



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 19th June, 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

Items requiring Council Resolution



Council Meeting

Wednesday 19th June, 2019

BUSINESS PAPER

1. **APOLOGIES**

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

3. **VISITORS ATTENDING MEETING**

4. **CONFIRMATION OF MINUTES**

RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 15th May, 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

RECOMMENDATION: - that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 May 2019, be received and

Items requiring Council Resolution

that the accounts paid as per Warrant No. 05/19 totaling \$2,793,282.04 be confirmed.

REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 May 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 May 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 May 2019, totaling \$2,793,282.04 and will be submitted for confirmation of payment as per Warrant No. 05/19
- 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) May has seen a small decrease in total funds compared to the end of April. This decrease is a result of normal trading. Similar to last year May included the receipt of the fourth instalment of rates, water, and the Financial Assistance Grant. However, large expenditures on projects, paid in arrears, have influenced cash flow.

June expects, further milestone payments of grant funds, including Stronger Country Communities Grant and receipts for sales of water.

The cash position is once again better (\$2.8 M) than the same period last year.

The general pattern in cash holdings over the year is still comparable. Total funds held are expected to remain steady in June as cash inflows are balanced with creditor payments to finalise the 2018/2019 financial year.

RESOLUTION

Items requiring Council Resolution

Statement of Bank Balances as at 31 MAY 2019

Bank Account Reconciliation

Cash book balance as at 1 MAY 2019	\$ 5,246,665.21
Receipts for MAY 2019	\$ 2,692,987.55
Term Deposits Credited Back	\$ -
	<u>\$ 7,939,652.76</u>

Less Payments Statement No 05/19

No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 812,386.79
Electronic Funds Transfer (EFT) Creditors E031460-E031794	\$ 1,959,473.45
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 21,421.80
Total Payments for MAY 2019	<u>\$ 2,793,282.04</u>
Cash Book Balance as at 31 MAY 2019	<u>\$ 5,146,370.72</u>

Bank Statements as at 31 MAY 2019

Plus Outstanding Deposits	\$ 5,133,824.30
Less Outstanding Cheques/Payments	\$ 58,095.19
Reconciliation Balance as at 31 MAY 2019	<u>\$ 5,146,370.72</u>

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	125/16	365	2.75%	5/06/2019	\$ 2,000,000.00
AMP	144/19	182	2.75%	23/09/2019	\$ 2,000,000.00
AMP	136/18	365	2.75%	17/10/2019	\$ 2,000,000.00
AMP	133/17	365	2.45%	26/11/2019	\$ 1,000,000.00
Goulburn Murray Credit Union	124/16	365	2.65%	13/05/2020	\$ 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	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
Defence Bank Limited	102/14	364	2.75%	3/04/2020	\$ 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
G&C Mutual Bank	145/19	364	2.63%	6/04/2020	\$ 2,000,000.00
NAB	143/18	365	2.75%	19/11/2019	\$ 2,000,000.00
					<u>\$ 28,000,000.00</u>

Total Funds Held at 31 MAY 2019

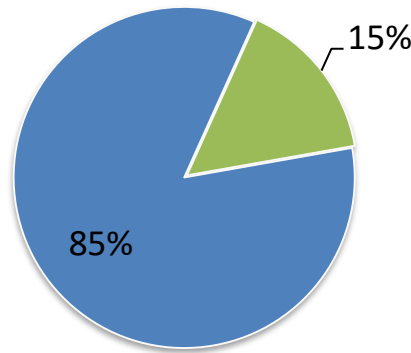
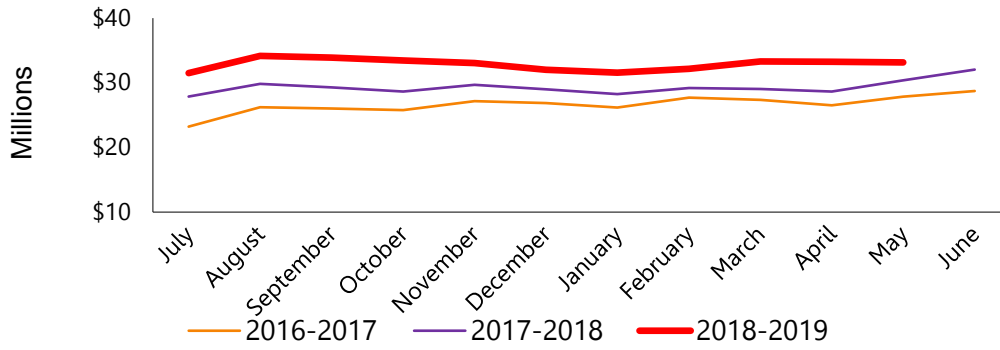
\$33,146,370.72

Carla von Brockhusen - Finance Manager

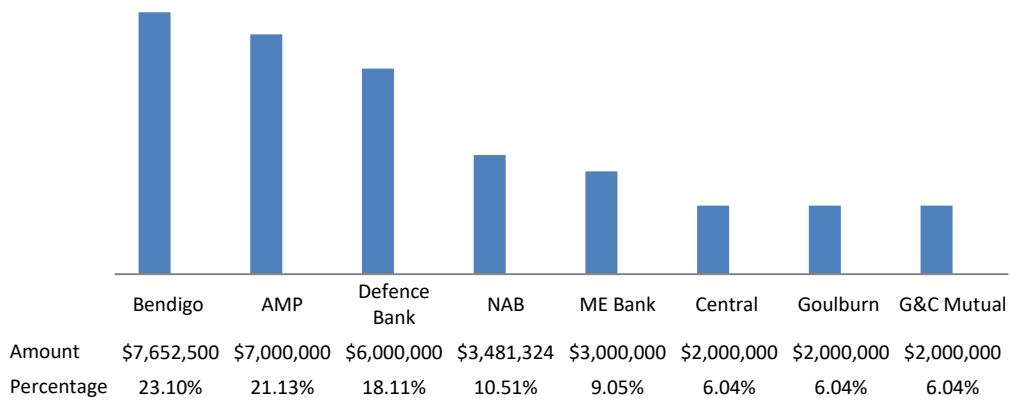
*The Council also receives an additional 0.25% commission

