



Council Chambers,  
BERRIGAN NSW 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 17<sup>th</sup> April, 2019** when the following business will be submitted:-

**9:00AM**

**Public Question Time**

**COUNCIL MEETING**

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

ROWAN PERKINS  
GENERAL MANAGER



**Council Meeting**

**Wednesday 17<sup>th</sup> April, 2019**

**BUSINESS PAPER**

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**1. APOLOGIES**

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

**3. VISITORS ATTENDING MEETING**  
Mark Henderson – Antique Aircraft Association  
(Question Time)

**4. CONFIRMATION OF MINUTES**  
**RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 20<sup>th</sup> March, 2019 be confirmed.**

**5.1 FINANCE - ACCOUNTS**

**AUTHOR:** Finance Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 12.066.1

### Items requiring Council Resolution

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**RECOMMENDATION:** - that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 March 2019, be received and that the accounts paid as per Warrant No. 03/19 totaling \$3,861,714.88 be confirmed.

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#### REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 March 2019 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 March 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 March 2019, totaling \$3,861,714.88 and will be submitted for confirmation of payment as per Warrant No. 03/19
- 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) Cash and investments held by the Council have atypically increased slightly in March 2019, as compared to February 2019, however overall the general trend is in line with the same period last year.

Rates collection totals are ahead of the previous period last year and several large debtors are expected to settle within the month.

Total funds held have increased \$3.6M from the same time last year, predominately due to the inflow of grant funds for large-scale infrastructure projects. Cash flows are expected to increase in April contrary to the usual pattern over the year as projects reach practical completion.

## Items requiring Council Resolution

### Statement of Bank Balances as at 31 MARCH 2019

**Bank Account Reconciliation**

Cash book balance as at 1 MARCH 2019	\$ 4,154,415.91
Receipts for MARCH 2019	\$ 2,380,160.26
Term Deposits Credited Back	\$ 2,000,000.00
	<b><u>\$ 8,534,576.17</u></b>

*Less Payments Statement No 03/19*

No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 553,515.06
Electronic Funds Transfer (EFT) Creditors E031068-E031281	\$ 1,279,980.94
Term Deposits Invested	\$ 2,000,000.00
Loan repayments, bank charges, etc	\$ 28,218.88
Total Payments for MARCH 2019	<u>\$ 3,861,714.88</u>

**Cash Book Balance as at 31 MARCH 2019**
**\$ 4,672,861.29**
*Bank Statements as at 31 MARCH 2019*

Plus Outstanding Deposits	\$ 5,305,394.34
Less Outstanding Cheques/Payments	\$ 1,206.08
	<u>\$ 633,739.13</u>

**Reconciliation Balance as at 31 MARCH 2019**
**\$ 4,672,861.29**
**INVESTMENT REGISTER**

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	133/17	365	2.75%	28/05/2019	\$ 1,000,000.00
AMP	125/16	365	2.75%	5/06/2019	\$ 2,000,000.00
AMP	136/18	365	2.75%	17/10/2019	\$ 2,000,000.00
AMP	144/19	182	2.75%	23/09/2019	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	365	2.75%	15/05/2019	\$ 2,000,000.00
Bendigo Bank	141/18	365	2.30%	13/09/2019	\$ 2,000,000.00
Bendigo Bank	142/18	365	2.30%	26/09/2019	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	2.70%	31/08/2019	\$ 2,000,000.00
Defence Bank Limited	102/14	365	2.80%	4/04/2019	\$ 2,000,000.00
Defence Bank Limited	106/14	365	2.90%	29/06/2019	\$ 2,000,000.00
Defence Bank Limited	138/18	365	2.85%	10/01/2020	\$ 2,000,000.00
ME Bank	132/17	212	2.83%	8/08/2019	\$ 2,000,000.00
ME Bank	140/18	365	2.83%	8/08/2019	\$ 1,000,000.00
WESTPAC	137/18	92	2.76%	9/04/2019	\$ 2,000,000.00
NAB	143/18	365	2.75%	19/11/2019	\$ 2,000,000.00
					<b><u>\$ 28,000,000.00</u></b>

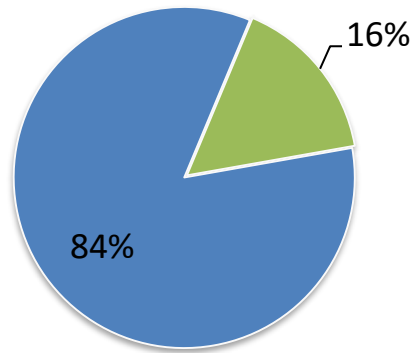
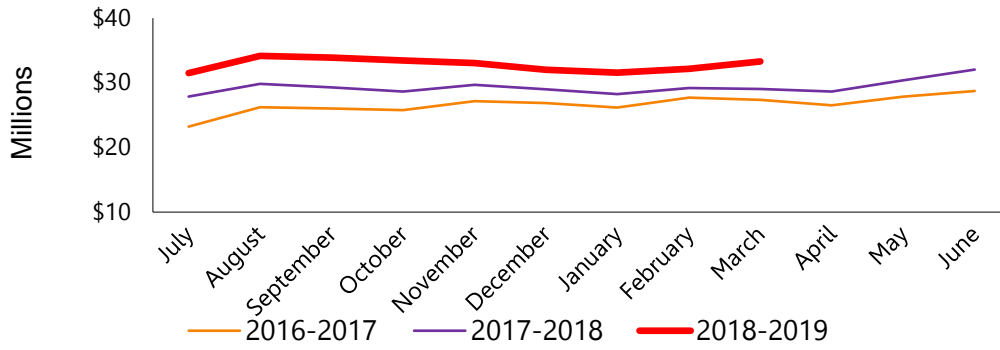
**Total Funds Held at 31 MARCH 2019**
**\$32,672,861.29**

Carla von Brockhusen - Finance Manager

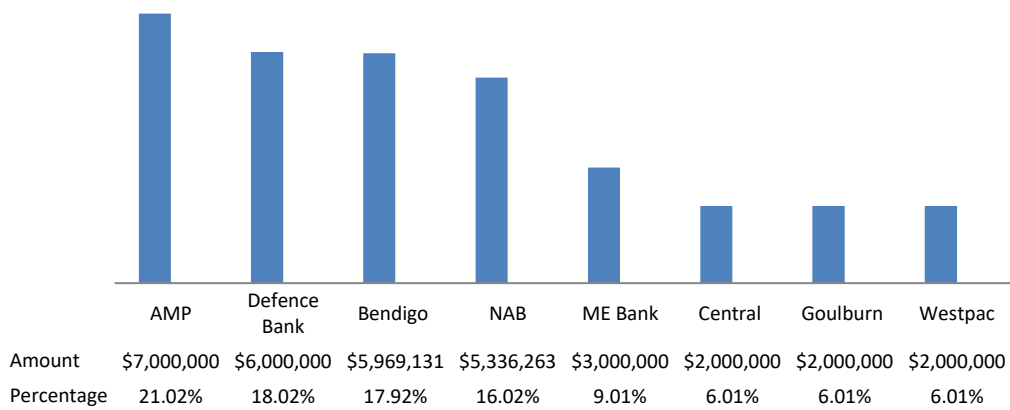
RESOLUTION

Items requiring Council Resolution

Total Cash and Investments



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



RESOLUTION

Items requiring Council Resolution

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Prior Financial Institution	Term Deposits Credited Back			Maturity Date
	Term (Days)	Amount	Interest Rate	
ME BANK	272	\$ 2,000,000.00	2.80%	25/03/2019

Current Financial Institution	Term Deposits Invested / Reinvested			Maturity Date
	Term (Days)	Amount	Interest Rate	
AMP BANK	182	\$ 2,000,000.00	2.75%	23/09/2019

RESOLUTION

Items requiring Council Resolution

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## 5.2 COUNCILLORS AND OFFICERS LIABILITY

**AUTHOR:** Enterprise Risk Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 27.034.1

**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:

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**REPORT:**

The Council's *Councillors and Officers Liability Policy* will expire on 30 June 2019.



**Items requiring Council Resolution**

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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.

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### Items requiring Council Resolution

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#### 5.3 LIQUID TRADE WASTE POLICY

**AUTHOR:** Engineering Services Manager

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities

**FILE NO:** 29.094.2

**RECOMMENDATION:** that the Draft Policy for liquid trade waste regulation as attached as Appendix "A" be adopted and forwarded to the NSW Department of Planning and Infrastructure for approval

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#### REPORT:

The draft policy for liquid trade waste regulation has been exhibited for public comment and no formal submissions have been received in relation to it.

There were two phone enquiries received and both parties were satisfied with the explanation of the likely effect on their business and did not wish to submit formal comment.

Council should now adopt the draft Policy and forward it to the NSW Department of Planning and Infrastructure for approval.

Consideration should also be given to the implementation issues relating to this policy once adopted and approved. There are three separate areas of implementation to be considered as follows:

- Setting of fees and charges and revising existing sewer charges for compliance with the policy;
- Initial identification of affected properties, liaison with owners to submit applications, assessment of initial applications and further liaison with owners regarding required works; and
- Ongoing monitoring of registered properties and management of compliance processes.

All of these will require the provision of considerable staff resources and it is not envisaged that initial implementation will be able to be managed with current staff resources.

It is suggested that additional contract or part time staff will need to be engaged for at least the first year of implementation of the policy and it is intended that this additional cost would be balanced by fee income and changes in the sewer pricing model.

