



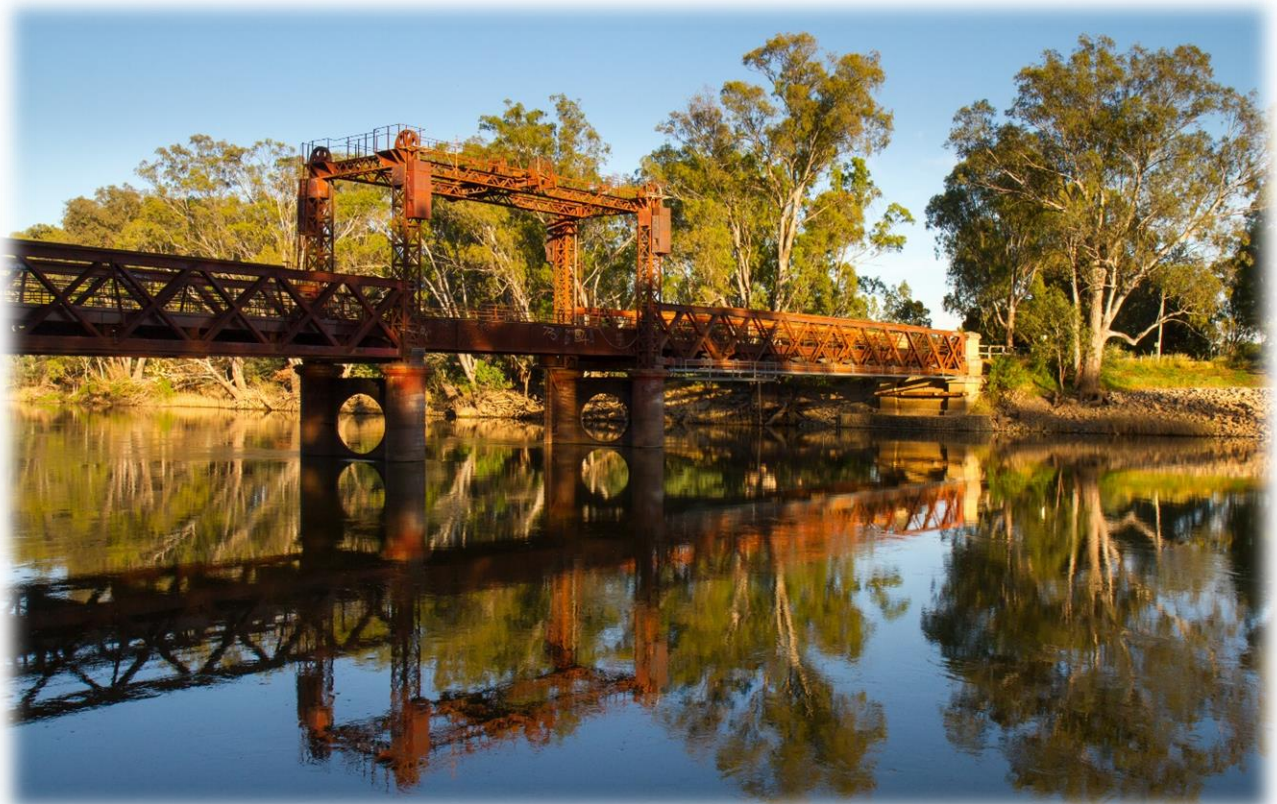
## ORDINARY MEETING OF COUNCIL

Wednesday 17 March, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



# Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 17 March, 2021** when the following business will be submitted:-

## ITEMS OF BUSINESS

<b>1.</b>	<b>APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE</b>	<b>4</b>
<b>2.</b>	<b>DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS</b>	<b>4</b>
<b>3.</b>	<b>VISITORS</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES</b>	<b>4</b>
<b>5.</b>	<b>MAYORAL MINUTES</b>	<b>4</b>
<b>6.</b>	<b>NOTICES OF MOTION</b>	<b>4</b>
<b>7.</b>	<b>ITEMS FOR RESOLUTION</b>	<b>4</b>
7.1	Finance - Accounts	5
7.2	Councillors and Officers Liability	9
7.3	General Manager Farewell	11
7.4	Berrigan Shire LED Street Lights – Southern Lights Program	12
7.5	Appointment of Acting General Manager	14
7.6	Local Government Remuneration Tribunal - 2021 Determination	15
7.7	Documents for Signing and Sealing – Tocumwal Aviation Museum	16
7.8	T07-20-21 (TL) Upgrade of the Barooga Water Treatment Plant and T08-20-21 (TL) Upgrade of the Finley Water Treatment Plant Tender Evaluation	17
7.9	Requests from Committees of Management for Inclusion in Four Year Delivery Program	18
7.10	Murray-Darling Economic Development Program - Round 3	21
7.11	Draft Reviewed Delivery Program	26
7.12	Financial Strategy 2021	27
7.13	Overdue, Lost and Damaged Library Materials Policy	30
7.14	Development Application 59/21/DA/D9 - 2 Lot Subdivision/Boundary Realignment	35
<b>8.</b>	<b>ITEMS FOR NOTING</b>	<b>39</b>
8.1	2021 Local Government Elections	39

8.2	Agricultural Land Use Submission	40
8.3	T13/20/21 – Lewis Crescent Subdivision Stage 2	41
8.4	Development Determinations for Month of February 2021	43
9.	<b>CLOSED COUNCIL</b>	<b>47</b>
	<b>RESOLUTIONS FROM THE CLOSED COUNCIL MEETING</b>	<b>48</b>
10.	<b>COMMITTEES</b>	<b>49</b>
10.1	Local Traffic Committee	49
11.	<b>MAYOR’S REPORT</b>	<b>50</b>
12.	<b>DELEGATES REPORTS</b>	<b>51</b>
13.	<b>BUSINESS ARISING</b>	<b>52</b>
14.	<b>CLOSE OF MEETING</b>	<b>52</b>

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 17 March, 2021

### **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
2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS
3. VISITORS

12:30pm – Leadership Group 3 Graduation Presentation

4. CONFIRMATION OF MINUTES

**Recommendation:** That the Minutes of the Ordinary Council meeting held in the Council Chambers on Wednesday 17 February, 2021 and the Minutes of the Extraordinary Council meeting held in the Council Chambers on Wednesday 3 March, 2021 be confirmed.

5. MAYORAL MINUTES
6. NOTICES OF MOTION
7. ITEMS FOR RESOLUTION

---

**Council Meeting****17 February 2021****7.1 Finance - Accounts**

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

**Recommendation:** that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 28 February 2021,
- b) Confirm the accounts paid as per Warrant No. 02/21 totaling \$2,850,610.54, 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 28 February 2021 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 28 February 2021.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 28 February 2021, totaling \$2,850,610.54 and will be submitted for confirmation of payment as per Warrant No. 02/21
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
  - i. [Council's Investment Policy](#),
  - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
  - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
  - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
  - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) Funds have remained stable across February with the receipt of the third rate instalment.

Overall Funds are \$8.6M higher than the same period last year, although the Council is expecting to payout some large orders for property and ongoing council projects in the near future. As a result, total funds are expected to decrease in the 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 28 FEBRUARY 2021**

**Bank Account Reconciliation**

Cash book balance as at 1 FEBRUARY 2021	\$ 11,543,411.89
Receipts for FEBRUARY 2021	\$ 2,976,949.32
Term Deposits Credited Back	\$ -
	<b>\$ 14,520,361.21</b>

*Less Payments Statement No 02/21*

Bank Transfers	\$ 619,669.80
Electronic Funds Transfer (EFT) payroll	\$ 606,956.87
Electronic Funds Transfer (EFT) Creditors E036433-E036684	\$ 1,594,313.14
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 29,670.73
Total Payments for FEBRUARY 2021	\$ 2,850,610.54
<b>Cash Book Balance as at 28 FEBRUARY 2021</b>	<b>\$ 11,669,750.67</b>

*Bank Statements as at 28 FEBRUARY 2021*

Plus Outstanding Deposits	\$ 11,653,670.30
Less Outstanding Cheques/Payments	\$ 16,080.37
<b>Reconciliation Balance as at 28 FEBRUARY 2021</b>	<b>\$ 11,669,750.67</b>

**INVESTMENT REGISTER**

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	144/19	365	**1.80%	23/03/2021	\$ 2,000,000.00	BBB+
AMP	133/17	182	**0.70%	24/05/2021	\$ 1,000,000.00	BBB+
AMP	125/16	182	**0.70%	31/05/2021	\$ 2,000,000.00	BBB+
AMP	136/18	365	**0.60%	19/10/2021	\$ 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	*0.85%	13/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	142/18	365	*0.80%	26/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	146/20	365	*0.80%	28/09/2021	\$ 5,000,000.00	BBB+
Central Murray Credit Union	126/16	365	1.00%	31/08/2021	\$ 2,000,000.00	UNRATED
Defence Bank Limited	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
Defence Bank Limited	138/18	365	0.70%	10/01/2023	\$ 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	0.55%	18/11/2021	\$ 2,000,000.00	AA-
					<b>\$ 32,000,000.00</b>	