Items requiring Council Resolution

Total Cash and Investments



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



RESOLUTION

Items requiring Council Resolution

Term Deposits Credited Back				
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
GOULBURN MURRAY	365	\$ 2,000,000.00	2.75%	13/05/2019
AMP (CURVES)	365	\$ 1,000,000.00	2.75%	28/05/2019

Term Deposits Invested / Reinvested				
Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
GOULBURN MURRAY	366	\$ 2,000,000.00	2.65%	13/05/2020
AMP (CURVES)	182	\$ 1,000,000.00	2.45%	26/11/2019

Items requiring Council Resolution

5.2 GENERAL RATES AND ASSOCIATED INTEREST TO BE WRITTEN OFF BY ORDER OF THE COUNCIL**AUTHOR:** Revenue 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:** 25.138.1**RECOMMENDATION:** that the Council write off the following debt:

1. Legal Charges levied against 24 Budd Street Berrigan totaling \$6,701.48

REPORT:

Council Policy allows that various circumstances under which either the General Manager or Council can endorse the writing off of debts to Council, either by written order (General Manager) and/or resolution (of Council). Write Offs are used if the original charges on the Assessment were correct but Council decided to forgive some or all of the debt. The amount to be written off is in excess of \$2,000.00 therefore out with the scope of the General Manger and should be made by resolution of Council.

The property located at 24 Budd Street Berrigan NSW is subject of a separate report to Council regarding its sale for unpaid rates. As part of the process the Revenue Department is required to provide an accurate amount of monies owed to Council in unpaid rates and charges. There is a number of Supplementary Levies raised against the property for Legal Costs associated with a Bankruptcy process against the owner commenced by Councils Debt Collection Agency. This was deemed the appropriate course of action by the Revenue Department in consultation with the Director of Corporate Services in November 2018.

In March 2019 the Director of Corporate Service requested the Revenue Department place a hold on the Bankruptcy Proceedings, whilst he reviewed the matter. The review resulted in the Revenue Department proceeding with the sale of the property for unpaid rates and charges utilising the Council's Solicitor.

Items requiring Council Resolution

The amount of \$6,701.48 was levied in Legal Costs relating to the Bankruptcy, cannot be sought, as part of the Sale of the property for unpaid rates and charges, and is required to be written off.

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Items requiring Council Resolution

5.3 LET'S FIX THE BASIN PLAN**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** 11.128.14**RECOMMENDATION:** that the Council support the proposal developed by the Murray Regional Strategy Group as outlined in its position paper "Let's Fix the Basin Plan"

REPORT:

As Councillors may be aware the Murray Regional Strategy Group was formed in an attempt to develop a co-ordinated, regional response to the Murray Darling Basin Plan from a range of, sometimes divergent views held by various water interest groups.

While obtaining a united view has been problematic there was something of a common position to "pause the basin plan". While this position became something of a political statement during the recent Federal and State elections it was not clearly understood what it actually meant and in any case struggled to gain wider political traction.

Given the above issues and with a unified position critical to achieving any positive outcome the Murray Regional Strategy Group has developed a position paper "Let's fix the basin plan".

The position paper is clear in what is actually being sort in the region and is well articulated and could be supported by the Council as its position in relation to further implementation of the Murray Darling Basin Plan.

The one area that is of interest to the Council and which is not reflected in the position paper is the need for an irrigation plan to become a required element of the Murray Darling Basin Plan.

I raised this issue at a recent meeting of the Group and I believe there is some interest in pursuing this.

A copy of the position paper is circulated with this agenda as **Appendix "A"**

Items requiring Council Resolution

5.4 CATEGORISATION OF CROWN LAND RESERVES**AUTHOR:** Revenue 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:** 21.180.1**RECOMMENDATION:** That the Council, in accordance with Section 3.23 of the *Crown Lands Management Act 2016*:

1. assign categories to Crown Land under its control as per the table below
2. provide written notice of this categorisation to the Minister for Lands and Forestry

Reserve/Dedication	Purpose(s)	Categorisation
R150004 (Barooga RFS / Botanical Gardens)	Community Purposes	General Community Use
R1010148 (Barooga Library & Technical Centre)	Community Purposes Public Recreation	General Community Use
R53334 (Tocumwal Creek Walk)	Drainage	General Community Use
R150031 (Part to Tocumwal Creek Walk)	Drainage Public Recreation	General Community Use
R1003004 (Berrigan Tank Reserve)	Environmental Protection	Natural Area - Bushland
R150048 (Berrigan Old Police Paddock Trust)	Environmental Protection	Natural Area - Bushland
R11494 (Berrigan Cemetery)	Extension to Cemetery Plantation	General Community Use
R11495 (Berrigan Cemetery)	Extension to Cemetery Plantation	General Community Use
R92346 (Tocumwal Cemetery)	Future Public Requirements	General Community Use
R1016650 (Tocumwal Cemetery)	General Cemetery	General Community Use