Items requiring Council Resolution

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The cost of ongoing monitoring and management may be able to be covered with existing staff once the implementation is bedded down.

RESOLUTION

Items requiring Council Resolution

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**5.4 UPGRADE OF BAROOGA WATER TREATMENT PLANT AND ASSOCIATED WORKS****AUTHOR:** Director Technical Services**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities**FILE NO:** 32.101.1**RECOMMENDATION:** That, subject to receipt of an interest rate subsidy for a loan under the NSW government's Low Cost Loans Initiative – Growing Local Housing program, Council carry out the upgrade and maintenance works to the Barooga Water Treatment Plant by installing an additional Dissolved Air Floatation and Filtration (DAFF) lane and repairing / replacing the existing DAFF lane

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**REPORT:**

The Barooga Water Treatment Plant has reached its supply capacity to serve the growing population of Barooga. The plant struggles on peak demand days in summer to keep up with water supply and puts significant unnecessary pressure on staff.

The Barooga Water Treatment Plant was commissioned in 2000. The plant was originally designed to have an additional DAFF lane installed at a later date.

The treatment plant is a single lane Dissolved Air Floatation and Filtration (DAFF) Plant which poses risk to treated water supply. If there is an issue with the lane there is no alternative water treatment available. The operators can only rely on the already treated water in the reservoir and hope to have any repairs completed in a timely manner.

The DAFF tank is a glass fiber reinforced plastic (GFRP) tank. However, as part of building the case to upgrade Barooga Water Treatment Plant our technical consultants advised that these tanks have a typical maximum life of 25 years and there had been recent failures of tanks around 20 years old. On receiving this information a specialist contractor was engaged to carry out a structural assessment of the GFRP tank and this indicated that repairs are required to the tank in the short term. The typical failure of these tanks has been to leak initially and then catastrophically break. The report has found that minor leaks are already present.

Staff are currently investigating short term repair options for the GFRP tank, however, it seems in order to fully address the issues the lane will need to be

### Items requiring Council Resolution

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temporarily taken off line to carry out the repairs which is not possible without another DAFF lane or other alternative treatment.

Staff have been pursuing funding for the upgrade of the Barooga Water Treatment Plant through the Safe and Secure Water Program (SSWP) which is a \$1 billion regional infrastructure co-funding program for water and sewer infrastructure, however, Berrigan Shire Council has previously been successful in securing funding for the Finely Water Treatment Plant upgrade and unsuccessful in obtaining funding for the Barooga Water Treatment Plant Upgrade.

However, under the SSWP funding guidelines a new risk (asset condition) has been identified which, staff believe, would now make the Barooga Water Treatment Plant Upgrade eligible.

The installation of a second DAFF lane at the Barooga Water Treatment Plant has been identified in the Berrigan Shire Water Asset Management Plan and has been allocated a budget of \$1.7 million.

As time is a critical factor with regard the deterioration of the GFRP tank and the difficulty in maintaining a water supply to cater for Barooga's water demand, it is recommended that Council take out a loan through Low Cost Loans Initiative- Growing Local Housing (LCLI) to carry out the upgrade and maintenance works to the Barooga Water Treatment Plant and staff continue to pursue funding through the SSWP.

A report on funding for these works using the NSW government's LCLI is included elsewhere in this agenda.

The initial estimated cost to upgrade the Barooga Water Treatment Plant \$4,472,421

The costs for repairing the existing DAFF lane are being investigated by staff.

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### Items requiring Council Resolution

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## 5.5 LOW COST LOANS INITIATIVE

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 12.098.1

**RECOMMENDATION:** That the Council:

- 1) Provide in principle approval for the following loans, subject to receipt of interest rate subsidies for each loan under the NSW government's Low Cost Loans Initiative program:
  - a) \$4.0 m for upgrading the Barooga Water Treatment Plant
  - b) \$1.0m for subdivision works at Lewis Crescent and associated open space development at Railway Park and the Southern Retention Basin
- 2) Submit applications for both projects under the Low Cost Loans Initiative program.

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### REPORT:

The NSW Department of Planning is offering a second round of funding for local councils under its Low Cost Loans Initiative (LCLI).

This report proposes the Council lodge two (2) applications under this funding initiative.

1. Development of the remaining 15 lots at Lewis Crescent in Finley along with associated open space
2. Upgrade of the Barooga Water Treatment Plant to improve capacity and reliability

### Funding guidelines

The LCLI funding guidelines state:

*The Low Cost Loans Initiative (LCLI) will support local councils to borrow up to \$500 million for infrastructure that enables new housing supply by halving the cost of interest on their loans. This will allow councils to bring forward delivery of planned infrastructure in new housing areas.*

## Items requiring Council Resolution

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*The objectives of the LCLI are to:*

- *enable forward funding of local infrastructure by local government for the accelerated delivery of housing*
- *provide councils with safe, cheaper finance subsidised by the NSW Government*
- *facilitate the quick delivery of infrastructure in new housing areas*

There are some basic conditions that apply:

To be eligible for the LCLI:

*The council must be:*

- *Building local infrastructure to enable the development of new housing.*
- *Responsible for the provision of the local infrastructure. The housing development itself may be carried out by the council or a developer.*
- *Responsible for repaying the loan which is funded by TCorp, or another financial institution of the council's choice, on their standard terms and prudential requirements.*

*The loan itself must:*

- *be for a minimum of \$1 million,*
- *have a fixed interest rate,*
- *not exceed 10 years,*
- *be new, not an existing or a refinanced loan,*
- *be primarily for the infrastructure component of the development. Where a loan includes funds for both the development of infrastructure and construction of housing, only the component relating to the infrastructure is eligible for LCLI support. The cost for infrastructure must be for an amount greater than \$1 million*

The criteria for assessing the application include:

1. Council must meet TCorp loan facility requirements
2. The infrastructure must enable new housing supply
3. The Council's Local Environmental Plan must reflect the relevant housing targets, or be under review. (This may be an issue).

### **Financial Strategy**

The Council's adopted [Financial Strategy 2016](#) provides some guidance to Council when considering methods of funding large scale projects – especially when considering loans.

Objective 3 of the Financial Strategy is to ensure:

## Items requiring Council Resolution

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*Sufficient financial capacity and freedom to undertake new projects and activities if desired.*

Action 3.1 of the Strategy states:

*Formalise the Council's existing preference to put money aside for future capital works, rather than borrow.*

On the other hand, Action 2.4 allows for the Council to consider borrowing subject to the proposed project meeting a three-part test

*Implement a Borrowing Policy that allows the Council to borrow only for the development of infrastructure where*

- *There is an urgent need for the asset in the short term, **or***
- *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***
- *The Council has access to a funding stream to meet its debt obligations without compromising its other activities.*

The two proposed projects (and the associated loans) belong to separate funds of the Council, with independent funding streams, and in that sense are entirely independent of each other. On that basis, this report will consider each loan and application separately.

### **Barooga Water Treatment Plant**

#### Project details

This project will:

1. Replace the existing Dissolved Air Floatation and Filtration (DAFF) lane at Barooga Water Treatment Plant (WTP) to address identified defects, and
2. Install an additional DAFF lane to allow repairs on the existing lane to take place and expand the supply capacity of Barooga WTP.

A detailed report on required works at Barooga WTP is provided elsewhere in this agenda.

The estimated cost of the works is \$4.5m. The Council has already set aside \$1.7m over two years for this work. This report considers a loan of \$4.0m

#### Funding

The Council has a current application pending under the Safe and Secure Water Program (SSWP) – the same program that is part-funding the replacement of the Finley Water Treatment. On this basis, it is considered unlikely that the same program will fund a second project by Berrigan Shire



## Items requiring Council Resolution

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Council in the near future (1-3 years). That said, the Council will continue to seek funding through this program.

Outside grants, the Council has two basic funding options open to it – use of its own cash reserves or borrowing. The report will consider both in turn.

### Reserve funds

The Council uses its Water Supply Reserve to pay for large-scale capital works and improvements for its water supply business. The surplus (i.e. profit) made by its water supply business is all placed into this reserve, where it is invested until needed. The draft 2019-20 budget presented at this meeting shows this reserve has a projected balance at 30 June 2019 of approximately \$4.8m.

Using the funds in the reserve to pay for the Barooga WTP would leave the reserve with less than \$1m in the short term. While this will again slowly build, it would leave the reserve severely depleted and the water business vulnerable should it need funds on short notice.

As mentioned above, the funds in the Water Supply Reserve are placed on investment until they are needed. At present, these funds are making a return of approximately 2.6% per annum. This return is paid back into the Water Supply Reserve. Obviously, using these funds for the Barooga WTP means bearing the opportunity cost associated with the loss of this return on investment.

### Loan

The alternative funding option for the Council is a loan. This option becomes more attractive with an interest rate subsidy via the LCLI.

The Council has already committed in principle to an internal loan from its sewer fund to its water fund for its \$2.6m contribution towards the \$6.6m Finley WTP replacement. Repayments on this loan are expected to be \$303,000 per annum.

A further \$4m loan will require additional annual repayments of approximately \$463,000 making total loan redemptions from the Water fund \$766,000 annually.

To fund repayments of both loans, income into the water fund is expected to be around \$3.7m in 2019/20 and beyond with expenditure (not including capital works, loan redemptions or depreciation) expected to be \$2.4m.

Looking at the three-part test in the Financial Strategy:

- 1. Is there an urgent need for the asset in the short term?**

## Items requiring Council Resolution

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As shown in the associated report, the Council has been advised that the proposed works are urgent and should be completed as soon as possible.

