\$ 2,000,000.00	BBB+
AMP	133/17	181	**1.65%	24/11/2020	\$ 1,000,000.00	BBB+
AMP	125/16	182	**1.60%	30/11/2020	\$ 2,000,000.00	BBB+
AMP	144/19	365	**1.80%	23/03/2021	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	124/16	365	1.30%	13/05/2021	\$ 2,000,000.00	UNRATED
Bendigo Bank	141/18	364	*1.45%	11/09/2020	\$ 2,000,000.00	BBB+
Bendigo Bank	142/18	365	*1.60%	25/09/2020	\$ 2,000,000.00	BBB+
Central Murray Credit Union	126/16	365	1.00%	31/08/2021	\$ 2,000,000.00	UNRATED
Defence Bank Limited	138/18	365	1.70%	10/01/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	102/14	364	1.65%	5/04/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	106/14	365	1.35%	29/06/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	146/19	365	0.80%	31/08/2021	\$ 2,000,000.00	BBB
G&C Mutual Bank	145/19	364	1.70%	6/04/2021	\$ 2,000,000.00	BBB-
NAB	143/18	365	1.45%	19/11/2020	\$ 2,000,000.00	AA-
					<u>\$ 27,000,000.00</u>	

Total Funds Held at 31 AUGUST 2020

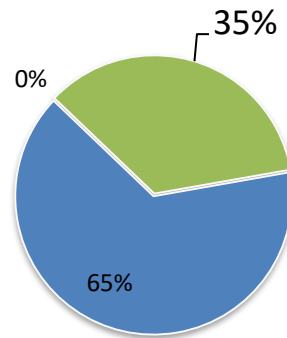
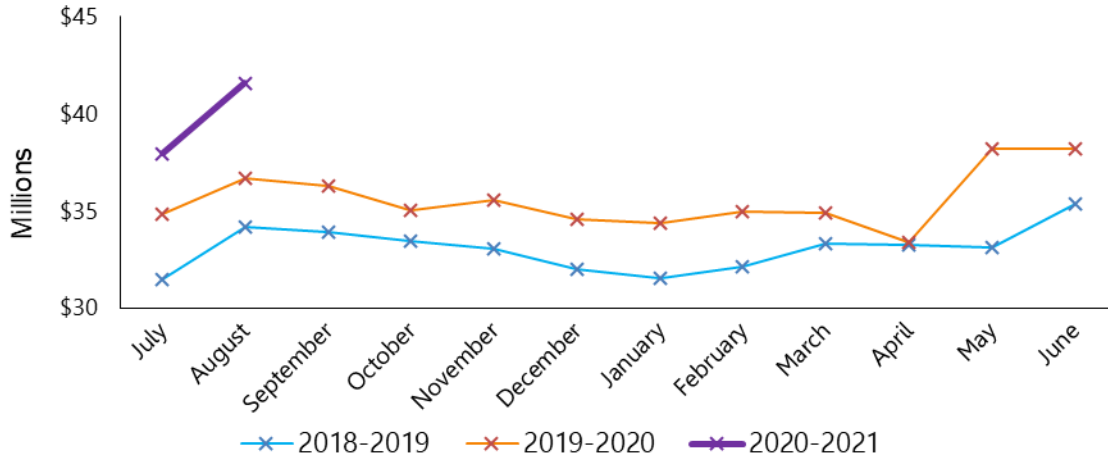
\$41,593,217.06

Tahlia Fry - Finance Manager

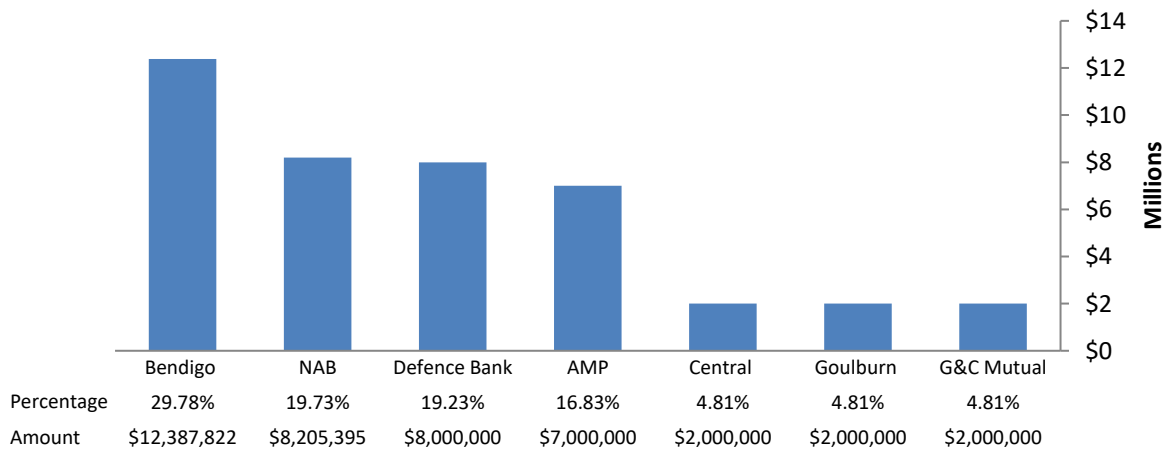
*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

Total Cash and Investments



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



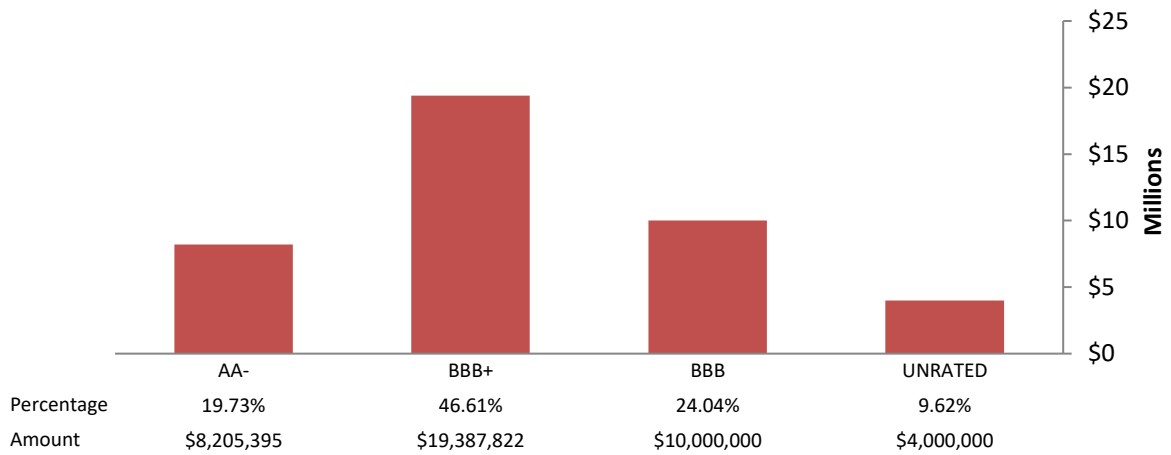


Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
CMCU	366	\$ 2,000,000.00	1.85%	31/08/2020
DEFENCE BANK	366	\$ 2,000,000.00	1.70%	31/08/2020

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
CMCU	365	\$ 2,000,000.00	1.00%	31/08/2021
DEFENCE BANK	365	\$ 2,000,000.00	0.80%	31/08/2021





Council Meeting

16 September 2020

7.2 Organisational Structure Changes

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

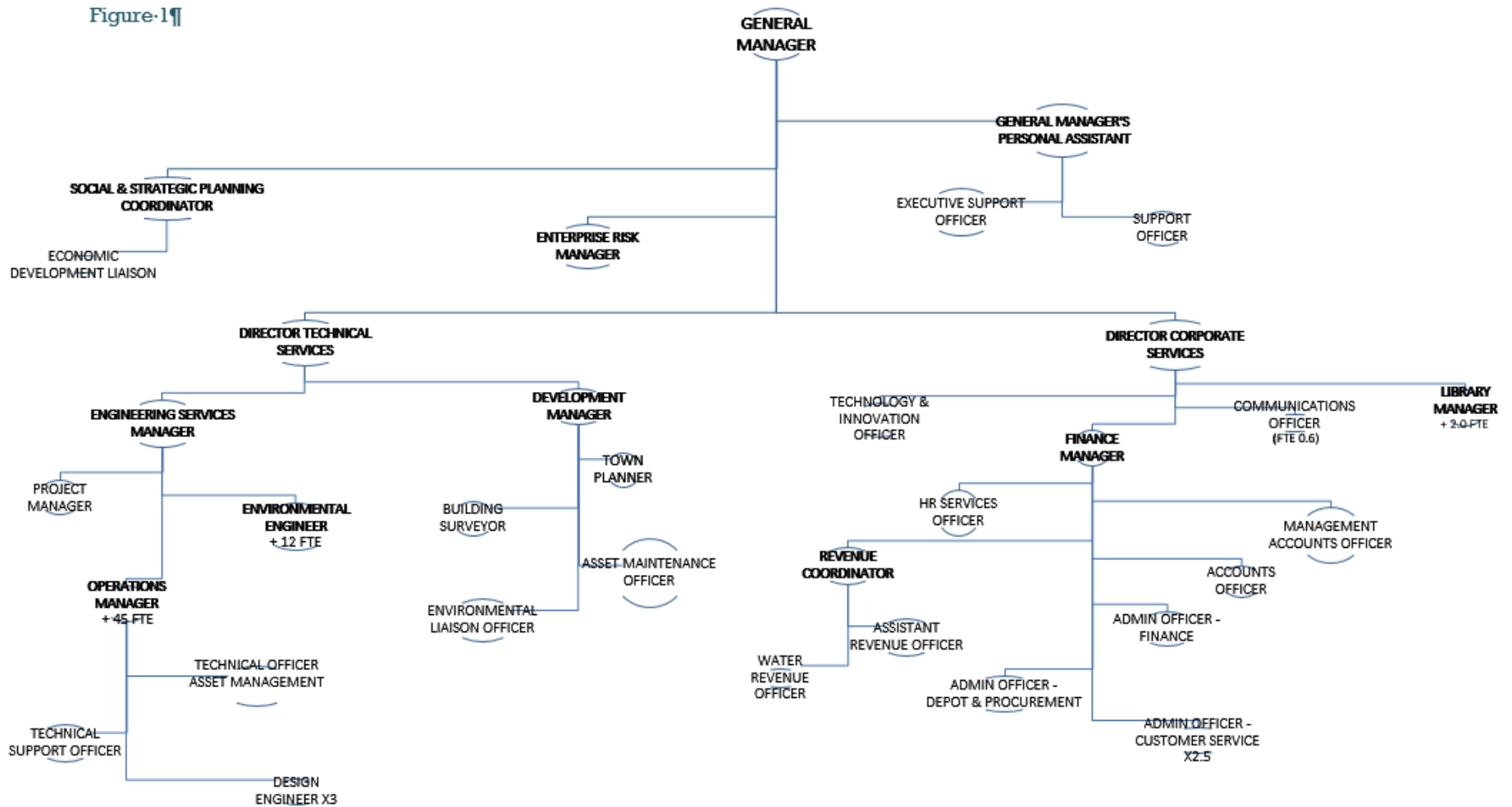
Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council amend its organisational structure to:

1. Remove the position of Administration Officer - Communications
2. Have the Administration Officer - Customer Service positions report directly to the Finance Manager
3. Create a new Part Time (0.5 FTE) Administration Officer - Customer Service position
4. Create a new Part Time (0.6 FTE) Communications Officer position reporting to the Director Corporate Services

Organisational-Structure

Figure-1



Report:

Recent personnel changes in the Council's administration and customer service team provided an opportunity for management to review how best to deliver its customer service and communication functions.

The position of Administration Officer - Communications was a hybrid role - containing elements of customer service and communication. This allowed for some efficiency and redundancy in staffing arrangements. On the other hand, the arrangement was at times administratively awkward to manage and balance - especially since the staffing demands of the Bendigo Bank agency were included.

To address this, the full-time position of Administration Officer - Communications has been split into two part time positions:

1. Administration Officer - Customer Service
2. Communications Officer

The first position is essentially the same as the other two customer service positions in the Council - except part-time - and includes acting as a Customer Service Officer (i.e. teller) for the Bendigo Bank agency.

The second position will monitor and update the Council's website and social media channels, arrange for media and advertising, design pamphlets, flyers and other information collateral and assist managers with other communication matters.

The Council's endorsement of the changes is sought.



Council Meeting

16 September 2020

7.3 Undetected Leaks Policy

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.3 Create safe, friendly and accessible communities

Recommendation: That the Council:

- Revoke its Undetected Leaks Policy adopted 19 September 2018
- Adopt the Undetected Leaks Policy set out below:



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UNDETECTED LEAKS

Strategic Outcome:	Good government	
Date of Adoption:	16 September 2020	Minute Number:
Date for Review:	18 September 2024	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Undetected Leaks Policy adopted 19 September 2018	
Delivery Program Link:	3.1.4.2.1 Generate sufficient income from fees and charges to provide for the renewal of sewer, water supply and distribution assets	

1. POLICY STATEMENT

Undetected water leaks causing a number of higher than usual water consumption notices being issued to ratepayers can cause an amount of distress to ratepayers and places strain on Council resources.

While the Council is not legally or morally responsible for these leaks, the Council often receives requests from ratepayers for assistance or consideration on these matters.

2. PURPOSE

To provide a framework for processing and assessing requests for a reduction in significantly higher water charges resulting from undetected water leaks.

The objectives of this policy are to:

1. provide some financial relief to property owners when water is lost due to an undetected leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services; and
2. provide a consistent and fair approach in dealing with requests for financial relief when water is lost due to an undetected leak.

3. SCOPE

Council provides potable water to the boundary of a property; water that has subsequently passed through a metered service connection becomes the responsibility of that property owner.



This policy is not intended to provide full compensation to customers for water consumption, charges because of an undetected water leak on their property.

However, as an act of good faith and in the interest of good public relations, Council provides a means by which some assistance for higher consumption and treatment charges can be obtained, subject to the provisions of this policy being met.

4. DEFINITIONS

Significant leak - the water consumption on the water notice issued immediately prior to or immediately after the repair being completed is 1.5 times greater than the previous three equivalent billing periods average consumption

Undetected leak - occurring within pipeline breaks or connections in the ground, under slabs or within walls, etc. and are clearly not visible to the owner

5. POLICY IMPLEMENTATION

5.1 Application

Claims for assistance under this policy must be made by application. Applications must include:

- A statutory declaration indicating that:
 - The abnormally high water consumption was attributable to an undetected water leak.
 - repairs have been made in accordance with Australian Standard AS/NZS 3500
 - a full check of internal plumbing has been made to ensure no other leaks exist, and
 - no internal plumbing is defective and requiring replacement
- supporting documentation that the water leak was repaired immediately (within 30 days of a notice being issued or after the customer learnt of its existence). This may include a statement or invoice from a licensed plumber indicating the cause and location of the water leak,
- acknowledgement that subsequent claims within five years under this policy will not be accepted

5.2 Eligibility

5.2.1 Eligible claims



A complying claim must meet the following criteria:

- The claimant must be the owner/s of the property for which the claim applies.
- Council must receive the claim within 30 days of the issue of the water notice being issued.
- The claim must involve a **significant leak** at the property.
- The application must involve an **undetected leak** in a pipeline.

5.2.2 Ineligible claims

The following claims will not be eligible for assistance

- Claims that are the result of a second occurrence at the same property and by the same owner regardless of whether it is a related event or separate undetected leak within five years of the first leak occurrence being determined by Council..
- Claims that are the result of a leak from an appliance, pump, hot water system, pressure release or float valves, solar panels or pool heaters, pool or pond lines or liners, taps, cisterns and other water fittings, etc. where the leak would have been reasonably detectable.
- Claims that involve a leak caused directly by way of accidental or wilful damage.
- Claims that are due to a change in consumption pattern by the occupier of the property.
- Claims that do not contain the documentation or meet the terms of a complying claim.

5.3 **Assessment**

5.3.1 Authority to assess and approve claims

The Revenue Coordinator will initially assess for eligibility claims received under this Council. The Revenue Coordinator will then make a recommendation to the General Manager, who will approve the claim or otherwise.

Council will advise applicants in writing of the decision within 30 days of receipt of the application.

5.3.2 Eligible periods

Council will only consider adjustment to water notices issued for the billing periods immediately before and/or immediately after the leak has been detected and repaired.



It is at the discretion of the Revenue Coordinator to determine if an account warrants adjustment to more than one billing period where the applicant is unable to demonstrate definitively that a leak has occurred over more than one billing period.

5.4 Assistance

The limit to which Council will provide assistance under this policy will be a 50% reduction of the volume of the estimated leak.

This is calculated as the difference between the mean water consumption for the previous three equivalent billing periods and the consumption recorded on the water notice issued immediately after the repairs being completed for complying claims.

The maximum reduction that can be offered for water consumption charges is \$2,000 in aggregate.

Council will **not** waive interest charges accrued on unpaid water accounts that are subject to a claim under this policy.

5.5 Reporting

Approved claims are processed as credit supplementary levies rather than write-offs in the Council's rating and charging system. That is - they are deemed to be incorrectly charged rather than waived.

Notwithstanding this, the Revenue Coordinator will report to the Council all revenue foregone as a result of this policy no less than annually.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 External legislation and standards

- [Local Government Act 1993](#)
- [Australian Standard AS/NZS 3500: 2003 Plumbing and Drainage](#)

6.2 Council policies and publications

- [Operational Plan and associated Schedule of Fees and Charges](#)
- Statement of Revenue Policy
- [Debt Management and Hardship Policy](#)
- [Fraud Control Policy](#)
- [Permanent Water Saving Policy](#)
- [User Fees and Charges Policy](#)
- [Water and Sewer Supply Policy](#)

Report:

The Undetected Leaks Policy provides a framework for processing and assessing requests for a reduction in significantly higher water charges resulting from undetected water leaks.

While the Council is not legally or morally responsible for these leaks, the Council often receives requests from ratepayers for assistance or consideration.

The proposed amendment to this policy corrects my oversight in not including a mechanism to report to the Council the revenue foregone through the effect of this policy.

The amendment states:

Approved claims are processed as credit supplementary levies rather than write-offs in the Council's rating and charging system. That is - they are deemed to be incorrectly charged rather than waived.

Notwithstanding this, the Revenue Coordinator will report to the Council all revenue foregone as a result of this policy no less than annually.

This amendment will require the Revenue Coordinator to report "write-offs" under the policy with the other annual rates and charges write-offs.

Council Meeting

16 September 2020

7.4 Finley School of Arts Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

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

President:	Ross Whittaker
Secretary:	Jan Gray
Treasurer:	Christine Lawlor
Committee:	
	Noel A'Vard
	Anne Freestone
	Kelly-Anne Lawler
	Ted Gray

Report:

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

Council Meeting

16 September 2020

7.5 Tocumwal Historic Aerodrome Museum Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

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

President:	Bob Brown
Vice President:	David Grant
Secretary:	Gina Brown
Treasurer:	Lea Grant
Committee:	
	Ross Bodey

Report:

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

Council Meeting

16 September 2020

7.6 Retreat Hall Finley Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

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

President:	Steven Kydd
Vice President:	John Beer
Secretary:	Rosemary Tilley
Treasurer:	Kerry Anne Kydd
Committee:	
	Ruth Kydd
	Marg Maxwell
	Gill Taylor
	Lorraine Beer
	Stephen Barnes
	Dorothy Wright

Report:

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

Council Meeting

16 September 2020

7.7 Tocumwal Foreshore Revitalisation - Budget Review

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Note the report on funding and expenditure relating to the Tocumwal Foreshore Revitalisation Project
2. Provide an additional \$240,000 of funding for the Tocumwal Foreshore Revitalisation Project from working capital and include the necessary budget adjustment in its next quarterly budget review.