Items requiring Council Resolution

Reserve/Dedication	Purpose(s)	Categorisation
R1018148 (Berrigan Cemetery)	General Cemetery	General Community Use
R90909 (Tocumwal Preschool)	Kindergarten	General Community Use
R88498 (Mary Lawson Memorial Wayside, Finley)	Museum Public Recreation	General Community Use Park
R85706 (Berrigan Waste Depot)	Rubbish Depot	General Community Use
R89972 (Tocumwal Waste Depot)	Rubbish Depot	General Community Use
R83033 (The Waterhole, Finley)	Parking	General Community Use
R14036 (Barooga Cemetery)	Plantation	General Community Use
R48220 (Berrigan Cemetery)	Plantation	General Community Use
R91465 (Murray Street, Finley)	Plantation	General Community Use
R89034 (Boatrock Reserve)	Preservation of Aboriginal Relics Preservation of Trees	Area of Cultural Significance Natural Area - Bushland
R88526 (Berrigan Airstrip)	Preservation of Trees Public Recreation	Natural Area - Bushland General Community Use
R150015 (Tocumwal Memorial Hall)	Public Hall	General Community Use
R97513 (Finley School of Arts)	Public Hall	General Community Use
R88752 (Retreat Public Hall)	Public Hall Public Recreation	General Community Use Park
R1001042 (Burke Street Playground, Finley)	Public Recreation	Park
R150054 (Kelly Street Nature Reserve, Tocumwal)	Public Recreation	Natural Area - Bushland
R35209 (Block behind Tocumwal Police Station)	Public Recreation	General Community Use
R36668 (Hayes Park, Berrigan)	Public Recreation	General Community Use
R51732 (Finley Memorial Park)	Public Recreation	Park

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Items requiring Council Resolution

Reserve/Dedication	Purpose(s)	Categorisation
R53211 (Tocumwal Foreshore Recreation Reserve)	Public Recreation	Park Sportsground Natural Area - Foreshore - Watercourse - Bushland General Community Use
R78377 (Finley Swimming Pool)	Public Recreation	General Community Use
R81505 (Finley Recreation Reserve)	Public Recreation	Park Sportsground
R85627 (Rotary Park, Finley)	Public Recreation	Park
R87538 (Tocumwal Caravan Park)	Public Recreation	General Community Use
R88529 (MacDonald Court, Finley)	Public Recreation	Park
R88920 (Old Recreation Reserve, Berrigan)	Public Recreation	Park General Community Use
R89359 (Barooga Recreation Reserve)	Public Recreation	Park Sportsground
R91542 (Collie Park, Barooga)	Public Recreation	General Community Use
R550003 (Finley Showground)	Public Recreation Showground	Park General Community Use Sportsground
R1130 (Tocumwal Racecourse)	Racecourse	Sportsground

REPORT:

The [Crown Land Management Act 2016](#) (CLMA) was enacted on 1 July 2018.

This Act authorises Council as appointed Crown Land Manager to manage Crown Land as if it were public land under the *Local Government Act 1993* (LGA).

Under CLMA Council as manager must assign one or more categories of Community Land referred to in Section 36 of the LGA.

In accordance with section 3.23(3) of the CLMA, Council staff have identified the category in which they consider to be most closely related to the purpose for which the land is dedicated or reserved and will now seek Ministerial approval for the categories chosen.

Items requiring Council Resolution

Council may assign multiple categories to the land where there are multiple reservation or dedication purposes.

In assigning each initial category Council staff have considered the historical and current use of the land by Council, the Act provisions which govern the management and use of each Community Land category and the guidelines for the categorisation of Community Land, prescribed by the Local Government (General) Regulation 2005 and the Department of Industry – Crown Lands suggested category and guidelines for categorisation of Crown Land.

After Council has assigned an initial categorisation to the Crown Land under its management, it must provide written notice to the Minister. This must be done as soon as practicable in the prescribed form attached to this report (Attachment 1).

The Minister will consider the category initially assigned by Council.

If the Department of Industry – Crown Lands determines that the categorisation presented is appropriate, it will issue an acknowledgement notification to Council.

If the Department of Industry – Crown Lands determines that the category does not meet the criteria it will issue a direction to Council requiring Council to alter the assigned category in accordance with Section 3.23 (5) of the CLMA.

The Minister or the Department of Industry – Crown Lands may direct Council to alter the category. If it is considered that the category is not the most closely related to the purpose for which the land is dedicated or reserved or the management of the land by Council with reference to the initial assigned category is likely to materially harm the use of the land for the purpose for which it was dedicated or reserved.

A direction to alter the assigned categorisation must be adhered to by Council as the Crown Land Manager.

Once Council is notified that the department acknowledges an assigned categorisation, they proceed to develop and adapt a Local Government Act Plan of Management for the land. All plans of Management must be in place and approved by the Department of Industry – Crown Lands prior to 30 June 2021.

The reserve purpose of the land cannot be changed as part of this process. It is acknowledged that in the future some of the Reserve Categorisations may be reviewed. Councillors have the opportunity to consider the categories recommended by staff, in accordance with the provisions of Section 3.23 of the CLMA.

Items requiring Council Resolution

Legislation

Crown Land Management Act 2016

Section 3.23 (2)

Initial assignment of categories – The council manager must, as soon as practicable after it becomes the manager of the dedicated or reserved Crown Land (including because of the operation of Schedule 7), assign the land to one or more categories of community land referred to in section 36 of the Local Government Act 1993.

Section 3.23(3)

The assigned category or categories must be those that the Council considers to be the category or categories that are most closely related to the purposes for which the land is dedicated or reserved.

Section 3.23(4)

The council manager must give written notice to the Minister of the categories to which it has assigned the land as soon as practicable after assigning them.