Given the first leg of the test has been satisfied, there is no need to consider the second or third legs.

### Recommendation

For this project, the case for borrowing the required funds, subject to approval of an interest rate subsidy via LCLI, is very strong and is the recommended option.

### Lewis Crescent and Railway Park

#### Project details

This project will

1. Develop the final 15 residential lots in the Lewis Crescent subdivision
2. Upgrade Railway Park largely in keeping with the Council's Finley landscape plan and the Railway Park landscape concept plan
3. Develop the southern retention basin as an open space area
4. Minor streetscape works on Pinnuck Street between Murray Street and Endeavour Street.

The estimated cost of these works is \$1.3m including a 25% allowance for contingencies. This report considers a loan of \$1.0m – i.e. the cost of the project without the contingency allowance.

The Council has prepared a subdivision plan for Lewis Crescent and a draft landscape concept plan for Railway Park and the southern retention basin. The draft landscape plan is at a stage where it can be released for public comment before final adoption.

The Council has already given support in principle for delivery of this project. Hence, this report does not consider the desirability of the project, merely how it can be funded.

#### Funding

The Council previously applied for grant funding under the Building Better Regions program for this project and were unsuccessful. It may be some time before another appropriate funding program becomes available.

In the absence of direct grant funding, the Council has two basic funding options open to it – use of its own cash reserves or borrowing. Again, the report will consider both in turn.

## Items requiring Council Resolution

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### Reserve funds

The Council uses its Capital Works reserve to pay for capital projects that promote economic development. One of the more common uses of this reserve is to fund land development – for residential or industrial use – and then returning the proceeds into the reserve to fund the next development. A good example of this is the Tocumwal Residential Airpark development.

The draft 2019-20 budget presented at this meeting shows this reserve has a projected balance at 30 June 2019 of approximately \$2.2m. This would be sufficient to deliver the project. It would, however, deplete the reserve until proceeds from sales of the developed properties were available to replenish it. This could take some time.

The opportunity cost of using the reserve therefore is two-fold

1. The return available from having those funds on investment - at present, these funds are making a return of approximately 2.6% per annum, **or**
2. The loss of the ability to use these funds on another project.

The major benefit of using reserve funds is obviously not having to bear of the cost of interest on a loan and also the freedom and flexibility afforded to the Council by not having to meet regular loan repayments.

### Loan

The alternative funding option for the Council is a loan. Once again, this option becomes more attractive with an interest rate subsidy via the LCLI.

In the draft budget presented to this meeting, the Council has already committed in principle to an internal loan from its sewer fund to its general fund for \$1.0m to assist in meeting its obligations to complete various grant-funded and other projects – should additional funds be required. Repayments on this loan are expected to be \$116,000 per annum.

A further \$1m loan will require additional annual repayments of approximately \$116,000 making total loan redemptions from the General fund \$332,000. On the draft budget presented to the meeting, the Council is in a position to make these payments. It will however impact on the Council's financial freedom and flexibility over the term of the loan.

Finally, the LCLI subsidy would mean that the Council would be borrowing at an effective interest rate of approximately 1.5% per annum. This can be compared with the investment return on those funds of around 2.6% per annum

### Items requiring Council Resolution

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Looking at the three-part test in the Financial Strategy:

1. **Is there an urgent need for the asset in the short term?**

Unlike the Barooga WTP project, there is not an urgent requirement for this project to be delivered in the short term. It could be delayed if necessary.

2. **Is it most cost-effective to construct the asset in the short term (as opposed to waiting until sufficient on-hand funds are available)?**

The costs associated with projects such as these will always tend to increase. The matter for consideration is normally – is the cost of borrowing more than the expected increase in cost created by deferring or delaying the project. Of course in this instance the Council could deliver the project without borrowing if it chose.

Once the LCLI subsidy is considered, it is actually more cost effective to borrow to complete this project. The Council can then retain the funds in its capital works reserve where they are earning around a 2.5% return per annum while repaying a loan with an interest rate of around 1.5% per annum

3. **Does the Council have access to a funding stream to meet its debt obligations without compromising its other activities?**

As discussed earlier in this report, the Council has the capacity to meet these debt obligations while continuing to deliver its core and essential services. The repayment stream will however have an impact on its ability to fund other optional projects – i.e. it will impact somewhat on the Council's financial flexibility and freedom.

The Council will need to consider if the advantages of delivering this project via an LCLI-funded loan outweighs this loss of flexibility while noting that the alternate option of using reserve funds also entails a loss of flexibility in its own right.

#### Recommendation

For this project, the case for borrowing is not as strong as Barooga WTP. The Council has options to allow it to avoid borrowing, including deferring or even scrapping the project or funding the project via its Capital Works reserve. This is a matter for the judgement of the Council.

On balance, however, provided an LCLI loan subsidy is available, the case for borrowing these funds for delivery of this project is reasonably strong and is the recommended option.

Items requiring Council Resolution

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**5.6 RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

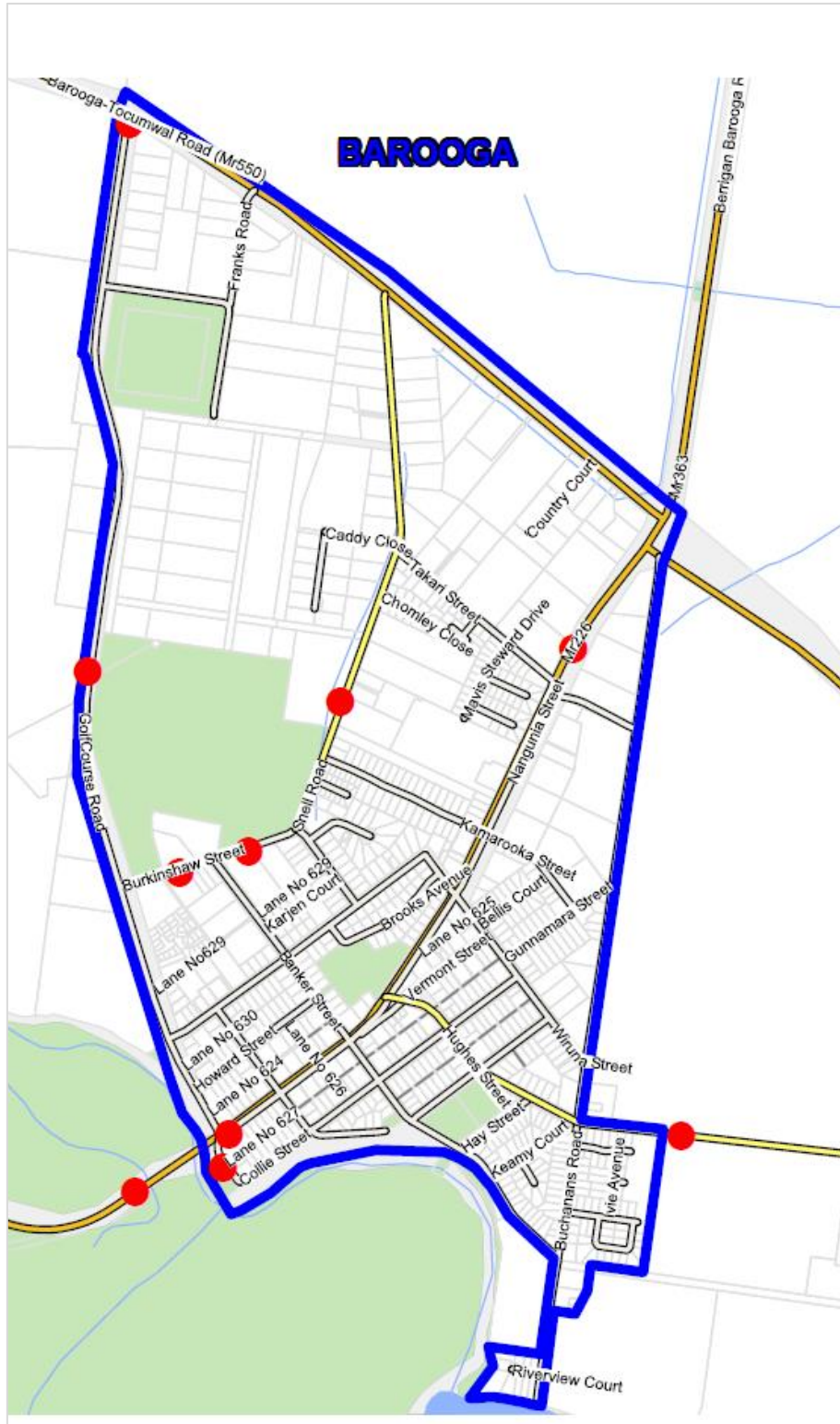
**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities

**FILE NO:** 24.128.14

**RECOMMENDATION:** that the Council establish the following Alcohol Free zones in accordance with Section 644B(4) of the *Local Government Act 1993* for the period 1 July 2019 – 30 June 2023

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Items requiring Council Resolution



NO-HCFSMR



## Items requiring Council Resolution

**REPORT:**

At its ordinary meeting held on **20 January 2019**, the Council adopted a draft proposal for the re-establishment of Alcohol-Free Zones in the commercial and residential areas of Barooga, Berrigan, Finley and Tocumwal.

The proposal set out the proposed AFZ areas and the process the Council must follow in re-establishing the AFZs. A summary of the process is shown on the diagram on the following page. The proposal was advertised on the Council's website and in local newspapers and the proposal was sent to all local police stations and liquor licencees.