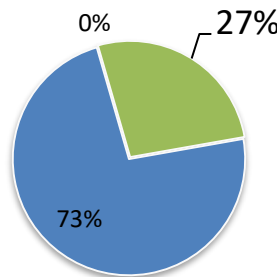
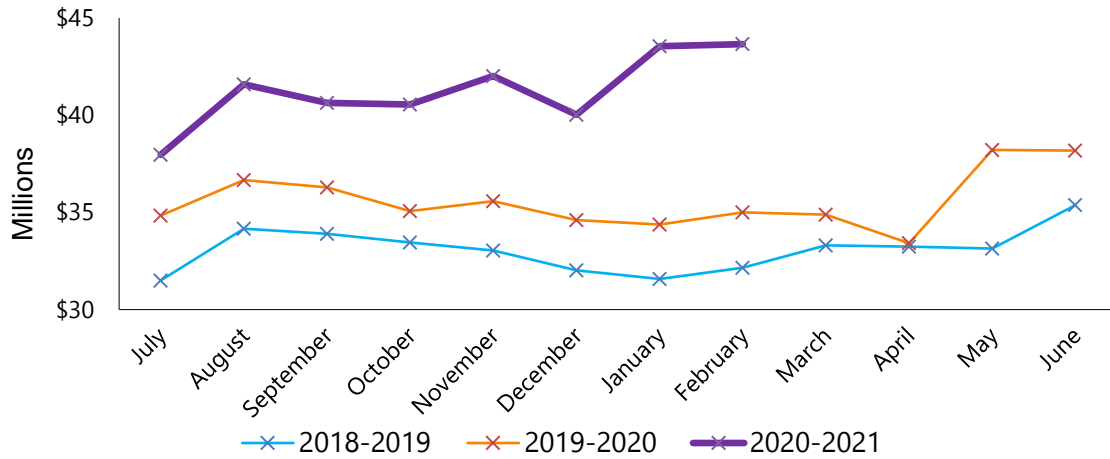
**Total Funds Held at 28 FEBRUARY 2020**

**\$43,669,750.67**

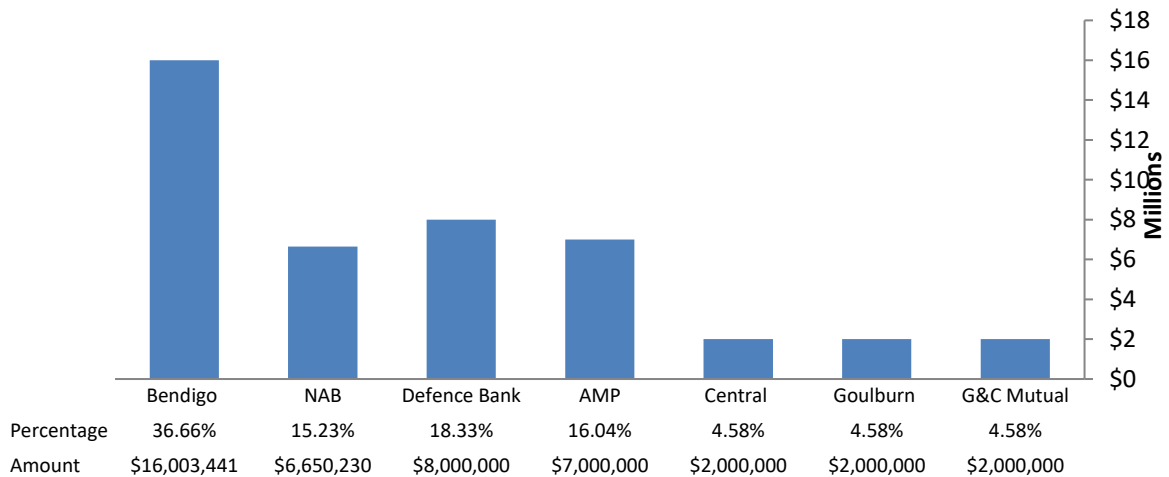
**Tahlia Fry - Finance Manager**

\*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

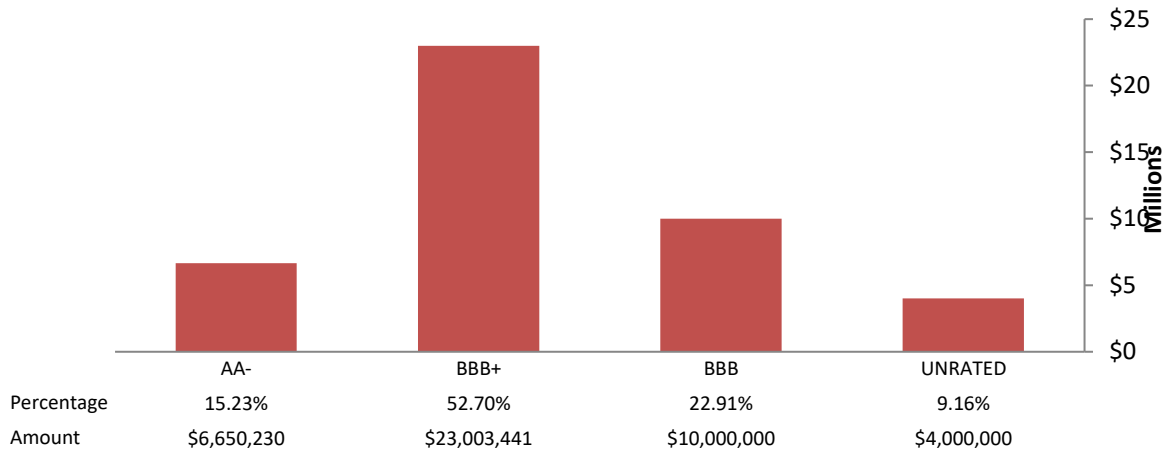


**Term Deposits Credited Back**

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
DEFENCE BANK	366	\$ 2,000,000.00	1.70%	11/01/2021

**Term Deposits Invested / Reinvested**

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
DEFENCE BANK	730	\$ 2,000,000.00	0.70%	11/01/2023





---

Council Meeting

17 March 2021

7.2 Councillors and Officers Liability

Report by: Enterprise Risk Manager, Michelle Koopman

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 Councillors individually answer the following questions:

1. Has there been or is there now pending against any Councillor or officer of the council or its Subsidiary Companies or against any outside director a Claim against them in their capacity as such? Yes No

If 'Yes', provide full details:

2. Is any Councillor or officer after enquiry, aware of any circumstances which might give rise to a Claim, including but not limited to any act, error, omission, misrepresentation, breach of duty or misconduct? Yes No

If 'Yes', provide full details:

3. Is any Councillor or officer after enquiry, aware of any circumstances which might give rise to a prosecution proceeding, under any Work Health & Safety Act, any Environmental Protection Legislation, or any other similar Act or Legislation?

Yes No

If 'Yes', provide full details:

4. Is any Councillor or officer after enquiry, aware of any facts or circumstances which might affect the ability of the Council or its Subsidiary Companies to meet its debts as and when they fall due? Yes No

If 'Yes', provide full details:

---

**Report:**

The Council's *Councillors and Officers Liability Policy* will expire on 30 June 2021.

The administrators of Statewide Mutual, Jardine Lloyd Thompson, has asked Council to answer several questions that will help them in negotiating terms with insurers for the renewal of this Policy.

The questions asked in the recommendation specifically require answers from individual Councillors and are selected from a larger group of questions which require detailed answers from the Council.

---

**Council Meeting**

**17 March 2021**

**7.3 General Manager Farewell**

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:

- Hold an informal farewell function for the General Manager at the Berrigan Sportsground on Thursday 15 April, 2021 for Councillors and Council Staff;
- Hold a formal farewell function for the General Manager at Finley Returned Soldiers Club on Wednesday 14 April, 2021 for Councillors and Council Managers
- Pursuant to the provisions of its Drug and Alcohol Free Workplace Policy, designate the above functions as an “approved event” at which alcohol may be provided and consumed in accordance with the Policy.

---

**Report:**

As Councillors may be aware the General Manager will be retiring with the Council with his last working day Friday 16 April, 2021.

It seems fitting that the Council would hold a farewell function given the long service of the General Manager.

After some discussion it seems appropriate to hold two functions one being an informal event for all Council staff and Councillors to attend with the other a formal event that would allow the Council to invite other stakeholders such as ex councillors, General Managers from local Councils and the like and would be suitable to provide food and alcohol to those attending.