Section 3.23(5)

The Minister may, by written notice given to the council manager, require the manager to alter an assigned category if the Minister considers that:

- a) The assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or
- b) The management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

Local Government Act 1993

Section 36(4)

For the purposes of this section, land is categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance or
- e) general community use

Items requiring Council Resolution

Local Government (General) Regulation 2005

Part 4 – Community Land

Division 1 – Guidelines for the Categorisation of Community Land Sections 101-111.

Where a categorisation has been assigned that is not the most closely related to the reserve or dedication purpose, Council's ability to validly manage the land in accordance with that category might be limited by the extent to which those actions effect Native Title.

Council's land management activities may infringe upon native title rights and Council may lose the legal right to continue those activities.

The Minister may, by written notice given to the Council Manager, require the manager to alter an assigned category if the Minister considers that the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or Council's management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

Consultation has taken place with the Office of Local Government and the Department of Industry – Crown Lands and internally with the following:

- a) General Manager
- b) Director Corporate Services
- c) Development Manager
- d) Town Planner
- e) Revenue Coordinator

Items requiring Council Resolution

5.5 RATES AND CHARGES 2019-2020**AUTHOR:** Revenue 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:** 25.138.1**RECOMMENDATION:** see below**REPORT:**

The following rates and charges resolutions will, if adopted, implement the Council's intended rating model to achieve an overall permissible increase to Ordinary Rate income of 2.7% in line with the Rate Peg set by the Independent Pricing and Regulatory Tribunal.

The increase in annual and user charges vary according to the required revenue income required.

The making of rates and charges must be made by resolution of Council, pursuant to [Sections 534 and 535 of the Local Government Act 1993](#), as set out below

Details as to how and where these rates and charges will be levied are shown in the Statement of Revenue Policy included in the Berrigan Shire Council Operational Plan 2019/20.

Ordinary rates

That Berrigan Shire Council will make and levy the following Ad Valorem amounts as the ordinary rate for the period 1 July 2019 to 30 June 2020 as presented and in accordance with Sections 534, 535, 536 and 537 of the *Local Government Act 1993*.

Category -Sub Category	Ad Valorem
Farmland	
Farmland - Barooga	0.0062156
Farmland - Berrigan	0.0062156
Farmland - Finley	0.0062156
Farmland - Tocumwal	0.0062156

Items requiring Council Resolution

Category -Sub Category	Ad Valorem
Farmland – Gravel Pits	0.0062156
Residential	
Residential - Barooga	0.010975
Residential - Berrigan	0.035528
Residential - Finley	0.027948
Residential - Tocumwal	0.011954
Residential Riverland - Barooga	0.0088299
Residential Riverland - Tocumwal	0.0088299
Residential Rural - Barooga	0.006606
Residential Rural - Berrigan	0.006606
Residential Rural - Finley	0.006606
Residential Rural - Tocumwal	0.006606
Business	
Business Hospitality - Barooga	0.010975
Business Hospitality - Berrigan	0.035528
Business Hospitality - Finley	0.027948
Business Hospitality - Tocumwal	0.011954
Business Industrial - Barooga	0.010975
Business Industrial - Berrigan	0.035528
Business Industrial - Finley	0.027948
Business Industrial - Tocumwal	0.011954
Business Ordinary - Barooga	0.010975
Business Ordinary - Berrigan	0.035528
Business Ordinary - Finley	0.027948
Business Ordinary - Tocumwal	0.011954
Business Rural - Barooga	0.010975
Business Rural - Berrigan	0.035528
Business Rural - Finley	0.027948
Business Rural - Tocumwal	0.011954
Mining	
Mining - Barooga	0.010975
Mining - Berrigan	0.035528
Mining - Finley	0.027948
Mining - Tocumwal	0.011954

Domestic Waste Management and Non Residential Waste Management

That Berrigan Shire Council will make and levy the following charges for the period 1 July 2019 to 30 June 2020 to meet the costs associated with the

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Items requiring Council Resolution

collection, disposal and recycling of waste in accordance with Sections 496, 501 and 504 of the *Local Government Act 1993*.

Waste collection service type	Charge per standard service \$
Domestic Waste Management (s496)	
Domestic Waste - Collected	314.00
Domestic Waste - Uncollected	58.00
Domestic Waste – Collected – Additional	197.00
Non-Residential Waste Management (s501)	
Garbage	275.00
Garbage and Recycling	425.00
Recycling Collected	151.00

Water and Sewer Charges

That Berrigan Shire Council will make and levy the following water charges for the period 1 July 2019 to 30 June 2020 in accordance with Sections 501, 502 and 552 of the *Local Government Act 1993*, as well as reflecting the requirements of the Council of Australian Governments through the NSW Water, Supply Sewerage and Trade Waste Pricing Guidelines.