**Items requiring Council Resolution**

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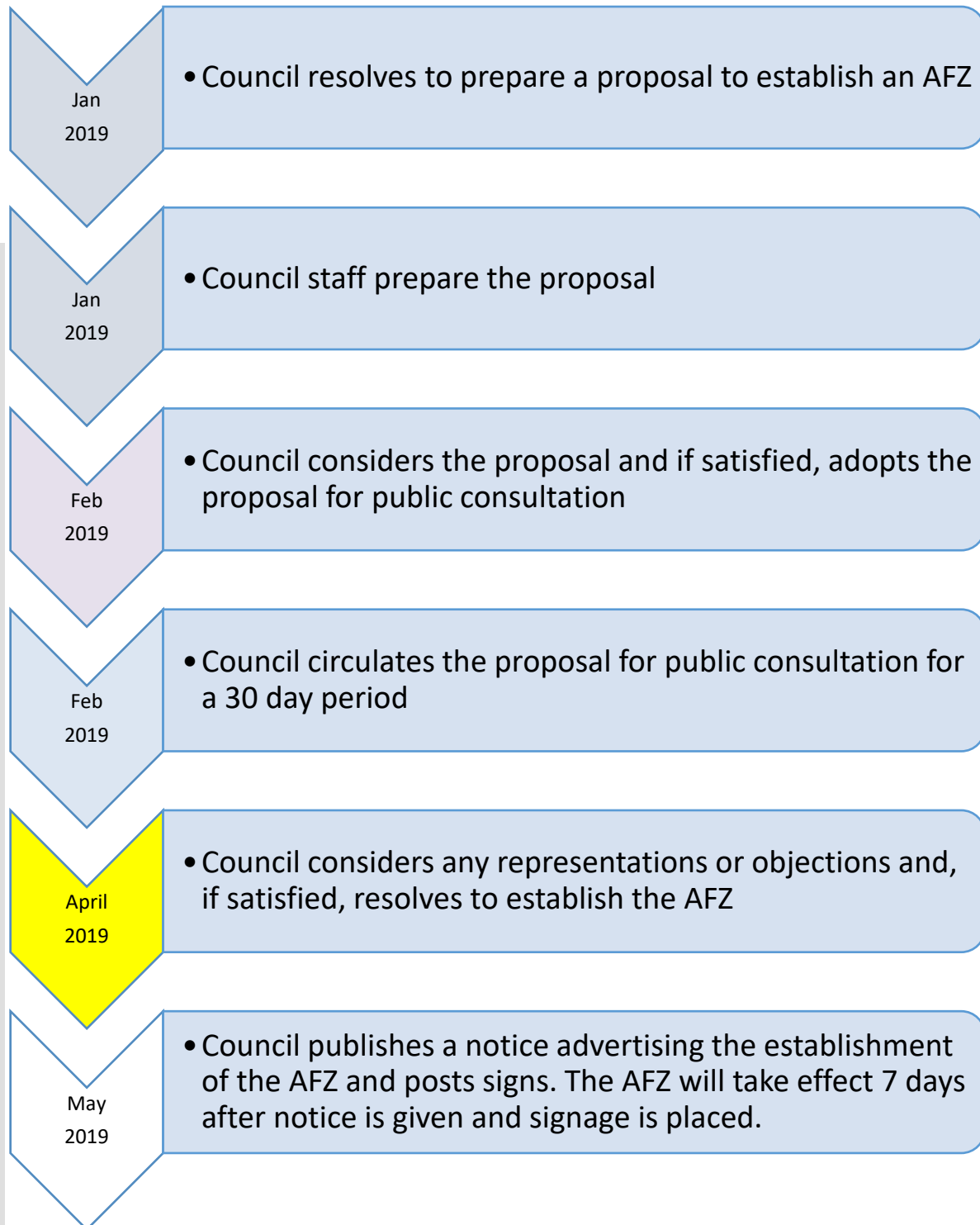
The window for public submissions on the proposal closed on **29 March 2019**. The Council did not receive any formal submissions however one informal enquiry was made regarding potential impact on potential outdoor dining. The enquirer was informed that the Council can resolve to vary the AFZ should it choose.

With the Council having received no objections to its proposal, the Council may now resolve to adopt the AFZs. Once adopted, the Council will again be required to advertise these on its website and in local newspapers and inform the local police and liquor licencees. The AFZ signs will be updated in the first week after the new AFZs take effect.

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## Items requiring Council Resolution

## NOTIFICATION



Items requiring Council Resolution

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**5.7 SMALL BUSINESS FRIENDLY COUNCILS  
INAUGURAL CONFERENCE****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Diverse and resilient business**STRATEGIC OBJECTIVE:** 4.2 Strengthen and diversify the local economy**FILE NO:** 08.094.2**RECOMMENDATION:** that Cr Daryll Morris attend the Small Business Friendly Councils Inaugural Conference to be held in Sydney from the 16<sup>th</sup> to the 17<sup>th</sup> May, 2019.

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**REPORT:**

The Mayor received a complimentary ticket to the Small Business Friendly Councils Inaugural Conference in February of this year. Unfortunately the Mayor is unable to attend however, the complimentary ticket is transferrable to another Councillor or staff member.

The conference is to be held in Sydney from the 16<sup>th</sup> to 17<sup>th</sup> of May, 2019.

A copy of the program for the conference is attached as **Appendix "B"**.

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Items requiring Council Resolution

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**5.8 TOCUMWAL AERODROME – GLIDING SHELTERS**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Diverse and resilient business

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

**FILE NO:** 30.160.3

**RECOMMENDATION:** That the Council provide \$2,800 towards a total cost of \$5,600 of providing portable shade structures for gliding use at Tocumwal Aerodrome subject to:

1. Ownership of the structures vesting in the Southern Riverina Gliding Club
2. The structures being available to all gliding users at Tocumwal Aerodrome; and
3. The structures being portable and being removed from the vicinity of the airstrips when not in active use.

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**REPORT:**

The Southern Riverina Gliding Club that is based at Tocumwal Aerodrome is hosting the 2020 Multi Class Gliding National at the Aerodrome during December 2020.

The Club has requested that the Council contribute toward the cost of two portable shelters for use both during that event and also at other times and events.

The shelter are basically portable structures to provide shade for pilots and support person that are stationed on the airfield during the event.

The Club believes the structures will reduce the need for as many airside vehicles and will also assist in the required vehicles congregating at a central position.

The shelters are probably a useful asset for the gliding operations and are a relatively low cost however there are some issues to be resolved as discussed below.

**Items requiring Council Resolution**

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Ongoing ownership is an issue as while the Council would probably prefer not to own the shelters or be responsible for their management just who is the owner would be an issue.

It is suggested that the Council could provide a level of support for the shelter subject to ownership of them vesting in the Southern Riverina Gliding Club with a proviso that they are available for use by other gliding operations and events.

It is preferable that the structures not be permanently located airside, or at least within the vicinity of the landing strips.

It would also be preferred that when the shelters are in the vicinity of the airstrips that the user be required to issue a NOTAM to advise pilots of their presence and it being the responsibility of the Southern Riverina Gliding Club to advise other users of this requirement.

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## Items requiring Council Resolution

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**6.2 FINLEY SCHOOL OF ARTS – STRUCTURAL ASSESSMENT****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation**FILE NO:** 05.101.3

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**REPORT:**

As part of the preparation of the tender documentation for the redevelopment of the Finley School of Arts, the Council was required to commission the services of a structural engineer.

The front (eastern) section of the School of Arts was excluded from the tender however it was thought useful to obtain a report on the structural integrity of this section of the hall while the engineer was on site.

This report is attached as **Appendix “D”**

The report notes that this section of the building is structurally stable, stating “Whilst there is movement in this part of the building, considering its age and type of construction, the building is performing well”.

The report’s conclusion is as follows:

- *The three rooms inspected (ticket room, foyer and southern room) are structurally stable. With renovation and cosmetic repairs, future use of the rooms is viable.*
- *Whilst some cracks are unsightly, they could be easily repaired by removing loose plaster, cracked bricks removed, joints re-pointed and the plaster reinstated.*
- *In any case, loose plaster should be removed to avoid plaster fragments falling and causing injury.*
- *The stair in southern room appears to be damaged by white ants. As such neither stair in the southern room or the ticket room should be used and access should cease. A comprehensive white ant inspection and investigation should be carried out for the timbers stair, timber framed room constructed over foyer and the subfloor area.*

### Items requiring Council Resolution

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- *Whilst an NCC or standards check have not been carried out, both stairs are unlikely to comply with current codes.*

Overall, this is a good outcome for the Council's and the community's future plans for the School of Arts. The works identified in the report have been referred to the Council's building maintenance team to action – in consultation with the Finley War Memorial Hall and School of Arts Committee of Management.