Report:

The finalisation of the contract for the river view dining component of the Tocumwal Foreshore revitalisation project provides a good opportunity for the Council to review the overall financial position of the project.

This report proposes to set out the Council's initial financial commitment, approved changes and actual costs and set out clearly the Council's remaining financial exposure.

It should be noted that the scope of the project has changed significantly from the initial proposal put forward in the Council's funding application under the NSW Government's Regional Growth - Environment and Tourism Fund.

Initial budget

The initial budget proposed for the project in its successful grant application is shown below. The estimates were provided by the Council's landscape architects based on advice from Council staff and relevant experts.

Item	Cost
Splash Park (including amenities building)	\$1,227,625
Streetscape Works	\$1,087,500
Riverview dining (VIC)	\$560,000
Town Square	\$316,250
Spine path	\$62,500
TOTAL	\$3,253,875

Note that the river view dining budget was based on constructing a frame over the existing VIC building rather than a complete demolition and rebuild.

This budget was to be funded in the following manner.

Contributor	Amount
Grant	\$2,126,938
Tocumwal Foreshore Committee of Management	\$200,000
Tocumwal Community Development Committee	\$100,000
Council	826,938
TOTAL	\$3,253,875

Current situation

As the project has developed, the scope has changed - with the biggest change being the decision to demolish the VIC and construct a purpose-built building. A subsequent change away from full design and documentation to a design and construct model for the building has also had a budget impact as has the inclusion of additional public toilets in the new building.

There have also been some minor changes in scope relating to the spine path and lighting and the streetscape works.

The current expenditure situation looks like this.

Item	Cost
Splash Park (including amenities building)	\$1,072,069
Streetscape Works (including levee and spine path)	\$1,224,144
Riverview dining (VIC) - Design of abandoned plan	\$33,867
Riverview dining (VIC) - Contract	\$1,837,394
Town Square	\$-
Solar lighting	\$63,033
TOTAL	\$4,230,507

Note that the above assumes that the Council will not develop the town square. The town square was included in the scope of the GPG design but not included in the Bowden/Le Touze contract.

The current funding situation is as below:

Contributor	Amount
Grant	\$2,126,938
Tocumwal Foreshore Committee of Management - initial	\$200,000
Tocumwal Foreshore Committee of Management - levee path lights	\$70,000
Tocumwal Community Development Committee (not paid)	\$20,000
Tocumwal Rotary Club - paid	\$40,000

Contributor	Amount
Council - initial	\$826,938
Council - additional (July 2020 meeting)	\$700,000
TOTAL	\$3,983,876

Note that Tocumwal Community Development Committee have only been able to provide \$20,000 of their \$100,000 commitment. However, Tocumwal Rotary Club have committed an additional \$40,000. This requires the Council to fund the \$40,000 shortfall.

Combined with the additional \$206,631 cost associated with the new building design, **the Council will need to contribute an additional \$246,631 to complete the project.**

Funding options

The Council has three main options available to fund the shortfall.

- 1. Use of its working capital** - At its July 2020 meeting the Council made a decision to draw down \$1m from its working capital (its stock of funds it holds to meet its day-to-day expenses), including \$700,000 for the Tocumwal Foreshore Revitalisation Project. The Council may wish to draw a further \$240,000 down from this source.
- 2. Use of its Capital Works Reserve** - The Council may wish to draw down the required funds from its Capital Works Reserve. This would be consistent with the purpose of the reserve. By necessity though, it will limit the funds available to Council for other strategic capital works projects.
- 3. Find an offsetting saving in its operational budget** - The Council may wish to reduce spending elsewhere to find the required \$240,000

The first quarterly review of the 2020/21 operational budget will be presented to the October 2020 Council meeting. The direction of the Council is sought as to which of the three above options is preferred.

Council Meeting

16 September 2020

7.8 Code of Conduct & Procedure for Administration

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke its existing Code of Conduct and Procedures for the Administration of the Code of Conduct
2. Adopt the Code of Conduct attached as **"Appendix 7.8-A"**
3. Adopt the Procedures for the Administration of the Code of Conduct attached as **"Appendix 7.8-B"**

Report:

As advised at the August ordinary meeting of the Council, the NSW Government has amended the Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. These amendments have now been prescribed in the Local Government (General) Regulation 2005 and are in effect.

As a result, the Council is required to adopt a new Code of Conduct and Procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

To that end:

- A proposed Berrigan Shire Council Code of Conduct is attached as **"Appendix 7.8-A"**
- A proposed Berrigan Shire Council and Procedures for the Administration of the Code of Conduct is attached as **"Appendix 7.8-B"**

The immediate cause of the changes related to a decision in the Supreme Court of NSW that found that the Model Procedures went further than the *Local Government Act* 1993 allowed - specifically the only disciplinary power available to the Council in respect of Councillors is censure. The Council cannot direct a Councillor to apologise, undergo counselling or to undertake training.

If the Council wishes to take disciplinary action against a Councillor over and above censure, it must refer the matter to the Office of Local Government for determination.

Under the new Procedures, the Council must publically disclose the investigators findings in any resolution to censure a Councillor. A Councillor may avoid public censure by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the Council. However the investigator may still choose to finalise their report and to recommend censure where they consider this is appropriate and warranted.

There are other minor, procedural changes to the Procedures.

An associated change have been made to the Model Code to remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant).

The NSW Government has also taken the opportunity to raise the \$50 cap on the value of gifts that may be accepted to \$100 and to clarify that items with a value of \$10 or less (i.e. pens and the like) are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed. The recommended Code includes a value of \$100 for gifts that may be accepted. Note that cash and cash-like gifts (gift cards, vouchers etc.) may not be accepted for any value. The new Code also removes the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Councils may include supplementary provisions in their adopted codes of conduct and may also impose more onerous requirements than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed in the Model Code of Conduct.

The Code of Conduct applies to all Council officials including Councillors, staff and members of Council committees of management. The Code of Conduct does not apply to Council volunteers who are not members of committees of management and contractors.



Council Meeting

16 September 2020

7.9 Request for Annual Leave

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the General Manager be granted annual leave from 26th October 2020 until 6th November, 2020.

Report:

I am requesting annual leave from Monday 26th October until Friday 6th November, 2020.

Assuming that such leave is granted I would be absent for the November Strategy and Policy Workshop.

Council Meeting

16 September 2020

7.10 Request for Contribution – Southern Riverina Irrigators (SRI) Flood Study

Report by: General Manager, Rowan Perkins

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 agree to contribute \$10,000 to the Southern Irrigators District Council for a study to provide an alternate source of information to help communities scrutinize the State's implementation of its floodplain harvesting policies in the northern basin and the effect that these have on water allocations in the southern basin area subject to:

1. Similar contributions being received from other relevant RAMJO members;
2. Such contribution being funded from the Council's Economic Development Reserve; and
3. The Council having access to the final study report.

Report:

The Council recently received a presentation from the Chairman of the Southern Riverina Irrigators District Council (SRI).

The purpose of the presentation was to seek the Council's support for a study to provide an alternate source of information to help communities scrutinize the State's implementation of its floodplain harvesting policies in the northern basin and the effect that these have on water allocations in the southern basin area. A copy of the proposal from SRI is circulated with this agenda as "**Appendix 7.10-A**".

As a part of the presentation it was explained that the study would cost approx. \$100k and SRI was seeking \$10k from the Council and that it will also approach RAMJO seeking similar contributions from member Councils.

The presentation did appear to highlight some concerns worthy of independent investigation which if supported by the study would provide some basis for a legitimate questioning of existing State policy.

If the Council does ultimately resolve to provide the requested funds this should be:



Provided on the basis of similar contributions from relevant RAMJO members;
Funded from the Council's Economic Development Reserve; and
Provided on the basis that the Council will have access to the final study report.

Council Meeting

16 September 2020

7.11 Half Cost Scheme 02/20/21 Dawe Avenue, Finley Footpath
Construction (Tocumwal Street to Donaldson Street West Side)

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That in accordance with Council’s policy: Contributory Footpath And Kerb And Gutter Schemes Policy pursuant to clauses 217,218 & 219 of the Roads Act 1993, proceed with the construction of footpath along Dawe Avenue, Finley (Tocumwal Street to Donaldson Street west side) and make a charge on abutting property owners in accordance with the Schedule for Scheme 02/20/21 as set out below:

SCHEDULE: SCHEME NO. 02/20/21 DAWE AVENUE, FINLEY FOOTPATH CONSTRUCTION (TOCUMWAL STREET TO DONALDSON STREET WEST SIDE)

Lot , Sec, DP	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
Lots 22, 23, Section 28, DP 758412	50.00%	32.90	\$3,632.16	\$1,816.08	\$181.61	\$1,997.69	\$1,816.08
Lot 21, Section 28, DP 758412	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot 20, Section 28, DP 758412	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot 19, Section 28, DP 758412	50.00%	15.10	\$1,667.04	\$833.52	\$83.35	\$916.87	\$833.52
Lot 18, DP 247524	50.00%	15.70	\$1,733.28	\$866.64	\$86.66	\$953.30	\$866.64
Lot 17, DP 247524	50.00%	15.90	\$1,755.36	\$877.68	\$87.77	\$965.45	\$877.68
	TOTAL	116.20	\$ 12,828.48	\$ 6,414.24	\$ 641.43	\$ 7,055.67	\$ 6,414.24

Estimated full unit rate is \$92.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

Report:

Footpath construction along Dawe Avenue Finley from Tocumwal Street to Donaldson Street is programmed in the Berrigan Shire Council 2020-21 financial year budget.