Water Access Charge (s501)	Annual Access Charge \$
Access Charge – Rateable	537.00
Access Charge – Non-rateable	537.00
Water Restriction Relief	10.00

Water Consumption Charge (s502)	Per kilolitre \$		
Barooga, Berrigan and Finley	Restriction Level 4	Other restrictions	No Restrictions
Treated	1.55	1.10	1.00
Unfiltered	0.77	0.55	0.50
Tocumwal	Restriction Level 4	Other restrictions	No Restrictions
Treated	1.03	0.73	0.66

Sewer Charges	Annual Charge \$
Sewer Supply Charge (s501)	
Sewer Supply Charge - Barooga	554.00
Sewer Supply Charge - Berrigan	554.00

Items requiring Council Resolution

Sewer Supply Charge - Finley	554.00
Sewer Supply Charge – Tocumwal	554.00
Sewer Pedestal Charge (s502)	
Sewer Pedestal Charge – Non-rateable	118.00
Sewer Pedestal Charge –Rateable	118.00
Sewer Maintenance Charge	
On-site Sewer Maintenance Charge	154.00

Stormwater charges

That Berrigan Shire Council will make and levy the following stormwater management service charges for the period 1 July 2019 to 30 June 2020 in accordance with Sections 496A of the *Local Government Act 1993* and clauses 125A and 125AA of the Local Government (General) Regulation 2005

Stormwater Management Service Charge (s496A and s501)	Annual Charge \$
Stormwater Management Service Charge – Urban Property	25.00
Stormwater Management Service Charge – Urban Strata Property	12.50

Developer concessions

That land in the table below will be exempt from annual water and sewer charges for the period 1 July 2019 to 30 June 2020 or until sold, leased, rented or otherwise occupied during this period:

Assessment No.	Address	Description
01302-000000000-000	90 Bruton Street, Tocumwal	L1 DP1250358
01303-000000000-000	88 Bruton Street, Tocumwal	L2 DP1250358
01304-000000000-000	86 Bruton Street, Tocumwal	L3 DP1250358
01305-000000000-000	84 Bruton Street, Tocumwal	L4 DP1250358
01306-000000000-000	82 Bruton Street, Tocumwal	L5 DP1250358
01307-000000000-000	80 Bruton Street, Tocumwal	L6 DP1250358
01308-000000000-000	78 Bruton Street, Tocumwal	L7 DP1250358
01309-000000000-000	76 Bruton Street, Tocumwal	L8 DP1250358
01312-000000000-000	35 Hadley Street, Tocumwal	L11 DP1250358
01313-000000000-000	33 Hadley Street, Tocumwal	L12 DP1250358
01314-000000000-000	31 Hadley Street, Tocumwal	L13 DP1250358
01315-000000000-000	29 Hadley Street, Tocumwal	L14 DP1250358
01316-000000000-000	27 Hadley Street, Tocumwal	L15 DP1250358
01317-000000000-000	25 Hadley Street, Tocumwal	L16 DP1250358

Items requiring Council Resolution

Assessment No.	Address	Description
01320-000000000-000	22 Hadley Street, Tocumwal	L19 DP1250358
01321-000000000-000	24 Hadley Street, Tocumwal	L20 DP1250358
01323-000000000-000	28 Hadley Street, Tocumwal	L22 DP1250358
01326-000000000-000	34 Hadley Street, Tocumwal	L25 DP1250358
01328-000000000-000	66 Tessier Drive, Tocumwal	L27 DP1250358
01329-000000000-000	64 Tessier Drive, Tocumwal	L28 DP1250358
01330-000000000-000	62 Tessier Drive, Tocumwal	L29 DP1250358
01331-000000000-000	60 Tessier Drive, Tocumwal	L30 DP1250358
01332-000000000-000	58 Tessier Drive, Tocumwal	L31 DP1250358
01333-000000000-000	56 Tessier Drive, Tocumwal	L32 DP1250358
01334-000000000-000	54 Tessier Drive, Tocumwal	L33 DP1250358
01335-000000000-000	52 Tessier Drive, Tocumwal	L34 DP1250358
01336-000000000-000	50 Tessier Drive, Tocumwal	L35 DP1250358
01337-000000000-000	48 Tessier Drive, Tocumwal	L36 DP1250358
01339-000000000-000	44 Tessier Drive, Tocumwal	L38 DP1250358
01340-000000000-000	42 Tessier Drive, Tocumwal	L39 DP1250358
01341-000000000-000	40 Tessier Drive, Tocumwal	L40 DP1250358
01343-000000000-000	51 Tessier Drive, Tocumwal	L42 DP1250358

Penalty Interest

Berrigan Shire Council will apply 7.5% interest on rates and charges that remain unpaid after they become due and payable in accordance with section 566 of the *Local Government Act 1993*.

Items requiring Council Resolution

5.6 MAYORAL AND COUNCILLORS ALLOWANCES

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: 22.155.1

RECOMMENDATION:- that the Council adopt the following Mayoral and Councillor allowances effective from September, 2019:

Mayoral allowance	\$26,530
Councillor allowance	\$12,160

REPORT:

The Local Government Remuneration Tribunal has reviewed allowances paid to Councillors and the additional allowance paid to the Mayor. Following this review, the Tribunal has determined fees effective from 1st July, 2019 which reflect a 2.5% increase.

Set out below is a summary of the existing and proposed fees:

	Existing	Proposed		Budget
		Min	Max	
Mayor	\$25,880	\$9,780	\$26,530	\$26,636
Councillor	\$11,860	\$9,190	\$12,160	\$95,827

The maximum increase would require a budget increase of approx. \$1,347 if the maximum allowable fees are adopted from 1st July, 2019.

If the maximum fees were applied from September, 2019 as is the Council's usual practice, a budget increase of approx. \$837 will be required.

The Council has traditionally applied the new allowances from September following the election of Councillors and previously the Mayor.

A copy of the determination is circulated with this agenda as **Appendix "B"**

Items requiring Council Resolution

5.7 HALF COST SCHEME 01/18/19 TONGS STREET, FINLEY FOOTPATH CONSTRUCTION (MURRAY STREET TO CEMETERY NORTHSIDE)

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: HCS 01/18/19

RECOMMENDATION: - that

1. In accordance with Council's policy: *Contributory Footpath And Kerb And Gutter Schemes Policy* pursuant to clauses 217, 218 & 219 of the Roads Act 1993, proceed with the construction of footpath along Tongs Street, Finley (Murray Street to Cemetery North side) and make a charge on abutting property owners in accordance with the Schedule for Scheme 01/18/19 as set out below.