## Items requiring Council Resolution

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**6.3 RATES AND CHARGES - 2018/2019 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 3RD QUARTER REPORT TO COUNCIL****AUTHOR:** Revenue Officer**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** 25.138.1

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**REPORT:****1. Rates & Charges**

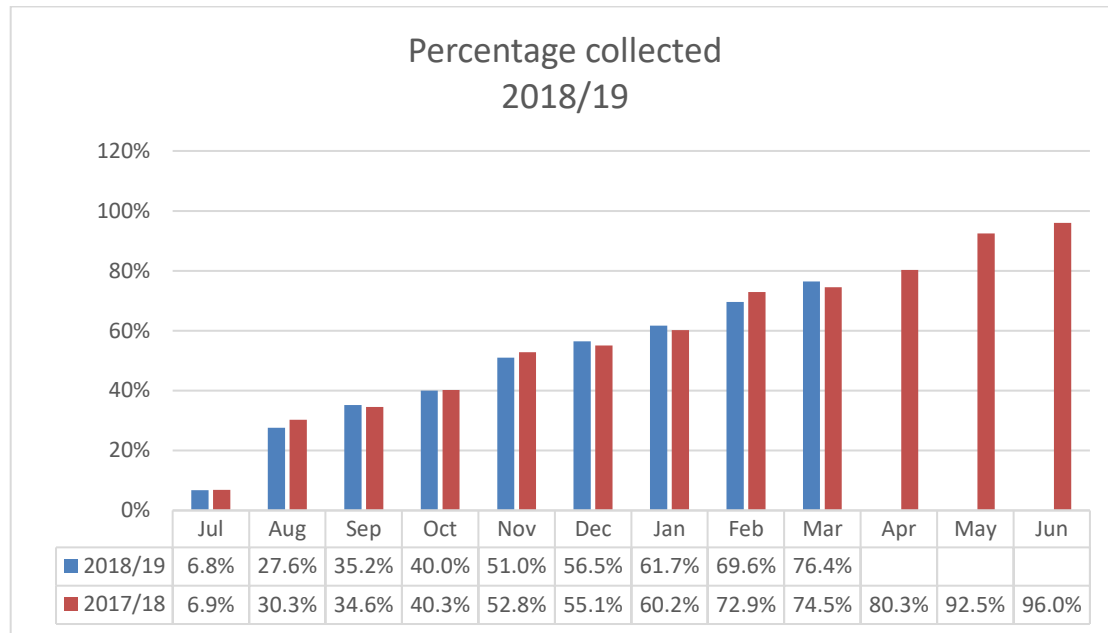
At 01 April 2019, the Council has collected 76.4% of the total rates, service charges, arrears and water consumption charges raised in 2018/19 to date – a slight increase on the amount collected as at the same time last year.

Council has had continued success, using a hands on approach and continuing to work in conjunction with the Debt Collection Agency encouraging rate payers to enter into payment arrangements. I am confident that Council will continue to meet the rates collection benchmarks it has set.

A number of properties with moderate amounts of rates owed have sold in this quarter this has assisted in reducing outstanding balances.

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## Items requiring Council Resolution

**2. Debtors**

A brief list of outstanding debtors as at the end of February and March 2019 is as follows:-

DEBTORS	<u>2018/19</u>	
	<u>END FEBRUARY</u>	<u>END MARCH</u>
GENERAL/SUNDRY/OTHER DEBTORS	\$504,046	\$636,169
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	\$622	\$203
HALF COST K&G/FOOTPATH DEBTORS	\$77,877	\$75,818
SEC 355 COMMITTEE LOANS	\$2,063	\$2,063
SWIMMING POOLS	\$12,808	\$12,808
CEMETERY DEBTORS	\$20,052	\$1,524
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$613,910	\$697,754
STAFF DEBTORS	\$743	\$471
STAFF SUPERANNUATION	-\$9,071	-\$12,950
SHIRE LAND SALE DEBTORS	\$143,000	-\$1,000
TOCUMWAL AERODROME	\$439	\$439
<b>TOTAL</b>	<b>\$1,366,488</b>	<b>\$1,413,297</b>

In the table above there is no major difference between February and March. The two largest amounts of General/Sundry Debtors and Government Grants and Subsidies are made up largely of the following;

- ATO \$551,459 payment is forthcoming

**Items requiring Council Resolution**

- Government Grants \$544,253

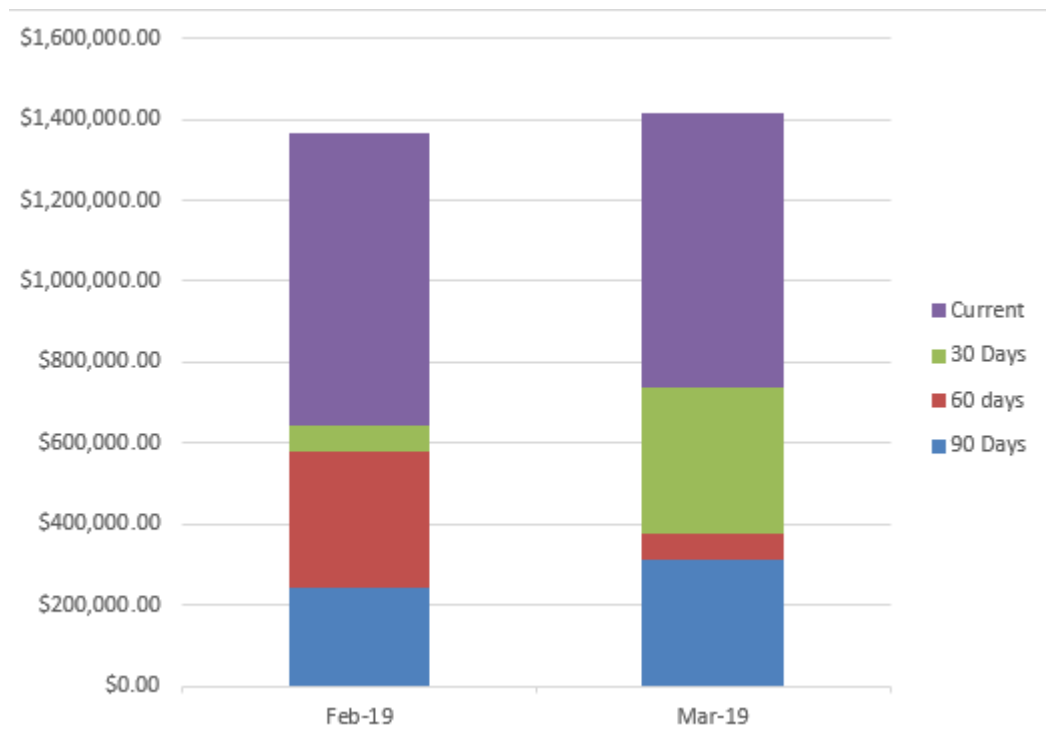
A land sale has settled on an aerodrome block (\$144,000).

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

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

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

□



**3. Activity**

There has been 1 application for Hardship in this quarter. A letter has been sent requesting further information required for Council to make a determination of Hardship

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

- Reminder letters sent for rates: 480 ratepayers

RESOLUTION

**Items requiring Council Resolution**

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- Continued to actively work with Ratepayers with large outstanding balances to set up suitable and fair payment arrangements
- Commence process of selling up 3 properties for unpaid rates

Items requiring Council Resolution

**6.4 NEW COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT REQUIREMENTS**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 22.178.6

**REPORT:**

The Council, at its October 2019 Corporate Services Committee meeting considered the following report, which it noted at that time:

*In August 2018, the Office of Local Government (OLG) released the final Councillor Induction and Professional Development Guidelines, attached as Appendix “D”.*

*The Guidelines have been released to assist Councils and Councillors to comply with [Section 232\(1\)\(g\) of the Local Government Act 1993](#) (the Act)*

*(1) The role of a councillor is as follows:*

*(g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor*

*While the document is styled as a guideline, it has been released under [Section 23A of the Act](#) and is in effect mandatory for all Councils.*

*The Guidelines are divided into five parts:*

<b>Part A</b>	<i>explains the statutory requirements for <b>induction and professional development programs</b> for mayors and councillors in NSW</i>
<b>Part B</b>	<i>guides councils on how to develop and deliver <b>information sessions</b> to potential candidates considering nominating for election</i>
<b>Part C</b>	<i>guides councils on how to develop and deliver <b>induction programs</b> for newly elected and returning mayors and councillors</i>

RESOLUTION

### Items requiring Council Resolution

<b>Part D</b>	<i>guides councils on how to develop and deliver <b>ongoing professional development programs</b> that ensure mayors and councillors continue to develop their capabilities throughout their terms in office</i>
<b>Part E</b>	<i>outlines how councils are to <b>report</b> on the induction and professional development activities offered to mayors and councillors and their participation in those activities</i>

*Note that while OLG has prepared these guidelines, the Minister has not yet made the regulations to put this into place. OLG has flagged that it provide more detailed guidance on the new requirements once the regulations are made.*

*Given that, it is perhaps premature to discuss implementation of these guidelines however Councillors should be aware of their obligations.*

*Under these guidelines, the General Manager will be required to ensure the delivery of:*

- an induction program for newly elected and returning Councillors and a specialised supplementary induction program for the mayor within six months of their election, and*
- an ongoing professional development program for the mayor and each Councillor over the term of the council to assist them to acquire and maintain the skills necessary to perform their roles. The content of the ongoing professional development program is to be determined in consultation with the mayor and each Councillor. It must be needs-based and reflect the specific skills, knowledge and personal attributes required by the mayor, each individual Councillor and the governing body as a whole, to perform their roles effectively.*

*In return Councillors and Mayors will be required to make all reasonable efforts to participate in the activities offered to them as part of an induction or professional development program. Councils are also required to report on the participation of the mayor and councillors in these programs.*

*Many of the items raised in the guidelines are already in place here although the Guidelines would appear to require a more formal process. The Council holds an information session for potential candidates before nominations for election close. The Council runs an induction program for newly elected Councillors.*

*It is the requirement for a professional development program and plan that is the major new requirement. The Council has always offered Councillors the opportunity for professional development and has a set budget to fund it – it has not however made it mandatory.*