The total estimate for the installation of footpath is \$12,828.48.

An estimated breakdown of the proposed footpath half cost scheme is detailed below.

Most of these works were planned to be partially funded from contributions from owners in accordance with Council's policy 'Administration of Contributory Footpath and Kerb and Gutter Schemes pursuant to clauses 217, 218 & 219 of the Roads Act 1993'.

The proposed footpath works have been identified in the Pedestrian Access and Mobility Plan adopted by Council on 16th July, 2014 as being required to provide connectivity for pedestrian routes. While there are always equity issues related to contributions for footpath construction and usage, Council is restricted by the Roads Act in application of charges and has developed its policy around these restrictions.

Affected owners have been advised of the proposed works and contributions in accordance with the policy and asked to advise of their agreement or otherwise to participate in the scheme.

A total of 6 property owners will be affected by the scheme. To date there has been 4 responses received opposing the proposed scheme and 1 letter in favour of the proposed scheme however, the property owner in favour of the scheme raised issues regarding contributing to the scheme. No response has been given by the 1 remaining property. However, initial letters that were sent out to the affected property owners were worded **"If your response has not been received by 25th August, 2020 it will be assumed that you are in favour of the proposal."**

Copies of letters received and are attached as **"Appendix 7.11-A"**.

Set out below are the details of scheme 02/20/21 along with a map showing the affected properties. Red shading indicates that the landowner is NOT in agreement. Green shading indicates that the landowner IS in agreement and Yellow shading indicates those that have not responded to the Council's notification letter. Note: all properties shaded red are based on written responses

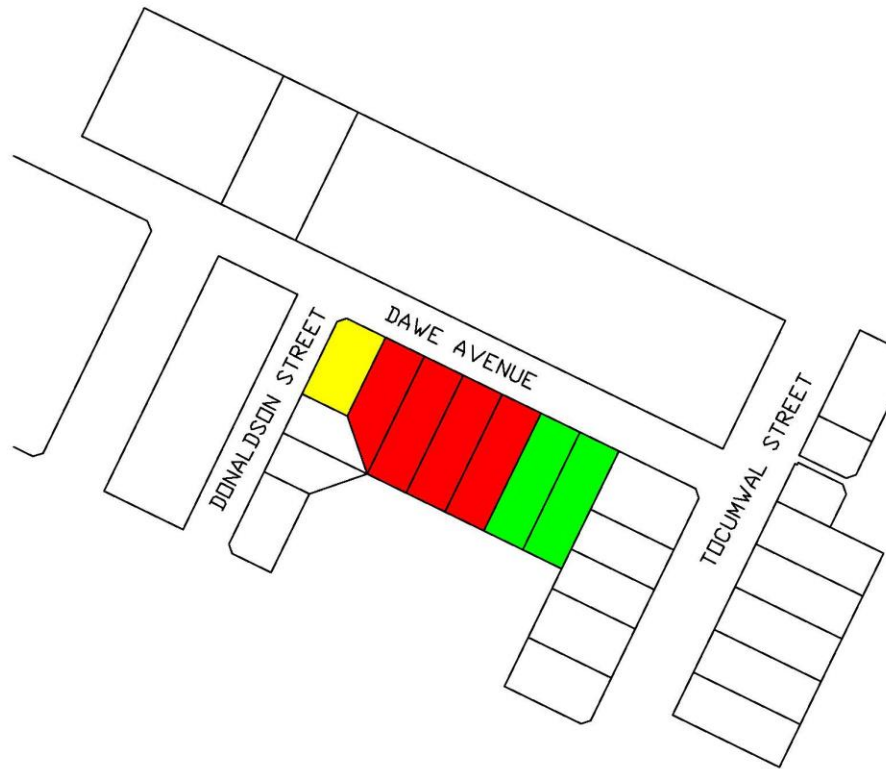
A virtual site meeting was held to discuss proposed half cost scheme footpath form Tocumwal Street to Donaldson Street on the 3rd September 2020. Four property owners attended the meeting.

Minutes from the meeting are attached as **"Appendix 7.11-B"**.



Item Requiring Council Resolution

Lot , Sec, DP	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
Lots 22, 23, Section 28, DP 758412	50.00%	32.90	\$3,632.16	\$1,816.08	\$181.61	\$1,997.69	\$1,816.08
Lot 21, Section 28, DP 758412	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot 20, Section 28, DP 758412	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot 19, Section 28, DP 758412	50.00%	15.10	\$1,667.04	\$833.52	\$83.35	\$916.87	\$833.52
Lot 18, DP 247524	50.00%	15.70	\$1,733.28	\$866.64	\$86.66	\$953.30	\$866.64
Lot 17, DP 247524	50.00%	15.90	\$1,755.36	\$877.68	\$87.77	\$965.45	\$877.68
	TOTAL	116.20	\$ 12,828.48	\$ 6,414.24	\$ 641.43	\$ 7,055.67	\$ 6,414.24



At the site meeting, residents expressed concern about the sealed path on the northern side of Dawe Avenue. The sealed path on the north side of Dawe Avenue was installed in 1999. It is believed that the sealed path was not constructed as part of a half cost scheme as it predates the original pedestrian access and mobility plans for Finley. The affected property owners were interested to know what would happen to the sealed path on the North side of Dawe Avenue:

1. Would it be removed?
2. Would it be upgraded?
3. Would it be left as is and maintained?

The sealed path on the north side of Dawe Avenue is considered a Council asset and is at the end of its useful life. Between the time of the virtual site meeting and this Council meeting it is believed that the bowling greens at the Finley RS Club are no longer being maintained which may impact the use of the sealed path on the North side of Dawe Avenue and it is therefore recommended that the sealed path is maintained at present.

Council Meeting

16 September 2020

7.12 Accounting for Rural Fire Service Assets

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Confirm that it will not bring the NSW Rural Fire Service plant assets nominally vested to the Council to account in its 2019/20 annual financial statements as it does not have effective control of those assets.
2. Write to the NSW Auditor-General, the Minister for Local Government and the Member for Murray to put forward its position that it has no effective control of NSW RFS plant assets and therefore should not bring those assets to account.

Report:

Background

The accounting treatment of NSW Rural Fire Service (RFS) assets has been an ongoing issue for NSW local government for some time.

The NSW Audit Office, NSW Treasury and the RFS are all of the position that RFS assets should be included in the Council's financial statements. On the other hand, it is the position of the overwhelming majority of NSW councils that RFS assets should be accounted for in the RFS financial statements.

Despite it being a matter of concern for the NSW Audit Office since their takeover of responsibility for local government audit in 2016/17 there has been little progress towards a standard industry position.

In its initial 2017 Report on Local Government, the NSW Audit Office made the following recommendation - however it is yet to be acted upon.

The Office of Local Government should address the different practices across the Local Government sector in accounting for rural fire-fighting equipment before 30 June 2018. In doing so, the Office of Local Government should work with NSW Treasury to ensure there is a whole-of-government approach.

Councils across NSW are currently making submissions to the NSW Audit Office to address this matter including the Riverina and Murray Joint Organisation (RAMJO) and the Country Mayors Association. The opportunity is open to Berrigan Shire Council to add its voice to this campaign.

Regulatory environment

There are a range of regulatory and statutory requirements relating to the control and subsequent accounting treatment of RFS assets.

[Section 119 of the Rural Fires Act 1997](#) states:

All fire fighting equipment purchased or constructed wholly or partly from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the fire fighting equipment has been purchased or constructed

Note that *Rural Fires Act* also:

1. Requires the concurrence of the Council if any of the equipment vested in it is to be used outside the Council area. This concurrence has never been sought or given from this Council by the RFS – not has it been reasonably expected. The assets are under the control of the RFS.
2. Prohibits the Council from disposing of any equipment without the written consent of the RFS Commissioner.

In reality, the Council has no control over the purchase, disposal, operation, maintenance, distribution or condition of RFS equipment, despite its apparent vesting in the Council.

The Australian Accounting Standards Board (AASB) [Framework for the Preparation and Presentation of Financial Statements](#) provides guidance on recognition of assets - in particular the clauses below:

An asset is defined as a resource that is controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity (49).

Attention needs to be given to its underlying substance and economic reality and not merely its legal form (51).

The right of ownership is not essential to the determination of control (57).

The NSW Local Government Code of Accounting Practice and Financial Reporting issued by the Office of Local Government (OLG) provides the following guidance.

Councils need to assess whether they control any Rural Fire Services assets and recognise in their financial statements any material assets under their control and state the relevant accounting policy in relation to the treatment.

Current position

On the basis of the above, the Council has not included RFS equipment in its financial statements. This is reflected in the Council's Accounting Policy which states

Until such time as discussions on this matter have concluded and the legislation changed, Council will not recognise rural fire service assets including plant and vehicles. Land and buildings are recognised.

The Council has advocated this position previously, both formally and informally.

Despite this, the NSW Audit Office determined that the Council, by not including its RFS fleet assets, had misstated its assets by approximately \$1.2m and its operating result by \$158,000. The accuracy of these figures is difficult for the Council to determine as the RFS does not provide the relevant information to the Council to allow it to bring these assets to account - even if it wished.