**SCHEDULE: SCHEME NO. 01/18/19
TONGS STREET, FINLEY FOOTPATH CONSTRUCTION (MURRAY STREET TO CEMETERY NORTHSIDE)**

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
319-321 MURRAY STREET, FINLEY NSW 2713	25%	50.25	\$5,427.00	\$1,357.00	\$136.00	\$1,493.00	\$4,070.00
47 TONGS STREET, FINLEY NSW 2713 (LOT B DP 443883)	50%	25.07	\$2,708.00	\$1,354.00	\$136.00	\$1,490.00	\$1,354.00
49 TONGS STREET, FINLEY NSW 2713 (LOT A DP 443883)	50%	25.17	\$2,719.00	\$1,360.00	\$136.00	\$1,496.00	\$1,359.00
51 TONGS STREET, FINLEY NSW 2713 (LOT 2 DP 101138)	50%	25.1	\$2,711.00	\$1,356.00	\$136.00	\$1,492.00	\$1,355.00
53 Tongs Street, FINLEY NSW 2713 (Lot 1 DP 101138)	50%	25.1	\$2,711.00	\$1,356.00	\$136.00	\$1,492.00	\$1,355.00
55 TONGS STREET, FINLEY NSW 2713 (LOT4 DP 418419)	50%	16.75	\$1,809.00	\$905.00	\$91.00	\$996.00	\$904.00
57 TONGS STREET, FINLEY NSW 2713 (LOT 3 DP 418419)	50%	16.75	\$1,809.00	\$905.00	\$91.00	\$996.00	\$904.00

Items requiring Council Resolution

59 TONG STREET, FINLEY NSW 2713 (LOT 2 DP 418419)	50%	16.75	\$1,809.00	\$905.00	\$91.00	\$996.00	\$904.00
141 COREE STREET, FINLEY NSW 2713 (LOT 175 DP 752283)	25%	40.5	\$4,374.00	\$1,094.00	\$110.00	\$1,204.00	\$3,280.00
5 FOREST COURT, FINLEY NSW 2713 (LOT 16 DP 39698)	25%	22	\$2,376.00	\$594.00	\$60.00	\$654.00	\$1,782.00
1 FOREST COURT, FINLEY NSW 2713 (LOT 20 DP 39698)	25%	20.1	\$2,171.00	\$543.00	\$55.00	\$598.00	\$1,628.00
UNIT 1, 69 TONGS STREET, FINLEY NSW 2713 (LOT 1 SP 39232)	50%	21.6	\$2,333.00	\$1,167.00	\$117.00	\$1,284.00	\$1,166.00
71 TONGS STREET, FINLEY NSW 2713 (LOT 2 DP 720220)	50%	18.6	\$2,009.00	\$1,005.00	\$101.00	\$1,106.00	\$1,004.00
73 TONGS STREET, FINLEY NSW 2713 (LOT 28 DP 720220)	50%	18.6	\$2,009.00	\$1,005.00	\$101.00	\$1,106.00	\$1,004.00
75 TONG STREET, FINLEY NSW 2713 (LOT 29 DP 720220)	50%	43.205	\$4,667.00	\$2,334.00	\$234.00	\$2,568.00	\$2,333.00

Items requiring Council Resolution

79-81 TONG STREET, FINLEY NSW 2713 (LOT 181 DP 43669)	50%	41.5	\$4,482.00	\$2,241.00	\$224.00	\$2,465.00	\$2,241.00
83 TONGS STREET, FINLEY NSW 2713 (LOT 183 DP 43669)	50%	20	\$2,160.00	\$1,080.00	\$108.00	\$1,188.00	\$1,080.00
85 TONGS STREET, FINLEY NSW 2713 (LOT 184 DP 43669)	50%	20	\$2,160.00	\$1,080.00	\$108.00	\$1,188.00	\$1,080.00
87 TONGS STREET, FINLEY NSW 2713 (LOT 185 DP 43669 , LOT 31 DP 720252)	50%	20	\$2,160.00	\$1,080.00	\$108.00	\$1,188.00	\$1,080.00
BERRIGAN SHIRE COUNCIL ROAD RESERVE		76.31	\$8,241.48	\$0.00	\$0.00	\$0.00	\$8,241.48
Total		563.36	\$60,845.48	\$22,721.00	\$2,279.00	\$25,000.00	\$38,124.48

Items requiring Council Resolution

REPORT:

Footpath construction along Tongs Street, Finley from Murray Street to the cemetery is programmed in the Berrigan Shire Council 2018-19 financial year budget.

The total estimate for the installation of footpath is \$60,845.48.

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

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

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

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

A total of 19 property owners will be affected by the scheme. To date there has been 9 letters received opposing and 2 in favour of the proposed scheme. No response has been given by the remaining properties, however, initial letters that were sent out to the affected property owners stated the following line:

"If your response has not been received by 13th February 2019, it will be assumed that you are in favour of the proposal."

Copies of those letters received are attached as **Appendix "C"**.

Set out below are the details of Scheme 01/18/19 along with a map showing the affected properties. Red shading indicates that the landowner is NOT in agreeance. Green shading indicates that the landowner IS in agreeance and Yellow shading indicates those that have not responded to the Council's notification letter.

Note: all properties shaded red are based on written responses.