## Items requiring Council Resolution

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*Under the guidelines, an ongoing professional development plan must be developed for the mayor and each Councillor. The program will span the Council's term, with individual activities implemented over time according to priority. **The Mayor and each Councillor will be expected to complete all the activities included in their professional development plan.***

*Councils will be required to publicly report each year in their annual report on the participation of the mayor and each Councillor in the council's induction and professional development programs during that year.*

*The information published in the annual report is to include:*

- *the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)*
- *the name of the mayor and each councillor that had a professional development plan*
- ***without naming individual councillors**, the percentage of professional development activities offered to the mayor and councillors during the relevant year that were completed, and*
- *the total cost of induction and professional development activities provided to the mayor and councillors during the relevant year.*

*This will provide an indication to the community, **without naming individuals**, of the 'best efforts' made collectively by members of the governing body to complete their induction program and professional development plan – i.e. there is collective responsibility placed on the Council as a whole, not on individual Councillors.*

*Non-participation in induction and professional development activities is to be managed by the General Manager and the Council. It is unclear what power the Council or the General Manager would have to enforce participation.*

The above report provides an overview of the Guidelines which are issued under S23A of the Local Government Act. This section of the Act is set out below:

### **23A Departmental Chief Executive's guidelines**

- (1) For the purposes of this Act, the Departmental Chief Executive may from time to time prepare, adopt or vary guidelines relating to the exercise by a council of any of its functions.
- (2) The Departmental Chief Executive may only prepare, adopt or vary guidelines relating to the exercise by a council of functions conferred or imposed on the council by or under any Act or law that is not administered by or the responsibility of the Department of Local Government if the Departmental

### Items requiring Council Resolution

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Chief Executive has first obtained the concurrence of the Minister administering or responsible for the administration of the other Act or law.

- (3) A council must take any relevant guidelines issued under this section into consideration before exercising any of its functions.
- (4) The guidelines for the time being in force are to be made available to councils on request and, on payment of such fee (if any) as the Departmental Chief Executive may determine, to any interested person.

The guidelines can be accessed at

<https://www.olg.nsw.gov.au/sites/default/files/Councillor%20Induction%20and%20Professional%20Development%20Guidelines.pdf>

Given that the Guidelines have now been issued the component that relates to the ongoing professional development of the Mayor, Councillors, as members of the governing body, and individual Councillors now needs to be developed and implemented.

The components that relate potential candidates information sessions and Councillor induction sessions can be developed nearer the 2020 election.

The component that requires development now will include:

- A consultation with the whole Council to identify group training needs relevant to the governing body and possibly the position of Mayor;
- Individual consultation with Councillors to identify individual training needs; and
- Individual consultation with the Mayor to identify specific training needs related to that position.

The purpose of this report is to allow Councillors to start the thinking process regarding the above so that the above steps can be commenced.

The actual process to commence this process will be subject to a future report which will include information on the types of training that are presently available.

As reflection, at the 2017 Corporate Workshop it was agreed that collective Council training would be useful in the following areas:

- Specific BSC financial training would be beneficial which in turn could be complemented by traffic light type reporting
- Handling difficult people training
- Social media skills training
- Media training
- Technology training



**Items requiring Council Resolution**

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Mayoral training

It was considered useful for the Mayor and Deputy Mayor to receive the following training:

- Public speaking and speech writing
- Presentation skills
- Meeting procedures training

If Councillors have specific training issues that can be addressed in the future report it would be useful if these were identified at this stage.

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## Items requiring Council Resolution

## 6.5 DEVELOPMENT DETERMINATIONS FOR MONTH OF MARCH 2019

**AUTHOR:** Executive Support Officer

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 7.143.7

**REPORT:**  
**APPLICATIONS DETERMINED FOR MARCH 2019**

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken
135/18/DA/D1	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW (Lot19//DP286078)	Richard & Allison Adams	MS A J ADAMS	Approved 14-03-2019	\$ 450,000.00	Active Total 3 217
87/19/DA/D1	BV DWELLING & ATTACHED GARAGE	22 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot59//DP1131677)	KENNEDY BUILDERS	MR JK ALLAN	Approved 06-03-2019	\$ 250,000.00	Active Total 7 36
101/19/DA/DM	TURF FARM	187 QUICKS ROAD, TOCUMWAL NSW 2714 (Lot2//DP1088371)	Tim & Simone Shannon	MR T J SHANNON & MS S L MCGRATH	Approved 14-03-2019	\$ 0.00	Active Total 24 24
106/19/DA/D1	BV DWELLING & ATTACHED GARAGE	41 COLLIE STREET, BAROOGA NSW 3644 (Lot25//DP574086)	Lewis Homes	MR M J & MRS C L SHANNON	Approved 06-03-2019	\$ 324,460.00	Active Total 10 10
107/19/DA/D1	RELOCATED DWELLING	15-17 FLYNN STREET, BERRIGAN NSW 2712 (Lot12//DP235273)	Mr P & Mrs M Lafronde	MR WH AND MRS JS GWIN	Approved 20-03-2019	\$ 33,269.00	Active Total 19 19
108/19/DA/DM	2019 BAROOGA RODEO	12-18 GORMLEY COURT, BAROOGA NSW 3644 (Lot10//DP238537)	Dean Miller	BAROOGA COMMUNITY CENTRE RESERVE TRUST	Approved 21-03-2019	\$ 0.00	Active Total 19 19
110/19/DA/D1	BV DWELLING, ATTACHED GARAGE & RESIDENTIAL STORAGE SHED	8 GYPSIE CRESCENT, BAROOGA NSW 3644 (Lot54//DP1110847)	M S Constructions	MR DGT AGNEW	Approved 06-03-2019	\$ 362,250.00	Active Total 6 6
111/19/DA/D9	SUBDIVISION - BOUNDARY REALIGNMENT	2543 BERRIGAN ROAD, BERRIGAN NSW 2712 (LotB//DP100092)	A C M I I Australia 2 Pty Ltd & Mr Keith Phillips	MR K H PHILLIPS	Approved 07-03-2019	\$ 0.00	Active Total 6 6

## Items requiring Council Resolution

112/19/DA/D5	PERGOLA	21 BROOKS AVENUE, BAROOGA NSW 3644 (Lot29//DP42493)	J & R Ware Builders	MR T ARCHER AND MRS MI ARCHER	Approved 20-03-2019	\$ 17,000.00	Active 14	Total 14
113/19/DA/D5	FENCE EXTENSION	38 HANNAH STREET, TOCUMWAL NSW 2714 (Lot15//DP790166)	Mr J W & Mrs P A Baker	MR JW BAKER & MRS PA BAKER	Approved 18-03-2019	\$ 500.00	Active 11	Total 11
114/19/DA/D5	RELOCATION OF EXISTING RESIDENTIAL SHED	30 HOWARD STREET, BAROOGA NSW 3644 (Lot12/2//DP758057)	Mr Craig Sweeney & Ms Kerry Greatorex	MR CR SWEENEY & MS KL GREATOREX	Approved 06-03-2019	\$ 4,000.00	Active 3	Total 3
115/19/DA/D1	BV DWELLING & ATTACHED GARAGE	118-120 FINLEY STREET, FINLEY NSW 2713 (Lot178//DP752283)	Stoneway Constructions	MR AR CLOSE & MS KJ WIDDISON-FORT	Approved 21-03-2019	\$ 380,361.00	Active 13	Total 13
117/19/DA/D5	PERGOLA	6 STILLARD COURT, BAROOGA NSW 3644 (Lot30//DP248812)	Wayne Grenfell	MR WW GRENFELL & MRS JR GRENFELL	Approved 20-03-2019	\$ 9,500.00	Active 11	Total 11
120/19/DA/D1	TRANSPORTABLE DWELLING	117 WILTONS ROAD, BOOMANOOMANA NSW 3644 (Lot1//DP383865)	Bruce Grant	GRANTCHES TER SUPER PTY LTD	Approved 21-03-2019	\$ 80,000.00	Active 12	Total 12
121/19/DA/D5	PERGOLA	3391 BAROOGA-TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot120//DP1240217)	Mr Ben Farley	MR BR FARLEY & MS SL MILLER	Approved 21-03-2019	\$ 4,000.00	Active 12	Total 12
122/19/DA/D5	PERGOLA	14 BRUTON STREET, TOCUMWAL NSW 2714 (Lot21//DP1100716)	Apollo Patios	MR GJ EXTON AND MRS SE EXTON	Approved 20-03-2019	\$ 22,788.00	Active 11	Total 11
123/19/DA/D1	BV DWELLING & ATTACHED GARAGE	30 HOWARD STREET, BAROOGA NSW 3644 (Lot12/2//DP758057)	Sessions Builders	MR CR SWEENEY & MS KL GREATOREX	Approved 21-03-2019	\$ 309,500.00	Active 12	Total 12
124/19/DA/D5	CARPORT & PATIO	1-5 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot1//DP126407)	Mr Gary Mexted	MRS P A MEXTED	Approved 26-03-2019	\$ 2,500.00	Active 2	Total 2