The Council has an opportunity to again put forward its position in relation to the accounting treatment of its RFS assets. The long term solution however is for the NSW government to amend the *Rural Fires Act* to reflect the reality on the ground - i.e. the RFS is a state government agency and not a local government agency.

Council Meeting

16 September 2020

7.13 Request for Contribution - Speakup

Report by: General Manager, Rowan Perkins

Strategic Outcome: 4. Diverse and resilient business

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

Recommendation:

That the Council contribute \$2,000 to the Speakup MDBP Modelling Project Proposal

Report:

A request for financial assistance has been received from Speakup to assist with the completion of its MDBP Modelling Project Proposal and is circulated with this agenda as "Appendix 7.13-A".

Basically, Speakup is attempting to develop a series of fact sheets that demonstrate that the basic MDBP philosophy of every environment will be fixed by just adding more water.

The project has an estimated cost of \$14,750 of which Speakup itself has contributed \$6,000.

Given the Council ongoing support for Speakup it could consider a contribution, bearing mind that others too should be contributing.

Council Meeting

16 September 2020

7.14 Development Application No. 13/21/DA/D9 – 2 Lot Subdivision

Report by: Development Manager, Laurie Stevens

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation:

That the Council resolve to refuse Development Application No. 13/21/DA/D9 – 2 Lot Subdivision as the proposal is not in keeping with the established pattern of development of the Tocumwal Airpark.

Division

In Favour:

Against:

Report:

SITE

The site is Lot 48 DP 1233177 51 Wirraway Court, Tocumwal which has an area of 3000m². The site is located adjacent to the Tocumwal Aerodrome and is located within the SP2 Infrastructure Zone – Air Transport Facilities.

PROPOSAL

It is proposed to subdivide the allotment into two lots having areas of 1500m² each. See “Appendix 7.14-A” and “Appendix 7.14-B”.

REPORT

History of development at the Aerodrome

In 2001 Council recognized a need to create opportunities to reinvigorate the Aerodrome and subdivided four allotments between Flight Place and the end of the East-West runway enabling vehicle access to each lot and also having access to a taxiway airside. Each lot has an area of around 1850m² and hangars have subsequently been erected on three of the lots.

In 2010 two lots were created south of the hardstand area with access from Burma Road which was to become Liberator Place. These lots have areas of 2500m².

In 2012 a further ten allotments were created south of Liberator Place with each having access to airside via a newly constructed taxiway. Sizes of these allotments varied from 3000m² to 4000m².

In 2015 a further twelve allotments were created south of the new taxiway with public access via the newly constructed Wirraway Court. These allotments varied in size from 2400m² to 3000m² except for one larger corner lot.

Discussion

After the creation of the initial allotments in Flight Place and discussions with existing owners and future developers it was found that the size of the lots were not of a sufficient size to cater for their intended use. For example there is limited opportunity for parking aircraft outside hangars, limited area for parking glider trailers and insufficient visitor parking onsite.

In considering future development of the aerodrome it was recognized that the future of the aviation industry was changing and there was a need for allotments that could cater for not just the erection of hangars for the storage of aircraft but to also allow for an associated residential component on site.

To facilitate this popular type of development Council recognised that future allotments needed to be slightly larger which has been reflected in the development of both the Liberator Place and Wirraway Court stages of development that is now known as the Tocumwal Airpark.

All lots have been sold and approximately 70% of lots at the airpark have now been developed with a large number either having a residential component or intending to do so in the future.

The proposal

As mentioned above the proponent wishes to subdivide the property into two lots having areas of 1500m² each and dimensions of 25 metres wide by 60 metres deep.

The proponent has also provided a site plan indicating the possible location of a hanger, associated dwelling and garage/carport on each lot. See **"Appendix 7.14- C"**.

Assessment

The subdivision of the land may be undertaken with the consent of the Council.

The SP2 Air Transport Zone does not include a minimum lot size under the provisions of Berrigan Local Environmental Plan 2013.

It should be recognized that this proposal is solely for the subdivision of the land and the attached plan for the future development of each proposed site is indicative only.

As mentioned above Council's initial four lot subdivision of the land adjoining Flight Place were not deemed to be of sufficient size to suit the majority of potential users of lots of this nature and the two proposed lots the subject of this application are significantly smaller.

Council is in receipt of six objections to the proposal from surrounding property owners. All have invested in the Airpark due to the large lots and the ability to have a residence associated with their hangars and also the space provided on each site and are in support of the Airpark remaining in its current form. There is a general consensus that the further subdivision of lots will erode their investments and reduce the amenity that currently exists.

A review of similar airpark developments around the country indicate that the majority of lots available with a residential component average around 3000m². Hangar only lots are generally in the vicinity of 1200m² to 1800m².

Whilst the proposed development may provide additional revenue to Council the subdivision of the existing lot may also create a precedent for the owners of the remaining vacant lots to attempt to undertake further subdivisions which would not be in keeping with the established pattern of development.

Conclusion

It is considered that the subdivision of this allotment into two lots having areas of 1500m² each is not in keeping with Council's vision for the development of the Tocumwal Airpark and should not be supported.

8. ITEMS FOR NOTING

Recommendation: that Items for Noting numbered 8.1 to 8.6 inclusive be received and noted.

Council Meeting

16 September 2020

8.1 2021-22 Rate Peg

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Report:

The Independent Pricing and Regulatory Tribunal (IPART) have released their determination of the Variation of General Income for Local Government for 2020/21 – the “Rate Peg”. IPART has set the rate peg as 2.0%.

This rate peg is the maximum percentage that the Council can increase its overall General Rate income for the 2019/20 financial year (this Rate Peg percentage does not apply to Council’s service charges), other than an increase derived from growth in assessable properties. The Council may - should it choose - not take up the entire amount of the rate peg when setting its rates.

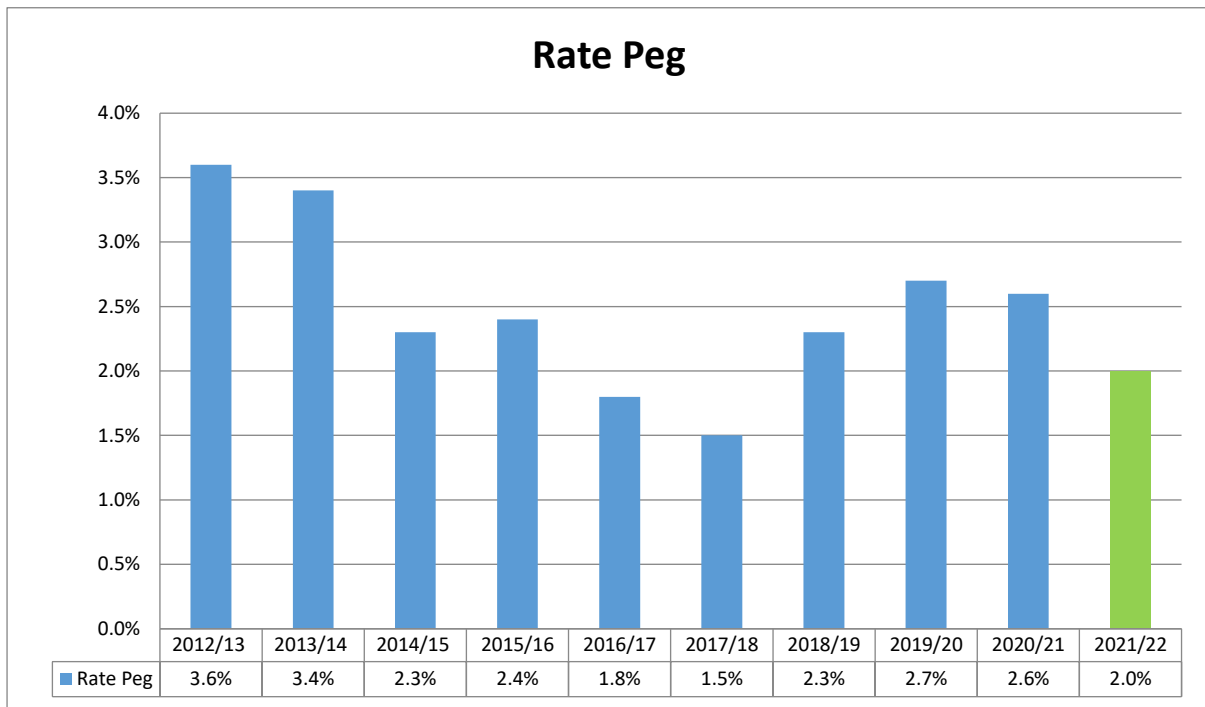
The rate peg does not apply to individual ratepayers’ rates. The rate peg applies to the council’s General Rate in total. The Council has significant discretion to determine how to allocate this increase between different ratepayer categories.

Individual rates are also affected by other factors, such as individual land valuations. Note that all properties in Berrigan Shire were revalued for rating purposes prior to the 2020/21 levy. Land Valuations are due to occur again in 2023.

The rate peg has been calculated as follows:

- A base amount of 1.8% derived from the change in the Local Government Cost Index (LGCI).
- A deduction of a 0.00% “productivity factor” has been set this year because improvements in productivity are reflected in the components of the LGCI
- An adjustment of 0.2% to meet the costs of the 2021 local government election

This resulted in a rate peg of 2.0% for 2021/22.



The IPART determination is consistent with the Council’s Long Term Financial Plan (LTFP) was which assumed a 2.0% increase in permissible rates income.

An IPART fact sheet on the rate pegging system and the 2021/22 determination is attached as “Appendix 8.1-A”.

Council Meeting

16 September 2020

8.2 Financial Assistance Grant

Report by: Director Corporate Services, Matthew Hansen
 Strategic Outcome: 2. Good government
 Strategic Objective: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Report:

The NSW Local Government Grants Commission have advised the Council regarding its estimated 2019-20 Financial Assistance Grants (FAG). A copy of this advice is attached as "Appendix 8.2-A".