---

Council Meeting

17 March 2021

7.4 Berrigan Shire LED Street Lights – Southern Lights Program

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 Council respond to Essential Energy with regard to the Berrigan Shire Bulk Lamp Replacement Program scheduled to commence in the 2022-2023 financial year and:

1. agree to replace all existing street lighting with LED lighting approximately matching existing lighting levels, and
2. fund Council's component of the expenditure from its own funds and include this funding in its Long Term Financial Plan and 2022/23 operational budget

---

**Report:**

It scheduled for Q1 of 2022-2023 to replace all existing street lighting in the Berrigan Shire Council area with LED lights. The timing of the lamp replacement has been triggered by an essential energy program (BLR- Bulk Lamp Replacement) based on assets reaching the end of their lives, which makes it the ideal time to upgrade to LED lights as the residual value in the existing lamps is quite low.

Through the Southern Lights Program, and in dealing with Essential Energy, Council will need to make two decisions:

1. To upgrade the level of lighting to a higher level or replace the existing lights with LED with like for like output, and
2. To determine how to fund Council's contribution to the lighting; Essential Energy fund the capital works up front and Council makes repayments over 10 years, or, Council funds the Capital works up front.

With regard to the level of lighting, it is recommended that the level of lighting remains as it currently is, and, that the existing lighting is replaced on a like for like basis with LED lights. There are a number of reasons that justify not increasing the level of lighting:

1. It is finically cheaper overall from a capital and operational standpoint.
2. There have been no complaints on mains powered lights from the community regarding the level of lighting.
3. There is potential to cause glare issues if the level of lighting is increased in areas.

4. There have been no accidents recorded as a result of poor standard of street lighting.
5. There will be a perception that the new lights are of improved brightness anyway as the new lights will be white lights as opposed to the existing orange/yellow lighting.

Of course, there are arguments for increasing the level of lighting at this time:

1. The higher level lighting can be turned down at the installation stage and turned up at a later stage if required.
2. There is new technology coming that will allow Council or Essential Energy to remotely brighten /dim individual lights.
3. If the level of lighting is to be increased outside of a BLR it is not as cost effective.

It is believed by staff that most reasonable way forward is to replace the lamps with like for like output.

With regard to funding Council's contribution, it would be significantly cheaper to fund our share of the installation ourselves rather than pay back the capital component via SLUOS charges in our bill. – (\$12,727.81 for the first 10 years and \$65,333.05 from year 10 onwards.)

Essential Energy require a contribution of \$488,696.91 from Council towards the upgrade, If Council were to borrow this at an interest rate of 1.48% over 10 years (consistent with the terms of our loan for Barooga Water Treatment Plant), the annual repayments would be \$52,605.24.

Under the Essential Energy finance plan, the additional SLUOS cost charged annually to the Council is \$65,333.05 (i.e. a SLUOS of \$106,048.86 without a Council contribution less the SLUOS of \$40,715.81 with a Council contribution). In effect this is a finance offer with repayments being made via increased power charges. The offer equates to an effective interest rate of 6.08% if Council assume a 10 year term. However, the additional SLUOS appears to be charged for perpetuity.

Unless Council has no other option to fund the works, the SLUOS funding offer should be rejected.

---

Council Meeting

17 March 2021

7.5 Appointment of Acting General Manager

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 appoint Matthew Hansen as acting General Manager effective from 5:00 pm on 16 April 2021 on the same terms and conditions as the current General Manager and until the Council appoints a new Chief Executive Officer.

---

**Report:**

As the Council may be aware my last day at work will be Friday 16 April 2021. Whilst the Council has commenced a recruitment program it is unlikely that it will have made an appointment to the newly created position of Chief Executive Officer by that date.

As the Council is required to have a General Manager at all times, it would be prudent to appoint another staff member as acting General Manager until such time as a permanent appointment is made.

I recommend that the Council's Director of Corporate Services be appointed to that acting position albeit that is ultimately a decision for the Council.

---

Council Meeting

17 March 2021

7.6 Local Government Remuneration Tribunal - 2021 Determination

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:** The direction of the Council is sought

---

**Report:**

The Local Government Remuneration Tribunal has written to the Council regarding its 2020 determination of Mayoral and Councillor fees. A copy of the letter is circulated with this agenda as **"Appendix 7.6-A"**.

While some of the letter relates to the review of categorization of Councils which is not due until 2023.

According to the Tribunal: "The Tribunal has commenced its review for the 2021 annual determination. Pursuant to s. 241 of the Local Government Act 1993 (LG Act), the Tribunal is required to make an annual determination, by no later than 1 May 2021, on the fees payable to Councillors and Mayors to take effect from 1 July 2021.

Fees

The Tribunal will review the minimum and maximum fee levels for each category".

Council Meeting

17 March 2021

7.7 Documents for Signing and Sealing – Tocumwal Aviation Museum

Report by: General Manager, Rowan Perkins

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

**Recommendation:** That the Council sign and seal the lease for the Tocumwal Aviation Museum.

---

**Report:**

The Council has been negotiating the lease for the Tocumwal Aviation Museum to allow the museum operators to occupy the facility and to work towards commencing the actual operation of the museum.

The essential terms of the lease are:

Term; 3 years with six 3 year options – total of 21 years.

Rent is \$22,500 p.a. with rent review at the exercise of each option.

Rent holiday – first six months.

Lease commencement 1<sup>st</sup> May 2021.

A copy of the lease is circulated with this agenda as “**Appendix 7.7-A**”.



**Council Meeting**

**17 March 2021**

**7.8 T07-20-21 (TL) Upgrade of the Barooga Water Treatment Plant and T08-20-21 (TL) Upgrade of the Finley Water Treatment Plant Tender Evaluation**

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

**Recommendation:**

That the Council request tenderers whom made tender submissions on both T07-20-21 (TL) Upgrade of the Barooga Water Treatment Plant and T08-2021 (TL) Upgrade of the Finley Water Treatment Plant, as identified in “**Appendix 7.8-A**”, supply revised pricing schedules with consideration and assumptions made to being awarded both tenders.

---

**Report:**

Staff are currently assessing T07-20-21 (TL) Upgrade of the Barooga Water Treatment Plant and T08-2021 (TL) Upgrade of the Finley Water Treatment Plant tender submissions. As the upgrade of the Finley water treatment plant is partially funded under the safe and secure water program (Department of Planning, Industry & Environment), and, two companies have submitted tender submissions for both the Finley and Barooga tenders, staff believe that there could be potential cost savings should both tenders be awarded to one tenderer.

At this time staff are seeking Council to resolve to request the two tenderers, whom submitted tenders for both T07-20-21 (TL) Upgrade of the Barooga Water Treatment Plant and T08-2021 (TL) Upgrade of the Finley Water Treatment Plant, to supply a reviewed pricing schedule to carry out both projects, should they be successful in winning both tenders.

---

**Council Meeting**

**17 March 2021**

7.9 Requests from Committees of Management for Inclusion in Four Year Delivery Program

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

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

---

**Report:**

As a part of the development of the 2021/2022 Operational Plan, each of the Council's Committees of Management that manage land or facilities were written to seeking information on projects etc. that they would like to see included in the Council's Plans.

In terms of the submissions received, the following is provided to assist with consideration of them.

In writing to the Committees, they were asked:

- What new projects or activities they saw as priorities;
- What financial support they may require to achieve these.

If requesting support from the Council, Committees were asked to:

- Provide an outline of the project;
- Outline the benefits of the project;
- Provide a project costing and the level of support they were seeking for the project;
- Outline any non-financial support required to complete the project, i.e. project supervision; and
- Explain how it fits into any strategic plans the Committee may have.

As a result of the above the following submissions were received:

Committee	Project	Estimated Costs	Comment
Finley & District Historical Museum and Mary Lawson Wayside Rest Committee of Management	Camera and microphone security system	\$5,000.	Proposed to reduce vandalism and theft from the museum.
	Solar system	\$4,000 - \$6,000 (est)	To reduce energy costs that are the Committee's largest cost.  Both of the above requests are worthwhile.  This Committee is generally self-reliant and past request for assistance have been minimal.
Finley War Memorial Hall Committee of Management	Sanding, resurfacing and line marking of hall floor	\$27,500 + \$1,920 for sub-floor works.  The Club will contribute \$5,000 towards the work.	This floor has been an ongoing problem however with the sub-floor drainage hopefully corrected it should now stabilize and not attract termites
Finley School of Arts Committee of Management	Sanding and resurfacing of hall floor	\$9,250	This facility has attracted significant funding in the recent past although the floor clearly needs resurfacing.  The request could be considered in conjunction with the above request.  The Committee of management is prepared to enter into a 1/3 1/3 1/3 arrangement with the Council.