RESOLUTION

## Items for Noting

**APPLICATIONS PENDING DETERMINATION AS AT 09/04/2019**

Application No.	Date Lodged	Description	Property Location
92/19/DA/DM	22-01-2019	INSTALLATION OF FIRE PROTECTION SYSTEM	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)
125/19/DA/D1	27-03-2019	TRANSPORTABLE DWELLING	PLUMPTONS ROAD, FINLEY NSW 2713 (Lot1//DP856576)
128/19/DA/D1	28-03-2019	BV DWELLING & ATTACHED GARAGE	84 HOWE STREET, FINLEY NSW 2713 (Lot8//DP1250196)
33/19/CD/M5	28-03-2019	INGROUND FIBREGLASS SWIMMING POOL	62 MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP548025)
129/19/DA/D1	28-03-2019	BV DWELLING & ATTACHED GARAGE	57 FALKINER STREET, TOCUMWAL NSW 2714 (Lot11//DP527157)
130/19/DA/D5	03-04-2019	PERGOLA	21-23 WOLLAMAI STREET, FINLEY NSW 2713 (Lot2//DP1247721)
131/19/DA/D5	03-04-2019	RESIDENTIAL STORAGE SHED	23 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot94//DP1070311)
132/19/DA/D1	03-04-2019	BV DWELLING & ATTACHED GARAGE	BRUTON STREET, TOCUMWAL NSW 2714 (Lot33//DP1100718)
133/19/DA/D9	03-04-2019	4 LOT SUBDIVISION	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot1//DP834495)
134/19/DA/D5	03-04-2019	RESIDENTIAL STORAGE SHED	25 SHORT STREET, TOCUMWAL NSW 2714 (Lot2//DP716210)
34/19/CD/M1	03-04-2019	BV DWELLING & ATTACHED GARAGE	BRUTON STREET, TOCUMWAL NSW 2714 (Lot33//DP1100718)
35/19/CD/M1	03-04-2019	BV DWELLING & ATTACHED GARAGE	BRUTON STREET, TOCUMWAL NSW 2714 (Lot33//DP1100718)
135/19/DA/D9	03-04-2019	BOUNDARY REALIGNMENT	OLD ADCOCKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP384043)
136/19/DA/D5	05-04-2019	RESIDENTIAL STORAGE SHED	1 DRUITT COURT, FINLEY NSW 2713 (Lot14//DP39698)
137/19/DA/D5	05-04-2019	RESIDENTIAL STORAGE SHED	14 STILLARD COURT, BAROOGA NSW 3644 (Lot38//DP248812)
138/19/DA/D5	05-04-2019	RESIDENTIAL STORAGE SHED	90 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot521//DP1127858)

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

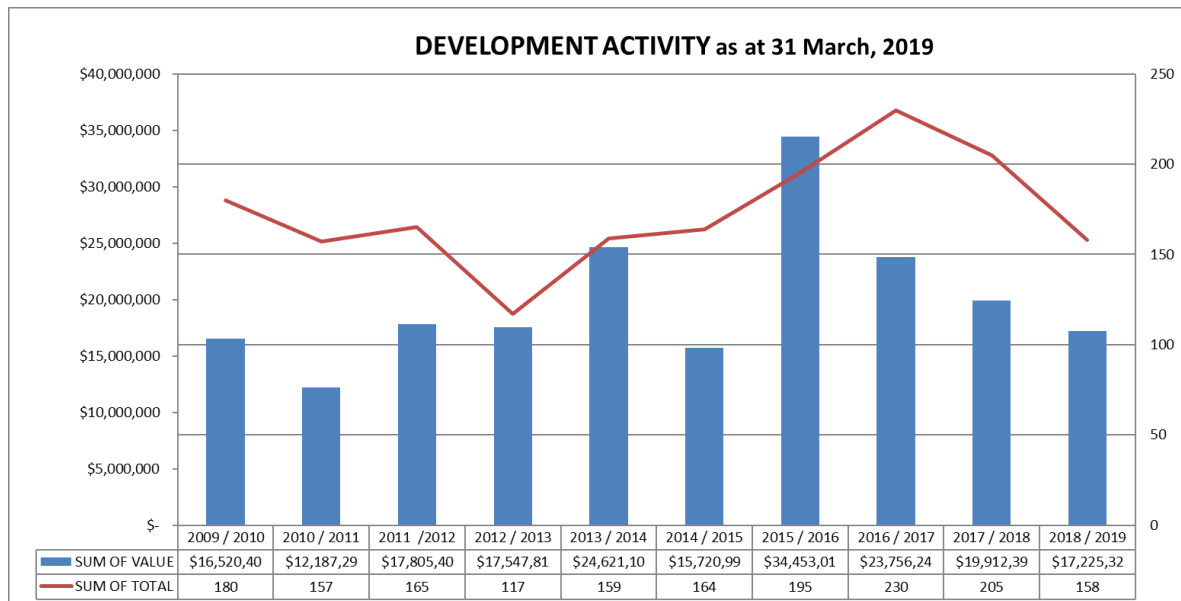
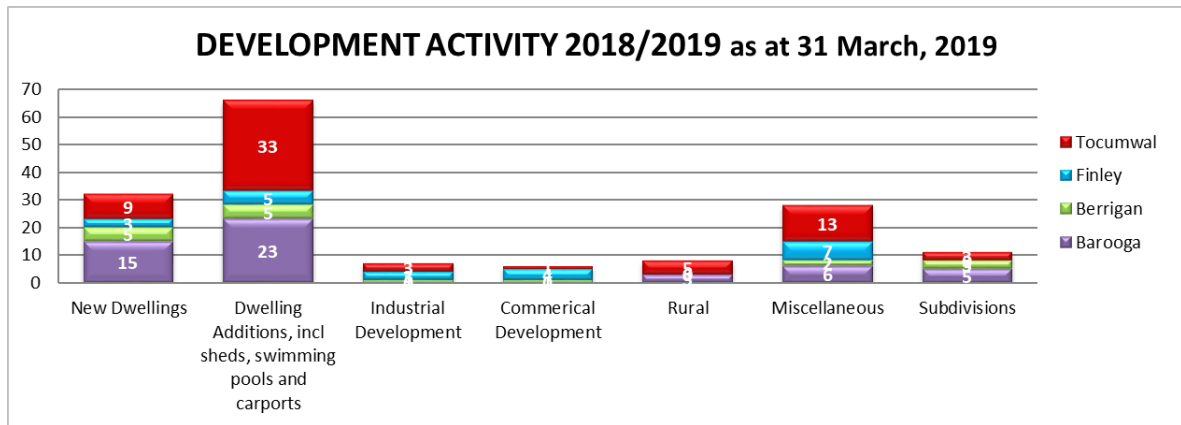
	This Month (March)	Year to Date	This Month's Value (March)	Year to Date Value
<i>Development Applications (DA)</i>	18	127	\$2,250,128	\$15,052,082
<i>Construction Certificates (CC)</i>	10	83	\$2,910,254	\$189,385,901
<i>Complying Development Certificates (CDC)</i>	0	31	\$0	\$2,173,242
<i>Local Activity (s.68)</i>	10	64	0	0

NOTING

Items for Noting

**OTHER CERTIFICATES ISSUED FOR MARCH 2019**

	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	
	Mar	Year Total	Mar	Year Total	Mar	Year Total	Mar	Year Total	Mar	Year Total	Mar	Year Total
BAROOGA	4	60	0	0	0	0	0	0	0	0	0	5
BERRIGAN	5	48	0	1	1	7	2	3	0	1	0	1
FINLEY	6	78	0	4	0	8	0	10	0	0	1	6
TOCUMWAL	9	83	3	5	0	3	0	0	0	4	0	4
<b>TOTAL</b>	<b>24</b>	<b>269</b>	<b>3</b>	<b>10</b>	<b>1</b>	<b>18</b>	<b>2</b>	<b>13</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>16</b>



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### Items for Noting

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**6.6 TENDER T12/18/19 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE BERRIGAN WAR MEMORIAL SWIMMING POOL**

**AUTHOR: PROJECT MANAGER**

**STRATEGIC OUTCOME: Sustainable natural and built landscapes**

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

**FILE NO: T12/18/19**

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**REPORT:**

Tender T12/18/19 is for the Design & Construction to Upgrade the Ancillary Facilities at the Berrigan War Memorial Swimming Pool.

As part of the Stronger Country Community Fund 2 grant the upgrade of the facility is scheduled to be completed prior to the 2019 season opening.

The contract is a Unit Price Contract.

The total value of the contract based on Tender Price is \$391,120.00.

Tenders closed at 2:00pm Friday 29<sup>th</sup> March, 2019. At the time of closing a total of 3 submissions were received:

**MS CONSTRUCTIONS PTY LTD  
KENNEDY BUILDERS  
YARRAWONGA MANUFACTURED HOUSING PTY LTD**

All tenders were considered by the Tender Evaluation Committee:

Matthew Clarke	Director of Technical Services
Fred Exton	Engineering Services Manager
Nathan O'Connell	Project Manager

Consideration of Tenders

Each Tender was evaluated in accordance with the following evaluation Criteria:

### Items for Noting

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Criteria	Highest Possible Score	Weighting
1. Price	4	4
2. Compliance with Specification	4	3
3. Track Record	4	3
4. Quality Systems	4	4
5. Availability of Appropriate Skills & Resources	4	2

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

#### Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of MS Constructions as the preferred tender with a recommendation a confidential report of this Agenda.

#### Supervisor

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

**NOTING**

## Committee meeting reports

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## 7.1

**MINUTES OF THE RISK MANAGEMENT  
COMMITTEE MEETING**

**RECOMMENDATION** – that recommendations numbered 4 to 6 of the Risk Management Committee Meeting held on Wednesday 3<sup>rd</sup> April, 2019 be adopted.