Year	General Purpose	Local Roads	Total
2018-19 (final)	\$3,481,208	\$1,434,735	\$4,915,943
2019-20 (estimated)	\$3,517,512	\$1,452,538	\$4,970,050

This is a 1.1% increase from 2020-21, which is less 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 2020-21 and how it compares to the Council's adopted budget is shown in the table below.

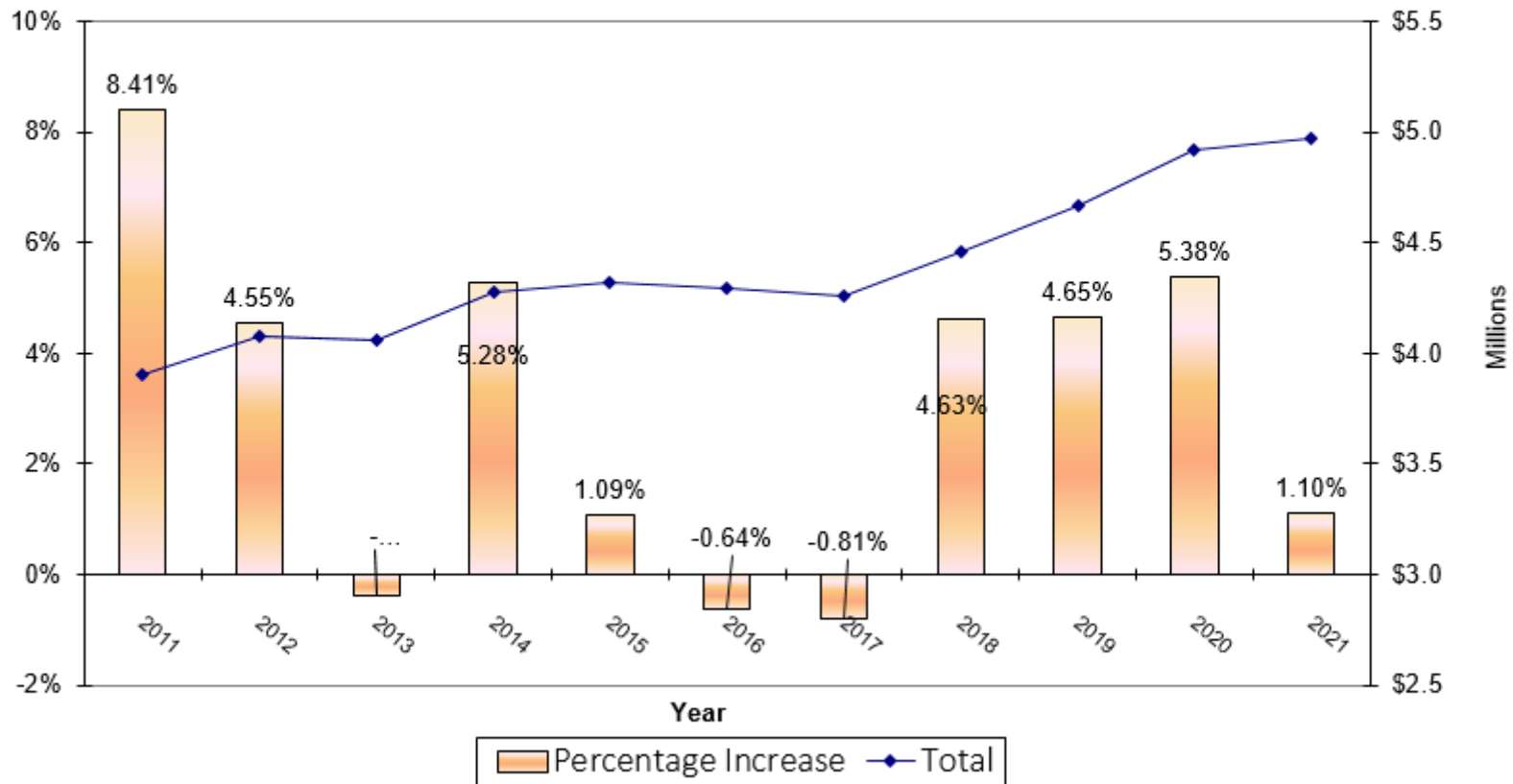
	Budget	Actual	Difference
General Purpose	\$3,534,473	\$3,517,512	\$(16,961)
Local Roads	\$1,455,380	\$1,452,538	\$(2,842)
Total	\$4,989,853	\$4,970,050	\$(19,803)

The Council will need to adjust their operating budget to reflect this reduction in income at its next quarterly budget review.

The Council should note that approximately half (\$2,558,112) of the 2020-21 FAG was paid in June 2020. 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



Council Meeting**16 September 2020****8.3 Wind up of Youth Development Committee**

Report by: General Manager, Rowan Perkins

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Report:

The Council, at its meeting held in March 2020, resolved, in part, to wind up its Youth Development Committee.

RESOLVED *Crs Glanville and Reynoldson that the Council:*

1. *Adopt the Children's, Youth and Families Strategy 2020 – 2024 (Appendix "E")*
2. *Dissolve the Berrigan Shire Youth Development Committee a Section 355 Committee of Council*

In the report that led to the above resolution it was suggested that Council funds committed to the support of the Youth Development Committee be committed to other priorities identified in the Council's Children's, Youth and Families Strategy 2020 – 2024.

The Youth Development Committee held its final meeting during August 2020 and resolved to the effect it be dissolved, that it forward its unspent funds to the Council and that it thanked past and present members for their support.

The Committee in its advisory letter also thanked the Council for its support and advised that it supports the Council committing its Committee support budget amount to priorities identified in the Children's, Youth and Families Strategy 2020 – 2024.

Council Meeting

16 September 2020

8.4 Request for Review of Tocumwal Aerodrome Charges

Report by: General Manager, Rowan Perkins

Strategic Outcome: 4. Diverse and resilient business

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

Report:

The Council has received a request from Discus Investment Pty Ltd, a gliding operator, for a review of its 2020/2021 aerodrome charges on the basis that its business has been significantly impacted by the COVID-19 pandemic.

The business downturn is impacted by both the downturn in actual gliding operations and the fact that the operator is unable to reasonably leave Western Australia.

At this stage, it is proposed to deal with the request broadly in line with the intent of the Council's existing Debt Management and Hardship Policy – a copy of which is circulated with the agenda as "**Appendix 8.4-A**".

While the above Policy does not specifically relate to this circumstance I believe that it would permit a response where if genuine hardship can be demonstrated some concession in Council charges can be made. This process deals with individual cases as opposed to a more general approach.

As an alternative, the Council consider a general reduction in aerodrome charges. The possible under the COVID-19 situation without the need for the usual statutory public exhibition process.

The difficulty with this approach is that any concession is provided whether is needed or not.

Council Meeting

16 September 2020

8.5 Tree Planting within Road Reserve- Jerilderie Street Berrigan

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Report:

Members of the Berrigan Community are raising concerns regarding the current tree planting in Jerilderie Street Berrigan.

Correspondence received to date is attached in **"Appendix 8.5-A"**.

The initial report that went to Council on the 18 March 2018 is attached as **"Appendix 8.5-B"**.

Although the community is raising concerns, there are long standing issues surrounding truck parking on Jerilderie Street Berrigan, with trucks parking outside of residential properties leaving trucks running throughout the night and creating numerous conflicts with residents and truck drivers.

Council has been successful in addressing truck parking in Dean Street, Tocumwal, and is applying a very similar treatment in Jerilderie Street, Berrigan.

To comment on the issues raised from the residents between Carter Street and Momalong Street and from Berrigan Conservation Group and Tidy Town Committee:

1. The access for the toilet block in Hayes Park has been designed to allow caravans to pull off the road and use the toilet and parking off the southbound lane remains.
2. The location of the trees will not pose a traffic issue as the locations of the trees are compliant with the Austroad Standards.
3. From observation, it is extremely unlikely that caravans and trucks will park on Jerilderie Street and walk to Chanter Street as there is adequate parking and low traffic volumes in the township of Berrigan.
4. It is very rare to observe the local road transport operators parking their trucks on Jerilderie Street Berrigan as they have their own facilities locally.
5. Tree planting on Jerilderie Street will enhance the towns' attractiveness and hopefully improve tourism.
6. Cars will still be able to park on Jerilderie Street as the spacing is such to prevent trucks from parking on Jerilderie Street.