Committee	Project	Estimated Costs	Comment
Berrigan Community Golf & Bowls Club, Berrigan Sportsground Committee of Management and Berrigan Tidy Towns and Conservation Group Committee of Management.	Purchase for joint use: Tractor Finishing mower Slasher Greens mower	\$107,000	The groups jointly advise: They will jointly own the equipment; The Golf and Bowls Club will register and insure the equipment; Woody Motors will maintain the equipment; Only experienced operators will use the equipment.  This proposal is worthy of support as it encourages efficient use of equipment by three community organizations however the request is also a significant value.

In a general sense it is extremely difficult for the Council to even consider the requests where costs are not provided.

Supported projects should be referred to the 2021/2022 Operational Plan for consideration.

Copies of the actual submissions received are circulated with this agenda as **“Appendix 7.9-A”**.

---

Council Meeting

17 March 2021

7.10 Murray-Darling Economic Development Program - Round 3

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:** The direction of the Council is sought.

---

**Report:**

Round 3 has been designed to *“provide quick investment and associated jobs to those regional communities impacted by water recovery under the Basin Plan at a time when they are facing increasing challenges brought about by COVID-19. Rounds 3 and 4 have been combined into a single round (Round 3) to maximise the investment available to applicants and to do so as quickly as possible”*.

The boundaries of the communities eligible under Round 3 are based on Local Government Areas (LGAs). This expansion of community size takes into consideration the expansion of impacts of Basin Plan water recovery since MDBA assessments in 2016 and 2017 and the social and economic linkages between populations within LGAs.

The objective of the program is to assist eligible communities to undertake economic development projects to respond to the impact of water recovery activities under the Basin Plan.

The intended outcomes of the program are to:

- increase opportunities for employment within eligible communities
- increase capacity of eligible communities to diversify and strengthen local economies
- enhance resilience of eligible communities to manage current and future economic challenges and changes.

The benefits will be the number of jobs created as a result of the projects and the number of projects supporting economic development activities that continue after the end of the projects.

**Eligibility**

The minimum grant amount is \$50,000. An application for grant funding below the set minimum amount will be deemed ineligible and the application will not be assessed. The notional maximum grant amount is \$1,000,000.

To be eligible your grant activity must be in accordance with these guidelines and should meet the following requirements:

- Eligible organisations are encouraged to collaborate with the broader eligible community and, as appropriate, act in partnership with other organisations to propose projects that stimulate economic activity and growth.
- Eligible projects should be in the communities identified in the list in section 5.2 and shown in the map at Appendix A and must conduct economic development activities that will mitigate the effects of the Basin Plan water recovery activities in those communities by seeking to achieve the outcomes of this program.
- Broadly, the program supports projects that create economic development and employment opportunities. This would include projects or proposals to build community capacity to make the most of the resources available. Innovative projects and those designed to make the most of the distinctive assets of eligible communities are encouraged.
- Projects do not have to relate to irrigation or agriculture. Ideally, project proposals should both provide jobs and economic stimulus through the project delivery stage and also, where possible, bring enduring benefits to the entire eligible community. Those doing so will be considered most favourably.
- Projects that undertake practical, on-ground works that address physical barriers to business development are particularly encouraged.

Projects should involve activities to support the specific situations faced by eligible communities and may:

- focus on future economic development needs through the development of non-technical skills such as business management, risk management, strategic planning and leadership in order to support resilience and adaptive management capability
- strengthen workforce capabilities through skills and capabilities development, entrepreneurialism, resilience and adaptive capacities in ways that are enduring
- deliver Indigenous-focused outcomes
- develop industry clusters or networks that bring together representatives of regional businesses, research centres and other partners
- integrate new technology or processes for improved capability, productivity and competitiveness
- assist local businesses and industries (including tourism) to grow and/or diversify, attracting new investment and new job creation
- address barriers to commerce such as inadequate mobile or internet services, or local banking opportunities
- address environmental needs, including management, education and tourism
- address infrastructure challenges impacting on industry sustainability or expansion

- improve infrastructure, plant or equipment for enhanced efficiency and competitiveness of local industry
- strengthen supply chain efficiencies and linkages
- deliver strategic planning that addresses and responds to the economic challenges a community faces as a result of water recovery activities under the Basin Plan
- leverage other Commonwealth or state grant programs to increase the value of the grant.

The above list is not comprehensive and other project activities will be considered.

You cannot use the grant for:

- retrospective activities (project activities that have commenced before the start date of the grant agreement)
- costs incurred in the preparation of a grant application or related documentation
- subsidy of general ongoing administration of an organisation such as electricity, phone and rent
- “business as usual” operation and administration costs of the local government authority or the organisation delivering the project, including maintenance, repairs, utilities and staffing (this does not extend to staff, consultants or contractors engaged specifically and solely for the purposes of the project)
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility
- activities funded through, or to be funded through, other Australian Government or state government investment
- labour, operational and maintenance costs associated with the project post completion
- projects requiring recurrent funding from a state government or the Australian Government once completed
- projects that only benefit private individuals or enterprises within the community (as opposed to projects that benefit the community)
- projects involving financial or debt restructuring
- projects strongly focused on research and development that do not offer solid economic development benefits
- purchase of land, unless as an integral part of an eligible project
- purchase of water, water licenses and access to alternative water sources
- any activity which is contrary to the objectives and intent of the program.

### **Potential projects**

There are a range of projects available to the Council should they choose to lodge an application. The scope of eligible projects is significantly wider than most other funding programs.

Projects the Council may wish to consider include:

Project	Comment
Tocumwal Foreshore - “wet” side	The Council’s highest priority project. An application for this project has been submitted under the Building Better Regions Fund.
Tocumwal Industrial precinct - viability assessment (due diligence)	Identified as a priority project by the Council at the Corporate Workshop. Directly linked to employment outcomes. Does not create works on the ground immediately. Limited time to prepare a scope of works for an application.
Cycling tourism strategy	Identified as a priority project by the Council at the Corporate Workshop. Directly linked to employment outcomes. Does not create works on the ground immediately.
Indoor Play Centre	Identified as a priority project by the Council at the Corporate Workshop. Limited time to prepare a scope of works for an application. May require a partner organisation
Tocumwal Long Day Care	Would address a significant impediment to economic development in Tocumwal. Creates a partnership with a local not-for-profit. Would ease the burden on Council staff in the preparation on the application
Tocumwal Residential Airpark - Stage 4	Identified as a future project. Needs considerable design work at this stage
Tocumwal Carpark and Murray St improvements	Identified as a project that will proceed in the short to medium term. Will complement earlier works at Tocumwal Foreshore. No structure plan in place for Murray St at this stage.
Amenities block - Town Beach	Identified as a future Council project. Plans, quotes and other information is in place. Competing with local business?
Improvement in local accommodation	Addresses a known gap in the local tourist offering. Difficult to scope and to deliver.
Dairy proposal	Directly linked to employment outcomes. Would ease the burden on Council staff in the preparation on the application
Tocumwal Air Museum -entrance and parking	Would improve amenity and parking at the new facility.

The Council may wish to consider other projects not listed.



On the other hand, the availability of staff to prepare a high quality application in the next four weeks is limited and the Council may wish to consider not submitting an application in this round.

Council Meeting

17 March 2021

7.11 Draft Reviewed Delivery Program

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

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. Provide comment on the Review of the Council's Delivery Program 2017 – 2022 ("Appendix 7.11-A")
  2. Note that the Delivery Program's budget forecasts will be updated subsequent to the Council adopting its draft Capital Works Program 2021/2022 and draft Annual Operational Plan budget 2021/22
- 

**Report:**

At the Council's Ordinary Council Meeting 18 November 2020, the Council resolved that Council staff would present to the Council for initial comment a review of the Council's Delivery Program 2017 – 2022. Attached as "**Appendix 7.11-A**" is a review of the Council's Delivery Program.

This review does not materially change the scale and scope of the Council's Delivery Program. Changes include this year's Corporate Workshop Outcomes reported to the Council and adopted (Council Minute 28) by resolution at the Council's 17 February 2021 Ordinary Council Meeting.

---

**Council Meeting****17 March 2021****7.12 Financial Strategy 2021**

Report by: Director Corporate Services, Matthew Hansen  
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:

1. Revoke its Financial Strategy adopted in October 2016
2. Adopt the Financial Strategy attached as **“Appendix 7.12-A”**

---

**Report:**

Attached as **“Appendix 7.12-A”** is a proposed Financial Strategy for Berrigan Shire Council. If adopted, the strategy will replace the Council’s existing Financial Strategy adopted in October 2016.

The Financial Strategy has been prepared as part of Berrigan Shire Council’s overall Integrated Planning and Reporting model. Along with the Asset Management Strategy, the Financial Strategy is designed to inform the preparation of the Council’s Long Term Financial Plan (LTFP), itself a part of the Council’s Resourcing Strategy.