**4. WORK HEALTH AND SAFETY POLICY**

**AUTHOR:** Enterprise Risk Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 22.112.1

**RESOLVED**

Matthew Clarke and Fred Exton that the Council adopt the Work Health and Safety Policy as outlined below:

**74. WORK HEALTH AND SAFETY POLICY**

Version 03

File Reference No: 22.112.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 15/03/2021

Responsible Officer: Enterprise and Risk Manager

**1. POLICY STATEMENT**

The Berrigan Shire Council is committed to providing a safe and healthy workplace for all its employees, volunteers, contractors and the public. The Council recognises its obligations under the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2017 and associated legislation.



## Committee meeting reports

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### 2. PURPOSE

The purpose of this policy is to inform all workers of Council's responsibilities and commitment to providing a safe and healthy workplace for all workers.

### 3. SCOPE

This policy applies to all workplaces and workers of the Berrigan Shire Council including volunteers, contractors and members of the public.

### 4. OBJECTIVE

This policy is designed to assist the Council to meet the following Community Strategic Plan objectives:

- 1.3 Connect and protect our communities;
- 2.2 Ensure effective governance by Council of Council operations and reporting;
- 3.1 Create safe, friendly and accessible communities

### 5. DEFINITIONS

Hierarchy of Control: *Is a list of control measures, in priority order, that can be used to eliminate or minimise exposure to the hazard. Elimination of the hazard must be considered before all other options.*

Officers: *A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority, excluding elected members, and who have the capacity to significantly affect the financial standing of the business.*

PCBU: *Person Conducting a Business or Undertaking (PCBU) is the legal term under the WHS legislation for individuals, businesses or organisations that are conducting business.*

Workers: *A worker is a person who carries out work in any capacity for a PCBU including work as an employee, volunteer, contractor, sub-contractor, work experience student or trainee.*

**Committee meeting reports**

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E****6. POLICY IMPLEMENTATION**

Council commitment:

Council, as the PCBU is committed to providing a safe and healthy workplace, and so far as is reasonably practicable, will:

- a) Provide a safe and healthy work environment for all workers and other persons;
- b) Provide safe and healthy methods of work;
- c) Implement safe and healthy systems of work which includes programs and procedures which are continually reviewed and updated;
- d) Identify and eliminate or reduce hazards and risks to health and safety in accordance with the hierarchy of control;
- e) Continually monitor and improve work health and safety;
- f) Provide advice and information, education and training resources;
- g) Comply with all relevant legislation;
- h) Provide for fair and effective workplace representation, consultation, co-operation and issue resolution to work health and safety;
- i) Co-ordinate effective management of injured workers and return to work programs.

Responsibilities:

Officers

Under the guidance of Work Health and Safety legislation, Officers are identified as:

- General Manager
- Director Technical Services
- Director Corporate Services
- Enterprise Risk Manager

Officers have the responsibility for exercising due diligence including taking reasonable steps to:

- Acquire and keep up-to-date knowledge of work health and safety matters;
- Gain an understanding of Council operations and the hazards and risks associated with those operations;
- Ensuring that the Council, within resource capability and availability, provides appropriate resources and processes

## Committee meeting reports

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to eliminate or minimise risks to health and safety from work carried out as part of Council's operations;

- Ensuring the Council has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information, and
- Ensuring the Council has, and implements, processes for complying with duties and obligations under Work Health and Safety, and applicable legislation.

### Management

Management is defined as those with decision making responsibilities, and who are responsible for workers, in accordance with the definition of workers. This includes Department Managers, Supervisors and those who are responsible for employing contractors and utilising the services of volunteers.

Each Manager is required to ensure that this policy and the processes designed to support a safe and healthy workplace are effectively implemented in their areas of control, and to support workers and hold them accountable for their specific responsibilities. Management must ensure that:

- Workers are supervised and trained to meet their job requirements;
- Workers are consulted on issues which affect their health and safety;
- Hazardous situations are identified and measures adopted to eliminate risk, or manage it in accordance with the hierarchy of control.

### Workers

Whilst at work, a worker must:

- Take reasonable care for his/her own health and safety;
- Take reasonable care that his/her acts or omissions do not adversely affect the health and safety of other persons;
- Comply, so far as the work is reasonably able, with any reasonable instructions;
- Abide by this policy, other Council workplace policies, and procedures that relate to health and safety at the workplace.

### Other Persons

### Committee meeting reports

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# COMMITTEE

This applies to those people who visit the workplace and also extends to elected members of Council.

Whilst at a Council workplace, a person must:

- Take reasonable care of his/her own safety;
- Take reasonable care that his/her acts or omissions do not adversely affect the health and safety of other persons, and
- Comply so far as the person is reasonably able, with any reasonable instructions.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation

- *Local Government Act 1993*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- *Heavy Vehicle (Adoption of National Law) Act 2013*
- *Heavy Vehicle (Adoption of National Law) Regulations 2013*

### 7.2 Policies and Strategies

- Local Government (State) Award 2014
- Clothing and Protective Equipment Policy
- Discrimination, Workplace Bullying and Harassment Policy
- Drug and Alcohol Free Workplace Policy
- Employee Assistance Program Policy
- Heat Stress Policy
- Pre-employment Medical Policy
- Risk Management Policy and Framework
- Workplace Rehabilitation Policy

## 5. TOCUMWAL CREEK WALK TREE WORKS

**AUTHOR:** Enterprise Risk Manager

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife

**FILE NO:** 27.121.2

**RESOLVED**

Committee meeting reports

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Matthew Hansen and Cr Reynoldson that the recommended works outlined in the Arborist report and Council Assessment included as **Appendix “A”** and **“B”**, be adopted by Council.

**6. PLAYGROUND WORKS**

**AUTHOR:** Enterprise Risk Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities

**FILE NO:** 27.121.2

**RESOLVED**

Matthew Clarke and Cr Reynoldson that Council at the appropriate time:

1. Remove the Lawson Drive playground located on the Barooga Foreshore;
2. Relocate the combination playground at the Barooga Library and install at Lawson Drive;

## Committee meeting reports

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## 7.2

**MINUTES OF THE CORPORATE SERVICES  
COMMITTEE MEETING**

**RECOMMENDATION – that recommendations numbered 5 to 8 inclusive of the Corporate Services Committee Meeting held on 3<sup>rd</sup> April, 2019 be adopted.**

**5. PROPOSED FEES AND CHARGES – 2019/20**

**AUTHOR: Director Corporate Services**  
**STRATEGIC OUTCOME: Good government**  
**STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**

**FILE NO: 08.078.1**

**RESOLVED**

Crs Bodey and Glanville that the Council refer the draft Register of Fees and Charges for inclusion in the 2019/20 Operational Plan.

**6. REVIEW DELIVERY PROGRAM**

**AUTHOR: Strategic & Social Planning Coordinator**  
**STRATEGIC OUTCOME: Good government**  
**STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**

**FILE NO: 04.121.6**

**RESOLVED**

Crs Reynoldson and Jones that the Council:

1. Adopt as draft its Review of the Delivery Program 2017 – 2021 (**Appendix “B”**)
2. Note that the revised Capital Works Program, and the Forecast Budget and financial statements are not included in this draft Review of the Delivery Program as these are subject to further review.

Committee meeting reports

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**7. TRUCK WASH LEVY**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Diverse and resilient business

**STRATEGIC OBJECTIVE:** 4.3 Connect local, regional and national road, rail, and aviation infrastructure

**FILE NO:** 1.145.1

**RESOLVED**

Crs Bruce and Jones that the Council apply a 2% levy to the operations of the Finley and Berrigan Truck Wash facilities with proceeds from the levy paid directly to Livestock Services Research and Innovations Inc.

**8. BUDGET SUMMARY AND COMMENTS 2019/20**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 12.046.1

**RESOLVED**

Crs Bruce and Glanville that the Council refer the draft 2019/20 budget for inclusion in the 2019/20 Operational Plan.

## Committee meeting reports

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7.3

**MINUTES OF THE TECHNICAL SERVICES  
COMMITTEE**

**RECOMMENDATION** – that recommendations numbered 5 to 6 inclusive of the Technical Services Committee Meeting held on 3<sup>rd</sup> April, 2019 be adopted.

**5. INTEGRATED WATER CYCLE MANAGEMENT  
DEVELOPMENT**

**AUTHOR:** Director Technical Services

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our  
communities

**FILE NO:** 32.121.4

**RESOLVED**

Crs Bruce and Jones that the Council note the engagement of a consultant to develop an Integrated Water Cycle Management Plan for the Council at a cost of \$44, 172.50 exclusive of GST.

**6. ROAD CLOSURE**

**AUTHOR:** Development Manager

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our  
communities

**FILE NO:** 28.152.1

**RESOLVED**

Crs Reynoldson and Bodey that the road closure process for a section of Lawlors Road, Finley continue as per the intent of the original Council resolution of 17<sup>th</sup> July, 2013 under the provisions of the Roads Act 1993 and the Crown Lands management Act 2016.



**Items requiring Council Resolution****8. 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.

**8.1 TENDER T12/18/19 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE BERRIGAN WAR MEMORIAL SWIMMING POOL**

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

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**Items requiring Council Resolution**

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

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*.

**8.1 TENDER T12/18/19 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE BERRIGAN WAR MEMORIAL SWIMMING POOL**

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

Open Council resumed at .....

Items requiring Council Resolution

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9.

**MAYOR'S REPORT**

**RECOMMENDATION** – that the Mayor's Report be received.

**RESOLUTION**

Items requiring Council Resolution

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10.

**DELEGATES REPORT**

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Items requiring Council Resolution

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**11. GENERAL BUSINESS**

**RESOLUTION**