Council Meeting

16 September 2020

8.6 Development Determinations for Month of August 2020

Report by: Executive Support Officer, Rebecca Ware

Strategic Outcome: 2. Good government

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

Report:

APPLICATIONS DETERMINED FOR AUGUST 2020

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
88/20/DA/DM	GENERATOR	51-53 DAVIS STREET, BERRIGAN NSW 2712 (Lot13//DP739679)	BERRIGAN & DISTRICT AGED CARE ASSOCIATION	BERRIGAN & DISTRICT AGED CARE	Approved 19-08-2020	\$ 70000.00	Active 33	Total 177
135/20/DA/D5	RESIDENTIAL STORAGE SHED & CARPORT	1-3 COREE STREET, FINLEY NSW 2713 (Lot5/1//DP758412)	Mr Bradley Swadesir	MR BR SWADESIR	Approved 20-08-2020	\$ 25000.00	Active 1	Total 111
2/21/DA/DO	RURAL SHED	17-18 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot25//DP1100718)	Kenneth Chellew	MR KA & MRS KA CHELLEW	Approved 05-08-2020	\$ 48000.00	Active 23	Total 23
3/21/DA/D5	RESIDENTIAL STORAGE SHED	33 BANKER STREET, BAROOGA NSW 3644 (Lot10/2//DP758057)	Stephen Reynolds	MR SJ AND MRS G REYNOLDS	Approved 03-08-2020	\$ 14000.00	Active 21	Total 21
6/21/DA/D5	RESIDENTIAL STORAGE SHED	9 RUSSELL COURT, BAROOGA NSW 3644 (Lot16//DP1102913)	O'Halloran Property Service	MR MP FRUEND AND MS SJ MARTIN	Approved 03-08-2020	\$ 13508.00	Active 14	Total 14
7/21/DA/D1	BV DWELLING & ATTACHED GARAGE	8 BEATRICE COURT, BAROOGA NSW 3644 (Lot32//DP1102913)	Dennis Family Homes	MR GO TATE AND MRS BJ TATE	Approved 07-08-2020	\$ 282882.00	Active 1	Total 18
8/21/DA/D5	CARPORT & PERGOLA	41 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot21//DP1071667)	Dylan Hyde Constructions	MR SP AND MRS CE MARSHALL	Approved 13-08-2020	\$ 19500.00	Active 2	Total 19
9/21/DA/D6	PATIO & VERANDAH	21 HADLEY STREET, TOCUMWAL NSW 2714 (Lot18//DP1250358)	GV Carports	MR GJ AND MRS RJ BROOMHALL	Approved 12-08-2020	\$ 17831.00	Active 18	Total 18
10/21/DA/D5	RESIDENTIAL STORAGE SHED	10-12 WOLLAMAI STREET, FINLEY NSW 2713 (Lot W//DP412105)	O'Halloran Property Service	MR GR RETALLICK AND MRS DL RETALLICK	Approved 20-08-2020	\$ 29092.00	Active 24	Total 24
11/21/DA/D6	PATIO & VERANDAH	23 HADLEY STREET, TOCUMWAL NSW 2714 (Lot17//DP1250358)	GV Carports	MR D J BROOMHALL	Approved 12-08-2020	\$ 17501.00	Active 18	Total 18

14/21/DA/D5	VERANDAH	94 KELLY STREET, TOCUMWAL NSW 2714 (Lot72//DP611198)	Peter Stokes	MR P S STOKES	Approved 12-08-2020	\$ 5000.00	Active 2	Total 18
15/21/DA/DM	2.4M HIGH COLOURBOND BOUNDARY FENCE	5 ATHOL WHITE COURT, TOCUMWAL NSW 2714 (Lot261//DP44490)	Steve Beardon & Julia Welham	MR SJ BEARDON AND MS JB WELHAM	Approved 20-08-2020	\$ 2500.00	Active 20	Total 20
16/21/DA/D5	CARPORT	26 WHITE STREET, FINLEY NSW 2713 (Lot128//DP719841)	CJ & LG Maxwell	MR C AND MRS L G MAXWELL	Refused 19-08-2020	\$ 4500.00	Active 18	Total 18
18/21/DA/D5	SUNROOM & PATIO WITH DECK	4 PINEWOOD LANE, TOCUMWAL NSW 2714 (Lot13//DP285573)	Clare Savage & Amanda Wilkinson	MS CE SAVAGE AND MS AJ WILKINSON	Approved 24-08-2020	\$ 9500.00	Active 21	Total 21
19/21/DA/DM	CHANGE OF USE OFFICE - HAIRDRESSING SALON	32 HILL STREET, TOCUMWAL NSW 2714 (Lot23//DP618811)	Bradley Walters	MR B J WALTERS	Approved 19-08-2020	\$ 8000.00	Active 18	Total 18
20/21/DA/D7	INGROUND FIBREGLASS SWIMMING POOL	13 DUNDON CLOSE, TOCUMWAL NSW 2714 (Lot7//DP285573)	Poolside Cobram	MR JS LUMMIS AND MS KM WARR	Approved 05-08-2020	\$ 55880.00	Active 8	Total 8
22/21/DA/D1	BV DWELLING & ATTACHED GARAGE	5 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot66//DP1131677)	KENNEDY BUILDERS	MS J D NOORT	Approved 10-08-2020	\$ 332523.00	Active 11	Total 11
23/21/DA/DO	GARAGE	94 QUICKS ROAD, BAROOGA NSW 3644 (Lot31//DP859774)	Christopher Mustica	MR C N AND MRS A T MUSTICA	Approved 25-08-2020	\$ 9900.00	Active 22	Total 22
24/21/DA/D5	RESIDENTIAL STORAGE SHED	29 HUGHES STREET, BAROOGA NSW 3644 (Lot13//DP778361)	Shanes Sheds	MR LD WADE AND MRS JE WADE	Approved 21-08-2020	\$ 16294.00	Active 20	Total 20
4/21/CD/M3	STORAGE SHED	38-40 STEWART STREET, BERRIGAN NSW 2712 (Lot123//DP1074557)	BERRIGAN SHIRE COUNCIL	BERRIGAN COMMUNITY GOLF AND BOWLS CLUB	Approved 03-08-2020	\$ 42000.00	Active 4	Total 4
5/21/CD/M6	ADDITIONS TO DWELLING	739 THORBURNS ROAD, TOCUMWAL NSW 2714 (Lot2//DP651444)	Edward Hatty	MR E J HATTY	Approved 07-08-2020	\$ 40000.00	Active 3	Total 3
6/21/CD/M1	DWELLING & GARAGE	95 SNELL ROAD, BAROOGA NSW 3644 (Lot4//DP1131416)	Simon & Jacqui Douglas	MR SK DOUGLAS AND MRS JL DOUGLAS	Approved 25-08-2020	\$ 470000.00	Active 9	Total 15
29/21/DA/D2	ONSITE RESIDENTIAL ACCOMODATION	6-12 ADAMS STREET, TOCUMWAL NSW 2714 (Lot2//DP1167182)	Health Infrastructure	HEALTH ADMINISTRATION CORPORATION	Approved 27-08-2020	\$ 800000.00	Active 16	Total 16
30/21/DA/D5	GARAGE	THORBURNS ROAD, TOCUMWAL NSW 2714 (Lot2//DP856754)	G & S BURY	MR G BURY AND MRS S M BURY	Approved 31-08-2020	\$ 15000.00	Active 18	Total 18
33/21/DA/D6	ADDITIONS TO DWELLING	670 OAKLANDS ROAD, BERRIGAN NSW 2712 (Lot38//DP752293)	Sarah Peek	BALMORAL FARMING PTY LIMITED	Approved 18-08-2020	\$ 112.00	Active 8	Total 8
7/21/CD/M4	PERGOLA & VERANDAH	27 FINLEY STREET, FINLEY NSW 2713 (Lot79//DP865663)	Richard & Deborah Shaw	MR R J SHAW AND MRS D A SHAW	Approved 14-08-2020	\$ 9500.00	Active 5	Total 5

34/21/DA/D1	DWELLING & GARAGE	138 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot221//DP1096364)	J & R Ware Builders	MR PB STEVENS	Approved 25-08-2020	\$ 370000.00	Active 1	Total 11
8/21/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	19 GYPSIE CRESCENT, BAROOGA NSW 3644 (Lot42//DP1110847)	Poolside Cobram	MR AM SHANNON	Approved 19-08-2020	\$ 46800.00	Active 7	Total 7
36/21/DA/D2	CHANGE OF USE - TO HAIR DRESSER	11 RUSSELL COURT, BAROOGA NSW 3644 (Lot14//DP1102913)	Ms Lyndsay McDonald	MR D J STANYER AND LM MCDONALD	Approved 19-08-2020	\$ 4500.00	Active 6	Total 6
37/21/DA/D5	CARPORT	30 BAROOGA STREET, BERRIGAN NSW 2712 (Lot B//DP399036)	Mr Laurie Stevens	MR LB STEVENS	Approved 28-08-2020	\$ 3000.00	Active 13	Total 13
38/21/DA/D5	RESIDENTIAL STORAGE SHED	41 CORCORAN STREET, BERRIGAN NSW 2712 (Lot36/B//DP2425)	MR RORY STEVENS	MR RC STEVENS	Approved 20-08-2020	\$ 12650.00	Active 5	Total 5
42/21/DA/D1	BV DWELLING & ATTACHED GARAGE	69 HUGHES STREET, BAROOGA NSW 3644 (Lot9//DP1257753)	MS Constructions Pty Ltd	MR AJ STEED AND MS JE HUMPHRIES	Approved 25-08-2020	\$ 433258.00	Active 3	Total 3

APPLICATIONS PENDING DETERMINATION AS AT 31/08/2020

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	(TOCUMWAL FORESHORE Lot 7002//DP1019579)
137/20/DA/DO	19-03-2020	RURAL SHED	3075 MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot 8//DP1027384)
168/20/DA/DM	19-05-2020	5MW SOLAR PV ARRAY	BROOCKMANN'S ROAD, FINLEY NSW 2713 (Lot 61//DP1053533)
1/21/DA/D9	03-07-2020	4 LOT SUBDIVISION	23-27 SNELL ROAD, BAROOGA NSW 3644 (Lot 50//DP1102913)
12/21/DA/D1	17-07-2020	DWELLING & CARPORT	2 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot 63//DP1131677)
13/21/DA/D9	17-07-2020	2 LOT SUBDIVISION	51 WIRRAWAY COURT, TOCUMWAL NSW 2712 (Lot 48//DP1233177)
17/21/DA/DM	24-07-2020	PRIVACY SCREEN	34 MCALLISTER STREET, FINLEY NSW 2713 (Lot C//DP437731)
26/21/DA/D9	04-08-2020	2 LOT SUBDIVISION	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot 51//DP1246486)
32/21/DA/D5	06-08-2020	RESIDENTIAL STORAGE SHED	33 FINLEY STREET, FINLEY NSW 2713 (Lot 153//DP1066665)
35/21/DA/D5	10-08-2020	RESIDENTIAL STORAGE SHED	7 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot 521//DP1078043)
39/21/DA/D9	14-08-2020	2 LOT SUBDIVISION	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot 51//DP1246486)
40/21/DA/DM	14-08-2020	4.95MW SOLAR FACILITY BROUGHANS ROAD	BROUGHANS ROAD, FINLEY NSW 2713 (Lot 126//DP752299)