The financial strategy provides guidance on the financial 'assumptions' or objectives that will guide the development of the LTFP. By establishing a financial strategy, the Council can demonstrate where it wishes to progress and the goals it wishes to achieve.

As with everything that Berrigan Shire Council does, this Strategy has been prepared to help Council achieve its stated purpose:

*Building an even better Berrigan Shire*

The Financial Strategy reflects the changes in the Council’s operating environment - in particular lower interest rates (for both borrowings and investment) and a greater willingness from other levels of government to provide tied funding in the form of capital grants for specific projects.

The Financial Strategy identifies four objectives:

1. **Financial sustainability**
2. **Maintenance — and gradual and sustainable increase — of service level standards for infrastructure assets**

- 3. Sufficient financial capacity and freedom to undertake new projects and activities if desired
- 4. Economic and community growth through strategic investment in improved community amenity where appropriate and affordable

Objective 4 has been added to this strategy to reflect the Council’s other integrated planning documents that call for the Council to improve amenity to attract more residents and visitors - especially young people with families.

To achieve these objectives, the Council has identified 17 core actions.

1.1	<b>Prepare and review annually a Long Term Financial Plan with the aim of achieving the financial objectives identified in this strategy.</b>
1.2	Prepare Capital Expenditure Reviews, including an assessment of lifecycle costs, for all new and/or upgraded infrastructure assets – with the exception of upgrades of roads, water mains and sewer mains.
1.3	Resist the pressure to fund services that are the responsibility of other levels of government.
1.4	Retain control of urban water supply and sewer services.
1.5	Recognise that funding for renewal and upgrading of sport, recreation and cultural infrastructure requires a combination of Council funding, community support and preferably some contribution from other levels of government.
1.6	Seek methods of achieving a return (or at least minimise ratepayer subsidy) on business activities such as the Finley Saleyards, Tocumwal Caravan Park and Tocumwal Aerodrome. Subsidies to programs not directly related to core Council services should be regularly reviewed.
1.7	Encourage and support the existing model of community provision and operation of sport, recreation and cultural infrastructure.
1.8	Actively lobby the State and Federal Governments to retain existing grant funding levels for road maintenance and upgrades.
2.1	Prepare and review its Asset Management Strategy and its Asset Management Plans for the Council’s major infrastructure assets annually as part of annual budget preparation.
2.2	Prioritise the renewal of existing assets over the development and delivery of new services.
2.3	Implement a Borrowing Policy that allows the Council to borrow only for the development of infrastructure where <ul style="list-style-type: none"> <li>1. There is an urgent need for the asset in the short term, or</li> <li>2. It is most cost-effective to construct the asset in the short term (as opposed to waiting until sufficient on-hand funds are available), and                 <ul style="list-style-type: none"> <li>a. The Council has access to a funding stream to meet its debt obligations without compromising its other activities, or</li> <li>b. To create economic growth and development</li> </ul> </li> </ul>
3.1	Look to improve investment returns while managing investment risk through a diverse and secure investment portfolio

3.2	Continue to actively recover outstanding rates debt as identified in the Council's Revenue Policy.
3.3	Set utility charges for water supply, sewer and waste management services at a level that delivers a return on those assets sufficient to ensure long term sustainability.
3.4	Consider seeking a Special Rates Variation where there is a clearly identified demand for new or significantly improved service levels. Consideration should also be given to the extended lead time and the cost involved in seeking a variation.
4.1	Where appropriate and affordable, strategically invest in community and infrastructure assets which directly boost the local economy and create employment.
4.2	Actively seek grant funding opportunities to deliver improved community amenity

The revised list of actions reflect a changed direction from the Council in response to the changed environment - a move to a more activist position in the delivery of community amenity and an increased (although still moderate) appetite for risk in financing its activities. This position is both moderate and sustainable but will require constant review.

**Council Meeting**

**17 March 2021**

7.13 Overdue, Lost and Damaged Library Materials Policy

Report by: Library Manager, Anne Nevins

Strategic Outcome: 3. Supported and engaged communities

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

**Recommendation:** That the Council adopt the Overdue, Lost and Damaged Library Materials Policy set out below:



100

**OVERDUE, LOST AND DAMAGED LIBRARY MATERIALS**

Strategic Outcome:	Good government	
Date of Adoption:	17 March 2021	Minute Number:
Date for Review:	19 March 2025	
Responsible Officer:	Director Corporate Services	
Document Control:	New policy	
Delivery Program Link:	3.2.1.1 <i>Coordinate and deliver local library services in accordance with Library Services Strategic Plan 2014 - 2018</i>	

**1. POLICY STATEMENT**

Berrigan Shire Library Service (BSLS) supports the Australian Library and Information Alliance (ALIA) Australian Public Library Alliance's position paper statement regarding the imposition of fines for overdue items in Australian public libraries.

Library fines undermine one of the core principles of public libraries – the provision of free and universal access to information. For the consistent application of lending and circulation services to ensure that the library service operates efficiently and effectively for the benefit of the whole community it is important to ensure equity and maintain capacity to recover costs for lost and damaged items within a structured process.

This policy seeks to implement a 'support to comply' process that uses restrictions on membership as a lever to return items rather than overdue fines.

**2. PURPOSE**

The purpose of this policy is to ensure BSLS has in place a fair and equitable process of managing assets of overdue, damaged and lost items without imposing fines for overdue items.

**3. SCOPE**

This policy covers all BSLS library materials borrowed by BSLS members

**4. DEFINITIONS**

**Library materials** for the purpose of this policy, library materials are resources owned by Council and managed by the Library Service. Library assets loaned to the community consist of Books, Audio books, Magazines, Large Print books and DVDs.



**Member** any user who has fulfilled the requirements for membership of the Library and has a current membership card

## **5. POLICY IMPLEMENTATION**

### **5.1 Overdue items**

The standard loan term for all library materials is 14 days. All members will be provided with a three-day "grace" period over and above this loan term to return the borrowed material. Borrowed materials not returned after this date will be deemed overdue.

Once a borrowed item becomes overdue, BSLS will send frequent reminders via SMS, email and/or mail until the item is either returned to BSLS or is reported or deemed lost.

Items more than 60 days overdue will be deemed lost by BSLS

### **5.2 Lost or damaged items**

At the discretion of the Library Manager, BSLS may seek recovery for the cost of replacement or repair of library materials lost or damaged by a member.

Where an item is returned damaged, BSLS will retain the damaged item for 60 days to allow the member to inspect the item and verify the damage.

Recovery of costs for lost and damaged items will be via the Council's standard debtors system with collection of outstanding debt to be undertaken as per the Council's Debt Management Policy

### **5.3 Restrictions on service**

BSLS will restrict access to library services to members with overdue items and/or outstanding debts relating to lost or damaged items.

#### **5.3.1 Restrictions - 28 days overdue**

Initially, members with an item overdue for more than 28 days will have the following restrictions imposed:

1. all current loans cancelled, and items must be returned immediately
2. no future loans will be permitted until the overdue item is returned
3. no reservations may be made and no inter-library loans processed.

#### **5.3.2 Restrictions - 60 days overdue**





Once an item is overdue for more than 60 days, the member will have the following restrictions imposed until all items are returned and/or lost or damaged items are paid for

1. Membership will be suspended
2. Access to public access computers and Wi-Fi will be refused

In addition, overdue items will be deemed lost.

#### **6. RELATED LEGISLATION, POLICIES AND STRATEGIES**

- [Local Government Act 1993](#)
- [Library Act 1939](#)
- [ALIA Australian Public Library Alliance \(APLA\) statement on fines for overdue items in Australian public libraries](#)
- Berrigan Shire Council - Berrigan Shire Library Service Strategic Plan
- Berrigan Shire Council - User Fees and Charges Policy
- Berrigan Shire Council - Debt Management and Hardship Policy
- Berrigan Shire Council - Library Service : Patron Code of Conduct Policy
- Berrigan Shire Council - Library Service: Public Internet Usage Policy
- Berrigan Shire Council - Library Service: Collection Development Policy

---

## **Report:**

Due to cancellation of Library Fines since 1<sup>st</sup> July 2020, a fair and equitable process to manage library assets of overdue, damaged and lost items, is necessary. This Policy sets out that process.

Library fines undermine one of the core principles of public libraries – the provision of free and universal access to information. For the consistent application of lending and circulation of services to ensure that the library service operates efficiently and effectively for the benefit of the whole community it is important to ensure equity and maintain capacity to recover costs for lost and damaged items within a structured process.

This policy seeks to implement a 'support to comply' process that uses restrictions on membership as a lever to return items rather than overdue fines.

---

**Council Meeting****17 March 2021****7.14 Development Application 59/21/DA/D9 - 2 Lot Subdivision/Boundary Realignment**

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 Development Application 59/21/DA/D9 for a 2 Lot Subdivision/Boundary Realignment be refused as the proposed development does not comply with the provisions of clause 4.2 of Berrigan Local Environmental Plan 2013.