A site meeting was held in Tongs Street, Finley to discuss the proposed half cost scheme footpath on the 5th June 2019. Eight property owners attended

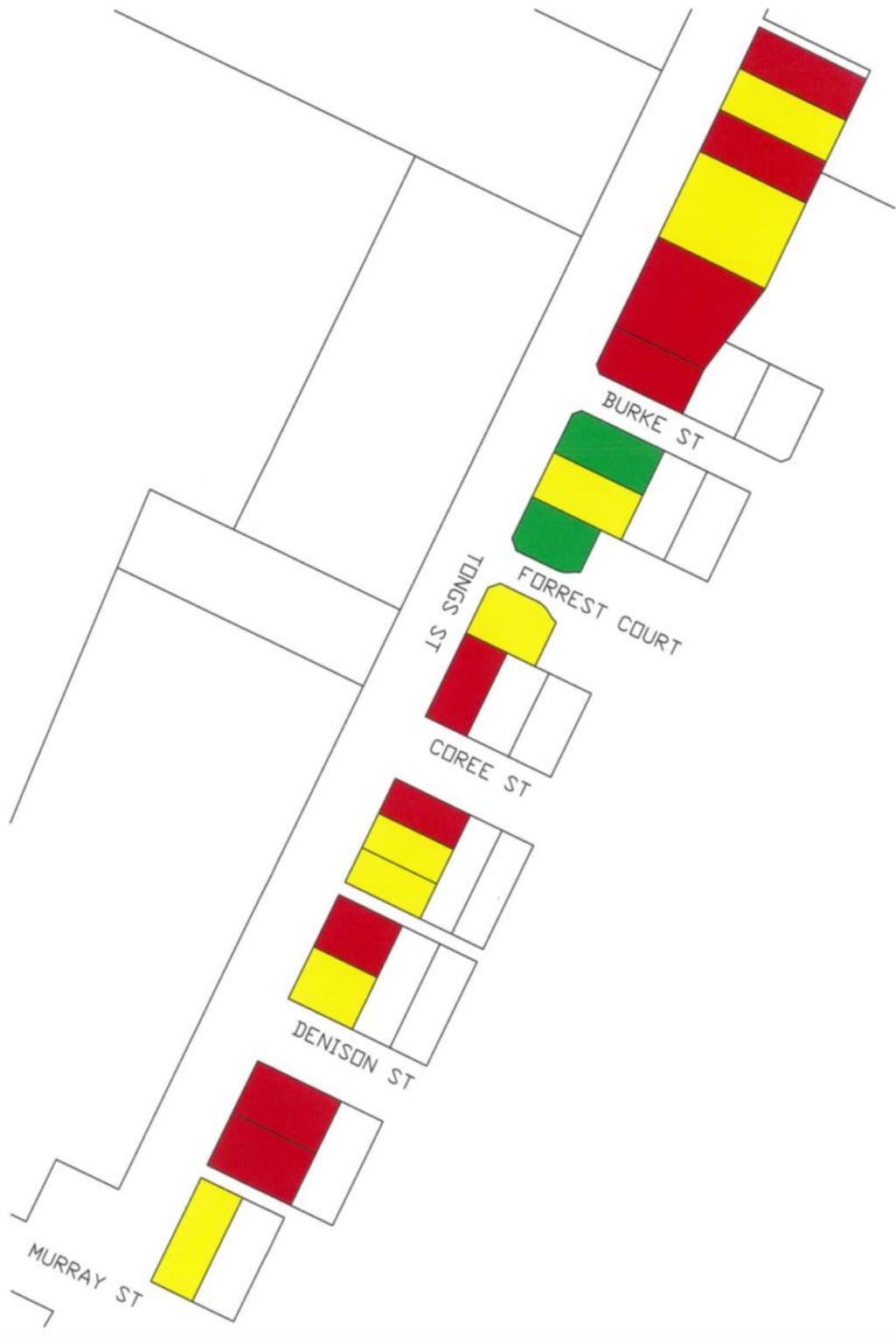
Items requiring Council Resolution

the meeting all of whom were strongly opposed to the proposed half cost scheme.

Minutes from the meeting are attached as **Appendix “D”**

Estimated full unit rate is \$90.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

Items requiring Council Resolution



RESOLUTION

Items requiring Council Resolution

5.8 SALE OF LAND FOR UNPAID RATES**AUTHOR:** Revenue 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:** 12.049.1**RECOMMENDATION:** That the Council:

- i. Note the report on the Sale of Land for Unpaid Rates;
- ii. In accordance with Section 713 of the *Local Government Act 1993*, Council sell 24 Budd Street, Berrigan and 105 Cobram Street, Berrigan at public auction, to recover the outstanding rates and charges on each property;
- iii. Set the auction date as Saturday 19th October 2019 commencing at 10.00am at Berrigan Shire Council Chambers, Chanter Street Berrigan;
- iv. Advertise its intention to seek the subject land in the NSW relevant Government Gazette, the Southern Riverina News and the Cobram Courier;
- v. Agree that as from the date of this meeting no property listed shall be withdrawn from sale unless and until all amounts due at the date of proposed settlements, including current rates and charges including extra charges, are paid in full by close of business Tuesday 15th October 2019, or an arrangement satisfactory to the General Manager for payment of all such rates and charges being entered into by the rateable person(s);
- vi. Delegated authority is granted to the General Manager to set reserve prices in consultation with the responsible Director and Finance Manager and the auctioneer, following an inspection of the properties prior to sale date;
- vii. Any Lot not sold by auction, remain with the auctioneers for sale by private treaty;
- viii. Delegate authority to the General Manager to represent Berrigan Shire Council in all relevant dealings pertaining to the sale; and

Items requiring Council Resolution

- ix. **Sign and Seal all documents related to the sale of the subject land.**
-

REPORT:

Summary

This report recommends Council proceed to sale of land for the properties listed in the attachments in accordance with [section 713 of the Local Government Act 1993](#). (the Act)

The properties currently have in excess of 5 year's rates and charges outstanding. These properties are proposed to be sold and require Council approval to commence action to proceed in accordance with section 713 of the Act.