43/21/DA/D5	20-08-2020	PERGOLA	23 ANZAC AVENUE, TOCUMWAL NSW 2714 (Lot D//DP358840)
44/21/DA/D1	26-08-2020	BV DWELLING & ATTACHED GARAGE	27-29 WIRUNA STREET, BAROOGA NSW 3644 (Lot2 //DP607443)
45/21/DA/D7	27-08-2020	2X INGROUND FIBREGLASS SWIMMING POOLS	BUSHLANDS TOCUMWAL NSW 2714 (Lot 1//DP286078)
46/21/DA/D2	27-08-2020	ADDITIONS TO FRONT CHILD CARE CENTRE	17-19 STEWART STREET, BERRIGAN NSW 2712 (Lot 2//DP531450)
47/21/DA/D5	27-08-2020	PERGOLA	39-40 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot 42//DP1118257)
48/21/DA/D5	27-08-2020	STORAGE SHED	COBRAM ROAD, BERRIGAN NSW 2712 (Lot 441//DP791457)
49/21/DA/D5	31-08-2020	RESIDENTIAL STORAGE SHED	26 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot 122//DP1070311)
50/21/DA/DO	31-08-2020	RURAL SHED	RIVERINA HIGHWAY, BERRIGAN NSW 2712 (Lot 122//DP1074557)

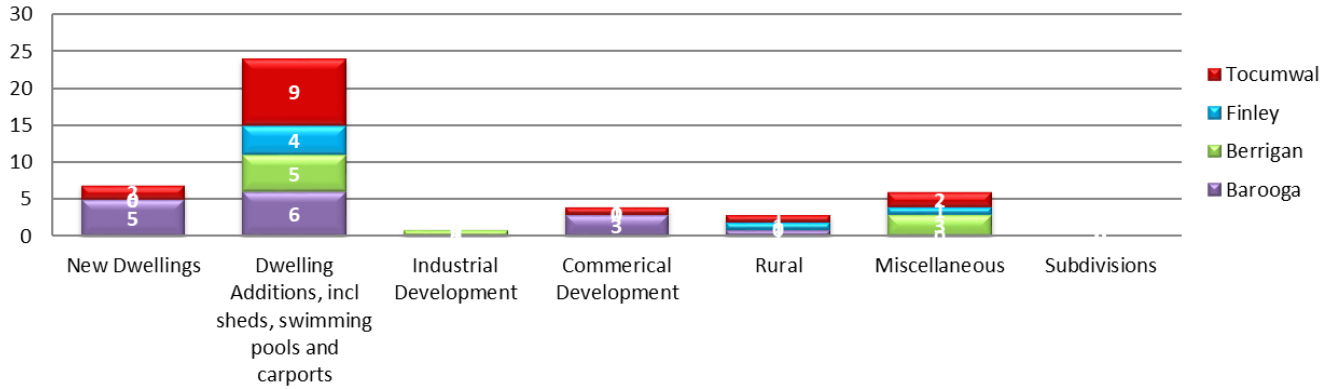
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (August)	Year to Date	This Month's Value (August)	Year to Date Value
Development Applications (DA)	27	37	\$2,969,819	\$3,096,093
Construction Certificates (CC)	21	30	\$2,220,802	\$2,586,377
Complying Development Certificates (CDC)	5	8	\$608,300	\$1,155,260
Local Activity (s.68)	9	16	0	0

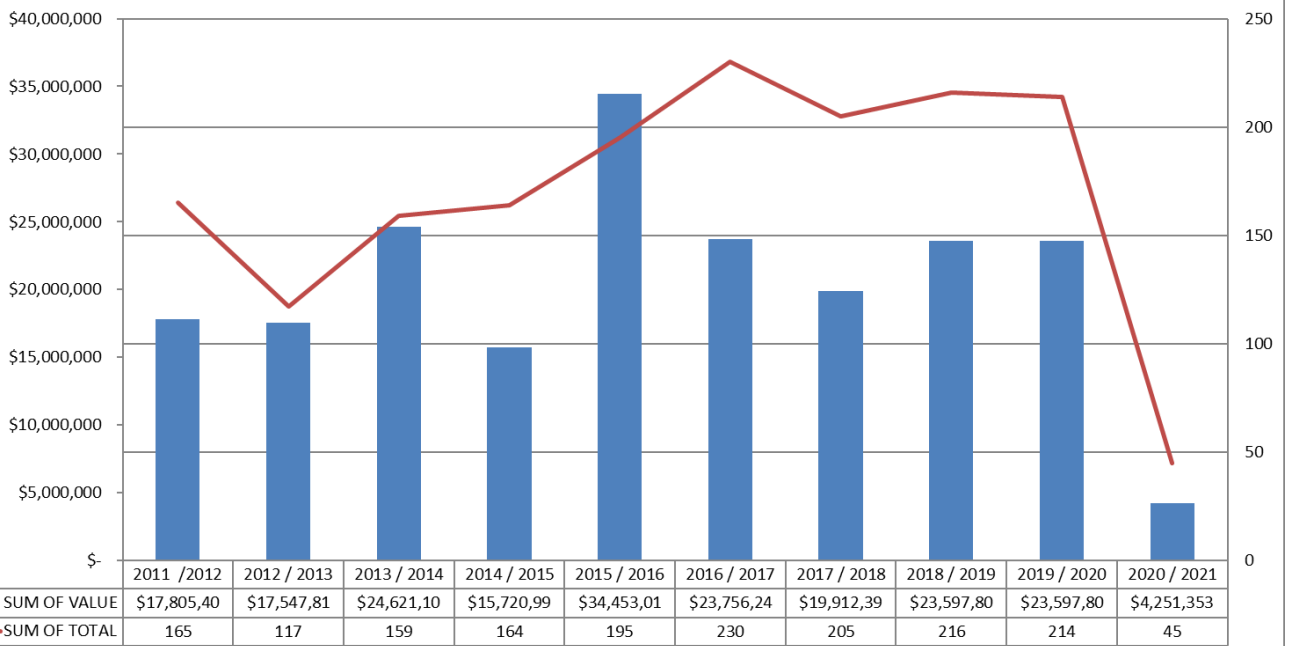
OTHER CERTIFICATES ISSUED FOR AUGUST 2020

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate <small>Outstanding Notices or Orders under LG Act 1993</small>		s9.34 Certificate <small>Outstanding Notices or Orders under EP&A Act 1979</small>		s6.24 Building Certificate		Swimming Pool Certificate	
	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total	AUG	Year Total
BAROOGA	5	15	0	0	0	1	0	0	0	0	1	3
BERRIGAN	6	13	0	0	0	2	0	0	0	1	0	1
FINLEY	9	18	0	0	0	1	0	0	0	0	0	0
TOCUMWAL	11	20	1	1	0	0	0	0	0	0	0	4
TOTAL	31	66	1	1	0	4	0	0	1	1	1	8

DEVELOPMENT ACTIVITY 2020/2021 as at 31 August, 2020



DEVELOPMENT ACTIVITY as at 31 August, 2020



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.

9.1 Tocumwal Public Car Parking

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or

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

9.2 Strategic Land Purchase Investigation

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or

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

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*.

9.1 Tocumwal Public Car Parking

9.2 Strategic Land Purchase Investigation

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

Council Meeting

16 September 2020

10.1 Local Traffic Committee

Report by: Assets & Operations Manager, Gary George

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 adopt the following recommendations from the Local Traffic Committee Meeting held on Tuesday 18th August, 2020:

That the Council:

1. Not install advisory signs to warn motorists that children may be in the vicinity of 1498 Woodstock Road, Berrigan;
2. Install Animal Rescue information signs provided by Wildlife Information Rescue and Education Service (WIRES) at the following locations and place Animal Rescue contact information on the Berrigan Shire Council website:
 - Racecourse Road, Tocumwal
 - Bushlands Road, Tocumwal
 - Woodstock Road, Berrigan
 - Corcoran Street, Berrigan
3. Reject the application for the additional heavy vehicle access to 1-4 James Court, Finley and recommend that the applicant utilise the existing approved accesses.
4. Approve the event application for the Rolling for Rural Health event to be held on 30th August, 2020 consisting of approximately 10 persons walking and wheeling from Finley to Berrigan along the Riverina Highway, subject to:
 - Transport for NSW approval
 - NSW Police approval
 - A Road Occupancy Licence being obtained from Traffic for NSW
 - The Police and Traffic for NSW being listed as interested parties on the Certificate of Currency
 - An approved Traffic Control Plan
 - The approval of a Traffic Management Plan

- The approval of an Event Risk Assessment
5. Consult with the Tocumwal Community and Chamber of Commerce to consider the following options in respect to the Deniliquin Street pedestrian crossing:
- That, the pedestrian crossing be relocated to mid-block on Deniliquin Street, Tocumwal to comply with current Austroads Standards,
 - That, the pedestrian crossing to be removed entirely to comply with current Austroads Standards,
 - That, the pedestrian crossing remain in the current location near the intersection of Deniliquin Street and Morris Street, Tocumwal although it does not comply with current Austroads Standards.

Report:

A copy of the minutes is attached as **“Appendix 10.1-A”**.

11. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.



12. DELEGATES REPORTS



13. BUSINESS ARISING

14. CLOSE OF MEETING