---

**Report:**

At the Ordinary Council Meeting held on 21 October 2020 the Council resolved to 'defer its consideration of Development Application 59/21/DA/D9 until further advice is received in relation to possible conditions that could be applied to a consent determination and further that additional advice is received from the Council's solicitors regarding the potential to grant consent'.

Set out below is the original report that was deferred by the Council. The confidential information referred to in the report has not been reproduced as it is known to the Council, however, if Councillors would like to refer to it they can access it through the October 2020 Council meeting in dropbox.

**Background**

*This proposal relates to the subdivision of land to realign the boundaries of two lots, being Lot 97 DP752280 of 174ha upon which a dwelling is located and Lot 1 DP720268 of 3.4 ha, and creating two lots of approximately 25ha and 152ha with the existing dwelling to be located on the smaller 25ha allotment. (See "Appendix 7.14-A").*

*The subdivision of rural land is able to be undertaken in accordance with the provisions of clause 4.2 Rural subdivision of Berrigan Local Environmental Plan 2013 (LEP).*

*To provide clarity the clause is outlined below:*

**4.2 Rural subdivision**

- 
- (1) *The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow owners a greater chance to achieve the objectives for development in the relevant zone.*
  - (2) *This clause applies to the following zones:*
    - (a) *Zone RU1 Primary Production*
  - (3) *Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to that land.*
  - (4) *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
  - (5) *A dwelling cannot be situated on the lot.*

*The advice of Council's solicitor was sought regarding the ability to grant consent for the proposal. The advice provided indicated that under the provisions of clause 4.2 of Berrigan Local Environmental Plan 2013(LEP) the subdivision of the land could not be legally undertaken whereby a lot less than the minimum lot size of 120ha could not be created where there was an existing dwelling located on the lot.*

*Based on the above advice the recommendation presented to the Council was that the application for the subdivision of the land be refused as the proposal did not comply with the provisions of the LEP as the proposed lot was less than the minimum lot size for the zone and there is an existing dwelling located on the proposed allotment.*

### **Summary of further advice**

*The Council's solicitor has provided a detailed response to the proposed development including a legal opinion. This response can be viewed in the confidential section of this agenda. (See "Appendix 9.1-A")*

*In essence the advice is that the development application should be refused as it constitutes a clear breach of clause 4.2 of the LEP as the creation of the smaller lot with a dwelling on it is prohibited. Further, the development application for the subdivision of land in its current form is prohibited development and Council does not possess the discretion to grant consent.*

*It is acknowledged however that the policy direction of the Department of Planning has varied as indicated in section 3.12 of the solicitor's response and it has been recognized that clause 4.2 needs to be amended however such an amendment of the clause has not been implemented at this time. It is also apparent that some other Councils in this region have adopted the view of the Department and applied this clause inconsistently.*

---

*It should be noted that in attempting to clarify the above the Department has been silent on this issue and has advised our solicitor that “each Council should rely upon their own legal advice”.*

*The response also provided a commentary on the application of conditions of consent by way of a restrictive covenant should the Council be inclined to approve the subdivision.*

### **Discussion**

*It would appear that the response from the Council’s solicitor is quite clear in that the subdivision of land to less than the minimum lot size can be approved the legal opinion of Council’s LEP is that clause 4.2 only permits the identified primary production lot to be less than the minimum lot size if it does not have an existing dwelling on it.*

*Conversely, the response also acknowledges that this clause has been applied inconsistently across the State due to the policy direction of the Department and some Councils have ignored the legal interpretation of the clause in favour of the policy direction. It should be noted that the Department has acknowledged that clause 4.2 needs to be amended to enable their policy direction to be legally supported however has not undertaken this amendment at this time.*

*The Council should also be aware that should the application be supported in reliance on the policy direction of the Department instead of the legal advice to the contrary there is the potential for a large number of similar applications resulting in the fragmentation of prime agricultural land which was why clause 4.2 was introduced in the first place.*

*In this instance it would appear that the imposition of a restrictive covenant as a condition of consent, if the application is approved, would not be appropriate as the proposed lot that is less than the minimum lot size and already has a dwelling located on it. In addition the residual lot has an area greater than the minimum lot size and restrictions relating to the further subdivision of that lot would not be supported in the Land and Environment Court.*

### **Recommendation**

*In considering the response from Councils solicitor it is recommended that the subdivision not be supported at this time. Should the Department of Planning amend clause 4.2 in the future to facilitate the subdivision of rural land for purposes such as this application it would then be appropriate to consider supporting such a proposal.*

*Should the Council choose to approve the proposed subdivision then it would be appropriate to include the following condition of consent:*

- 1. Approved Plans*

*The development shall be implemented substantially in accordance with the details set out on the on the plan of proposed subdivision prepared by Eslers Land Consulting Ref 17440 Proposal Opt5 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.*

---

## 8. ITEMS FOR NOTING

**Recommendation:** that Items for Noting numbered 8.1 to 8.4 inclusive be received and noted.

**Council Meeting**

**17 March 2021**

### 8.1 2021 Local Government Elections

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

---

#### **Report:**

The NSW local government elections have been scheduled for 4 September 2021.

The NSW Electoral Commission (NSWEC) have advised the Council that it will share a Returning Officer (RO) with Federation and Murrumbidgee Councils with the RO to be based at Corowa. Further details on how local residents and candidates will be able to access serviced provided by the RO will follow at a later date.

NSWEC will run candidate information sessions in April. Dates have not yet been set for any local sessions. The Council may, if it wishes, run its own local information sessions however NSWEC has asked Councils to refer queries regarding election funding and candidate disclosures to NSWEC for a response.

The Office of Local Government (OLG) have issued a "Key Dates and Publications" flyer. A copy of this flyer is attached as "**Appendix 8.1-A**".

OLG are also running a campaign to increase female representation on local Councils at these elections. A flyer promoting this campaign is attached as "**Appendix 8.1-B**".

---

Council Meeting

17 March 2021

8.2 Agricultural Land Use Submission

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

Strategic Outcome: 1. Sustainable natural and built landscapes

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

---

**Report:**

Attached as **"Appendix 8.2-A"** and for noting by the Council is a submission prepared and submitted (27/02/2021) by Council Officers to the NSW Agriculture Commissioner's Review (2020) and recommendation that the development of an NSW Agricultural Land Use Planning Strategy, addressing the following three issues:

- Issue 1: Long term availability of productive land;
- Issue 2: Reducing land use conflict and supporting dispute resolution; and
- Issue 3: Support the growth of agriculture and regional economies,

May address the Planning barriers to primary production and rural land-use conflicts.

Besides, responding to the issues identified by the Agriculture Commissioners Review. This submission also requested an NSW Agricultural Land Use Strategy address the need for greater understanding by planners about irrigated agriculture's land use needs. It identified the need for state-level oversight of the impact of downstream expansion or recommissioning of decommissioned irrigation networks by developers on upstream irrigated agricultural (given the scarcity of water); and the need, therefore, to update the planning framework to respond to the changing needs of irrigated agriculturalists.



---

**Council Meeting**

**17 March 2021**

**8.3 T13/20/21 – Lewis Crescent Subdivision Stage 2**

Report by: Project Manager, Nathan O'Connell

Strategic Outcome: 1. Sustainable natural and built landscapes

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

---

**Report:**

This tender is for T13/20/21 Lewis Crescent Subdivision Stage 2.

In accordance with the delegation from Council the General Manager has:

1. accepted the tender submission from Crawford Civil Pty Ltd for the Lewis Crescent Subdivision Stage 2 , for a contact sum of \$543,729.97 including GST;
2. signed the contract documents on behalf of the Council in relation to 1 above; and
3. appointed the Director of Technical Services as the Contract Superintendent.

The tender is a quality assured, lump sum contract.

Tenders closed at 2:00pm Wednesday 17 February, 2021 and at the time of closing a total of 3 conforming submissions were received.

The three submissions received were from the following organisations in the order of opening:

Tenderer 1. EXCELL GRAY BRUNI PTY LTD

Tenderer 2. CRAWFORD CIVIL PTY LTD

Tenderer 3. MILLER PIPE & CIVIL PTY LTD

**Budget**

This project, along with Finley Railway Park is being funded through the Low Cost Loans Initiative.

**Panel Membership**

The submissions were evaluated by the following staff in accordance with the Councils adopted Tender Evaluation policy:

Matthew Clarke      Director Technical Services

---

Matthew Hansen      Director Corporate Services  
Nathan O'Connell      Project Manager

### Consideration of the Tenders

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

Criteria	Highest Possible Score	Weighting
1. Price	4	5
2. Compliance with Specification	4	5
3. Track Record	4	3
4. Quality Systems	4	2
5. Availability of Appropriate Skills & Resources	4	2
6. Work Health & Safety Considerations	4	3
7. Contract completion date	4	3

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

### Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of Crawford Civil Pty Ltd as the preferred tender.

### Supervisor

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

Council Meeting

17 March 2021

8.4 Development Determinations for Month of February 2021

Report by: Executive Support Officer, Rebecca Ware

Strategic Outcome: 2. Good government

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

Report:

**APPLICATIONS DETERMINED FOR FEBRUARY 2021**

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
108/20/DA/D1-M	BV DWELLING & ATTACHED GARAGE - MODIFICATION	58-62 SNELL ROAD, BAROOGA NSW 3644 (Lot25//DP1049419)	MR & MRS N DEMAIO	MRS T AND MR NA DE MAIO	Approved 24-02-2021	\$ 1300000.00	Active 284	Total 284
177/20/DA/D2- M	CHANGE OF USE OFFICE TO GYM - MODIFIED HOURS	45-51 VERMONT STREET, BAROOGA NSW 3644 (Lot2/9/DP758057)	SHANE BARBETTI	FRANK BISOGNI PTY. LTD.	Approved 03-02-2021	\$ 15000.00	Active 170	Total 170
99/21/DA/DM	GRANITE WAR MEMORIAL	122 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot33//DP1189220)	BERRIGAN RSL SUB-BRANCH	BERRIGAN SHIRE COUNCIL	Approved 12-02-2021	\$ 50000.00	Active 2	Total 59
104/21/DA/DM	9 HOLE MINI GOLF COURSE	18-38 BURKINSHAW STREET, BAROOGA NSW 3644 (LotPT261//DP1138087)	BAROOGA SPORTS CLUB	DEPARTMENT OF LANDS	Approved 24-02-2021	\$ 550000.00	Active 58	Total 58
105/21/DA/D1	BV DWELLING & ATTACHED GARAGE	RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot11//DP1256121)	ANDREW AND MELISSA JONES	TAKI PTY LTD	Approved 03-02-2021	\$ 350000.00	Active 33	Total 42
109/21/DA/D5	RESIDENTIAL STORAGE SHED & TREE REMOVAL	11 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot11//DP1265195)	VOLKER STAHL	MR V STAHL AND MRS HH STAHL	Approved 03-02-2021	\$ 50000.00	Active 38	Total 38
115/21/DA/D9	9 LOT SUBDIVISION	HUGHES STREET, BAROOGA NSW 3644 (Lot PT 10//DP1257753)	BRYBUT PTY LTD & BP AND BI NOONAN	KIZHOST PTY. LTD.	Approved 25-02-2021	\$ 0.00	Active 49	Total 49
117/21/DA/D6	ADDITIONS TO DWELLING	695 PEPPERTREE ROAD, TOCUMWAL NSW 2714 (Lot9//DP835666)	MS CONSTRUCTIONS PTY LTD	MR MT WOODEN AND MRS PL WOODEN	Approved 02-02-2021	\$ 222848.00	Active 31	Total 31
119/21/DA/DM	CHANGE OF USE - RESIDENTIAL STORAGE SHED TO BEAUTY & NAIL SALON	11 COBRAM STREET, TOCUMWAL NSW 2714 (Lot32//DP836672)	DYLAN EGAN	MR D J EGAN	Approved 03-02-2021	\$ 6500.00	Active 31	Total 31
26/21/CD/M6	VERANDAH	250 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot6//DP791909)	BRIAN BARBETTI	MR B M AND MRS W BARBETTI	Approved 22-02-2021	\$ 5800.00	Active 4	Total 28
123/21/DA/DM	RELOCATE EXISTING DWELLING	25 HANNAH STREET, TOCUMWAL NSW 2714 (Lot164//DP752296)	COUNTRY EXPRESS HOMES	MISS M SCHWAN	Approved 22-02-2021	\$ 125000.00	Active 3	Total 26
126/21/DA/D6	ADDITIONS TO DWELLING	5 FOREST COURT, FINLEY NSW 2713 (Lot16//DP39698)	VERONICA BRAYBON	MISS VS BRAYBON	Approved 17-02-2021	\$ 118000.00	Active 16	Total 16

27/21/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	6 IVIE AVENUE, BAROOGA NSW 3644 (Lot35//DP1093869)	POOLSIDE COBRAM	MR DP GOESCH AND MRS SB GOESCH	Approved 08-02-2021	\$ 40270.00	Active 7	Total 7
128/21/DA/D1	BV DWELLING & ATTACHED GARAGE	66 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot3//DP1250417)	STONEWAY CONSTRUCTIONS	MR BRENDAN HEATH AND MS ANNETTE REDDING	Approved 17-02-2021	\$ 329729.00	Active 9	Total 9
28/21/CD/M1	BV DWELLING & ATTACHED GARAGE	51 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot42//DP1250358)	DENNIS FAMILY HOMES	MR KM BERGMANS AND MS KL WALKER	Approved 12-02-2021	\$ 344251.00	Active 6	Total 6
29/21/CD/M6	DWELLING ADDITIONS	41A KELLY STREET, TOCUMWAL NSW 2714 (Lot48//DP732543)	JOHN LUCI	MR J A LUCI	Approved 20-02-2021	\$ 7000.00	Active 10	Total 10
131/21/DA/DM	DEMOLITION OF DWELLING & SHEDS	96-98 KELLY STREET, TOCUMWAL NSW 2714 (Lot6/18//DP758981)	PETER STOKES	MR PS STOKES AND MS BV WILKINSON	Approved 19-02-2021	\$ 0.00	Active 10	Total 10
132/21/DA/D5	STORAGE SHED & REMOVE EXISTING	100 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot2A//DP336156)	BRENDAN HAINTZ	B J HAINTZ AND MRS E M HAINTZ	Approved 24-02-2021	\$ 15000.00	Active 13	Total 13
133/21/DA/DM	PUMP & PIPELINE WITH CONCRETE PAD	95 NGAWA ROAD, BAROOGA NSW 3644 (Lot78//DP257589)	ZANE GOODWIN	MR ZC GOODWIN AND MS G WHINRAY	Approved 19-02-2021	\$ 0.00	Active 10	Total 10
31/21/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	21-22 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot33//DP1118257)	POOLSIDE COBRAM	MR GCJ CARR	Approved 19-02-2021	\$ 61320.00	Active 7	Total 7

**APPLICATIONS PENDING DETERMINATION AS AT 28/02/2021**

Application No.	Date Lodged	Description	Property Location
52/20/DA/D2 - M	24-10-2019	MODIFICATION OF EXISTING DWELLING TO COMMERCIAL PREMISES & CONSTRUCTION OF 1 SHOP & NEW DWELLING	42-48 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot1//DP972176)
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN STREET TOCUMWAL (Lot7002//DP1019579)
137/20/DA/DO-M	19-03-2020	RURAL SHED	3075 MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot8//DP1027384)
40/21/DA/DM	14-08-2020	4.95MW SOLAR FACILITY BROUGHANS ROAD	BROUGHANS ROAD, FINLEY NSW 2713 (Lot126//DP752299)
59/21/DA/D9	16-09-2020	2 LOT SUBDIVISION/BOUNDARY REALIGNMENT	2521 MULWALA-BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot96//DP752280)
91/21/DA/D9	12-11-2020	24 LOT SUBDIVISION	2-16 BANKER STREET, BAROOGA NSW 3644 (Lot194//DP752274)
100/21/DA/D5	26-11-2020	RESIDENTIAL STORAGE SHED	19 MOORE STREET, TOCUMWAL NSW 2714 (Lot21//DP545305)
112/21/DA/D9	18-12-2020	17 LOT SUBDIVISION	HUGHES STREET, BAROOGA NSW 3644 (Lot PT 10//DP1257753)
124/21/DA/D5	18-01-2021	CARPORT & VERANDAH	23 EMILY STREET, TOCUMWAL NSW 2714 (Lot21//DP588306)
125/21/DA/D1	18-01-2021	CONSTRUCT TRANSPORTABLE DWELLING	193 QUICKS ROAD, TOCUMWAL NSW 2714 (Lot65//DP877159)
127/21/DA/D1	04-02-2021	BV DWELLING	BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot133//DP773957)
130/21/DA/D5	05-02-2021	DECK	46 LAWSON DRIVE, BAROOGA NSW 3644 (Lot43//DP1045702)

134/21/DA/DM	10-02-2021	INSTALLATION OF IRRIGATION TANK, MAINTENANCE SHED & AMENITIES BUILDING	18-38 BURKINSHAW STREET, BAROOGA NSW 3644 (LotPT261//DP1138087)
135/21/DA/DM	22-02-2021	SHADE SAILS X 4	239-241 MURRAY STREET, FINLEY NSW 2713 (Lot15//DP260805)
136/21/DA/D9	23-02-2021	2 LOT SUBDIVISION	16 FLIGHT PLACE, TOCUMWAL NSW 2714 (Lot1//DP847411)
137/21/DA/D1	23-02-2021	2 STOREY DWELLING & ATTACHED GARAGE	1C RIVERVIEW COURT, BAROOGA NSW 3644 (Lot1//DP1172277)
138/21/DA/DM	24-02-2021	TRANSPORTABLE INDEPENDENT LIVING UNIT	MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot2//DP752276)
139/21/DA/D5	24-02-2021	CARPORT	42 COBRAM STREET, BERRIGAN NSW 2712 (Lot11//DP561420)
140/21/DA/DM	24-02-2021	EXTEND EXISTING EASTERN BOUNDARY FENCE HEIGHT	22 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot59//DP1131677)
141/21/DA/D5	24-02-2021	ADDITIONS TO DWELLING	39-41 FINLEY STREET, FINLEY NSW 2713 (Lot2//DP749417)
142/21/DA/D5	24-02-2021	RESIDENTIAL STORAGE SHED	22 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot123//DP1070311)
143/21/DA/D2	24-02-2021	9.9KW SOLAR SYSTEM	71-85 CHANTER STREET, BERRIGAN NSW 2712 (Lot60/A/DP2425)
144/21/DA/D1	26-02-2021	BV DWELLING & ATTACHED GARAGE	10-12 WOLLAMAI STREET, FINLEY NSW 2713 (Lot W//DP412105)

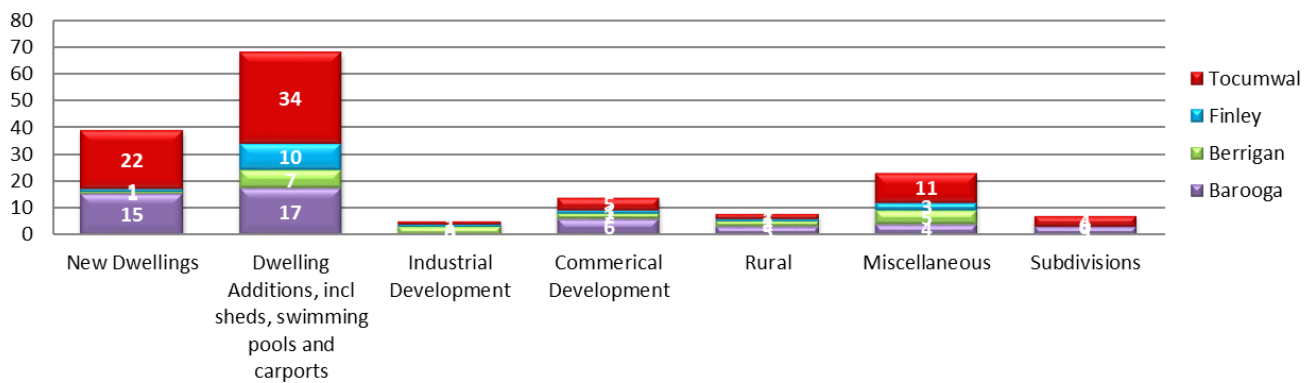
**TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)**

	<b>This Month (February)</b>	<b>Year to Date</b>	<b>This Month's Value (February)</b>	<b>Year to Date Value</b>
<b>Development Applications (DA)</b>	15	135	\$1,817,077	\$22,810,384
<b>Construction Certificates (CC)</b>	4	95	\$362,848	\$11,545,908
<b>Complying Development Certificates (CDC)</b>	5	29	\$458,641	\$3,675,767
<b>Local Activity (s.68)</b>	7	60	0	0

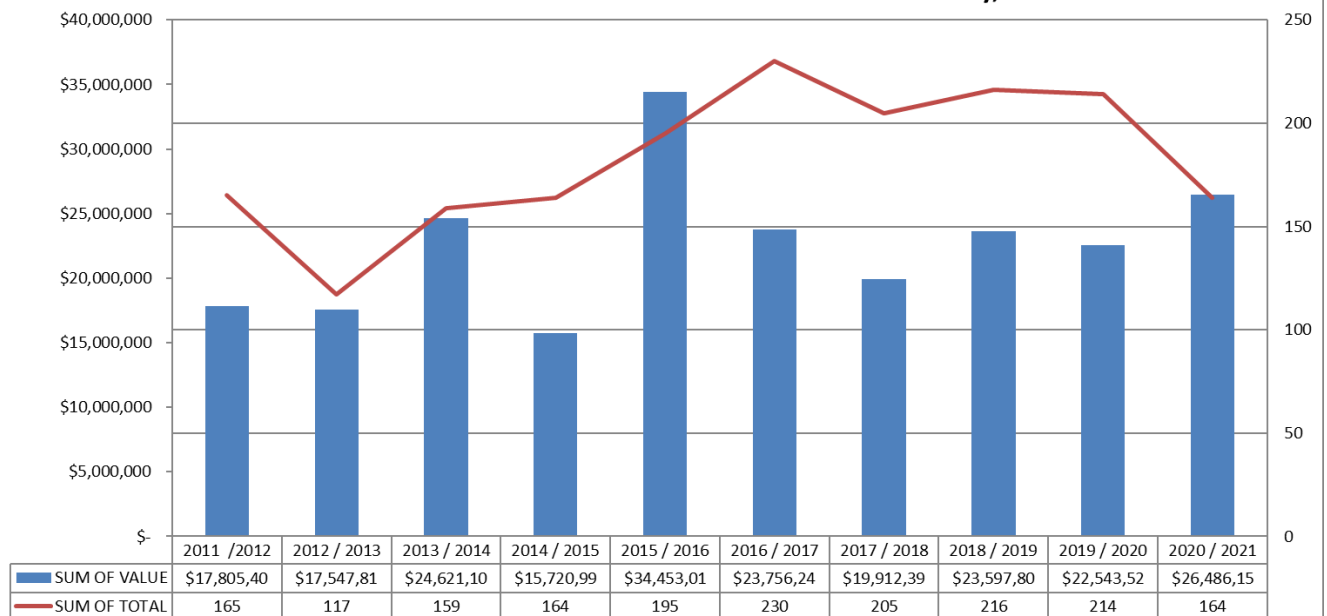
**OTHER CERTIFICATES ISSUED FOR FEBRUARY 2021**

	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	
	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total
BAROOGA	6	71	0	0	0	1	0	1	0	0	1	4
BERRIGAN	6	42	0	0	1	6	0	0	0	1	0	1
FINLEY	17	93	1	1	1	4	0	0	0	0	0	0
TOCUMWAL	21	124	0	2	0	1	0	0	0	1	1	8
<b>TOTAL</b>	<b>50</b>	<b>330</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>12</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>13</b>

**DEVELOPMENT ACTIVITY 2019/2020 as at 28 February, 2021**



**DEVELOPMENT ACTIVITY as at 29 February, 2021**



## 9. CLOSED COUNCIL

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

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

The matters and information are the following:

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

### 9.1 T13/20/21 – Lewis Crescent Subdivision Stage 2

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 provided by the consultant.

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

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is

classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

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

Open Council resumed at .....

## **RESOLUTIONS FROM THE CLOSED COUNCIL MEETING**

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



## 10. COMMITTEES

Council Meeting

17 March 2021

### 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 Thursday 18 February, 2021:

That the Council:

1. Approve the application made by BDDA to hold 'A Festival of Music on Chanter' on Friday 26<sup>th</sup> March, 2021 and the temporary road closure of Chanter Street, between Jerilderie Street (MR363) and Drummond Street, Berrigan, between the hours of 5:00pm – 11:00pm, subject to obtaining a Road Occupancy License from Transport NSW and the applicant sending a schedule of events to NSW Police.
2. Approve the application for temporary road closure made by Finley Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25<sup>th</sup> April, 2021 in Murray Street between Ulupna Street and Berrigan Road, Finley between the hours of 10:30am and 12:30pm subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency and the applicant obtaining a Road Occupancy License from Transport NSW.
3. Approve the application for temporary road closure made by Tocumwal Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25<sup>th</sup> April, 2021 in Deniliquin Street between Murray Street and Hennessy Street, Tocumwal between the hours of 10:30am and 11:30am, subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency.
4. Approve the application for temporary road closure made by Berrigan Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25<sup>th</sup> April, 2021 in Chanter Street between Jerilderie Street and Drummond Street, Berrigan between the hours of 9:30am and 12:00pm, subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency and the applicant obtaining a Road Occupancy License from Transport NSW.

## 11. MAYOR'S REPORT

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



12. DELEGATES REPORTS



**13. BUSINESS ARISING**

**14. CLOSE OF MEETING**