Background

Section 713(2)(a) of the Act states that Council may sell including vacant land on which any rate or charge has remained unpaid for more than 5 years from the date on which it became payable.

[Section 712\(1\) of the Act](#) provides that proceedings for the recovery of a rate and charge may be commenced at any time within 20 years from the date when the rate or charge become due and payable.

[Section 718\(a\)\(b\) of the Act](#) allows Council to apply any purchase money received by it on the sale of land for unpaid rates and charges, firstly towards payment of the expenses of the council incurred in connection with the sale, and secondly, any rate or charge in respect of the land due to the council.

Report

There are two properties in the Council area that have rates owing that have been outstanding for 5 years and longer, and it is now proposed that these properties are sold for overdue rates and charges.

The General Manager's Certificates as required in accordance with Section 713 (3) of the Act and which clarify in writing what rates and charges are due in respect of the land, with particulars therefore, when same were made and how levied and when they first became due, have been prepared and are tabled as required.

The description of properties and the amounts due are included in the General Managers Certificate and **Appendix "E"**.

Items requiring Council Resolution

Council is required to set a convenient time (being not more than 6 months and not less than 3 months from the publication in the Government Gazette and a newspaper of the advertisement referred to in point 3 of the recommendations).

Additionally, a convenient place for the sale of the land by public auction is required to be set and a notice those persons who appear to have an interest in the land will also be sent.

It is recommended that Council agree that as from the date of the resolution of Council at this meeting that no property listed shall be withdrawn from sale unless and until all amounts due at the date of proposed settlements, including current rates and charges including extra charges, are paid in full by close of business three days before the arranged public auctions.

Financial Implications

Following the completion of the Sale of Land for Unpaid Rates the net cost of running the process and the shortfall on each property sold will be at Council's cost and subject to a further report to Council. In the case of any surplus, those amounts will be paid to the interested parties or if they cannot be found, held in Council's Trust Accounts.

Policy Implications

Council's Debt Recovery and Hardship Policy

Risk Considerations

A risk assessment will be made in relation to the auction(s) to ensure foreseeable risks are mitigated in an appropriate manner.

Statutory/Regulatory Implications

Conforms to statutes and regulations

Also circulated with this report as **Appendix "F"** is a summary of history of properties included in sale.

Items requiring Council Resolution

**5.9 DEVELOPMENT APPLICATION 145/19/DA/D5
- CARPORT**

AUTHOR: Town Planner

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 145/19/DA/D5

RECOMMENDATION: - that Development Application 145/19/DA/D5 for the construction of a Carport be **REFUSED** as the proposal does not generally comply with the development controls of Chapter 2 of the *Berrigan Development Control Plan 2014* and potentially will impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Berrigan Street.

REPORT:

Background

On 24 January 2019 the land owner of the subject site made an enquiry into a proposed Carport, located generally with a majority of the structure in front of the existing dwelling (no plans were presented to Council at this stage). Council staff advised that the proposal would require development consent, however the proposal would not likely to be supported by Council as a majority of the structure is located in front of an existing dwelling.

During February 2019 (date unknown) works began on a Carport structure (similar to enquiry discussed above). On 1 March 2019, Council issued a stop works notice and the structure was subsequently removed. On 26 April 2019, Council received a Development Application for a proposal Carport, to be located at 16 Berrigan Street, Tocumwal.

Proposal

The proposed Carport (as per the Development Application) is six (6) metres by six (6) metres with a total area of 36 metres². Approximately three quarters of the structure will be located in front of an existing dwelling on the subject site. The proposal will have a nil setback to Berrigan Street. As there is an existing Carport on the subject site, the proposal will result in three (3) carports fronting onto Berrigan Street and collectively will span approximately 43% of the street frontage.

Items requiring Council Resolution

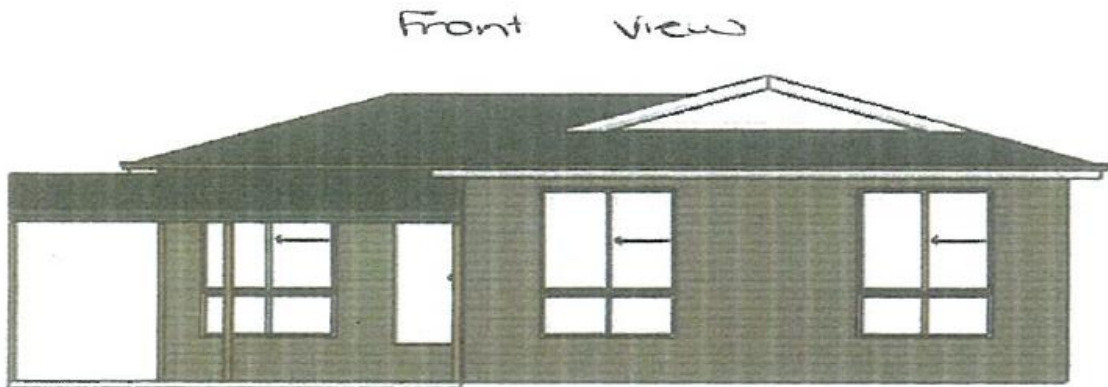


Figure 1 – Artist impression of the proposed carport, front view from Berrigan Street

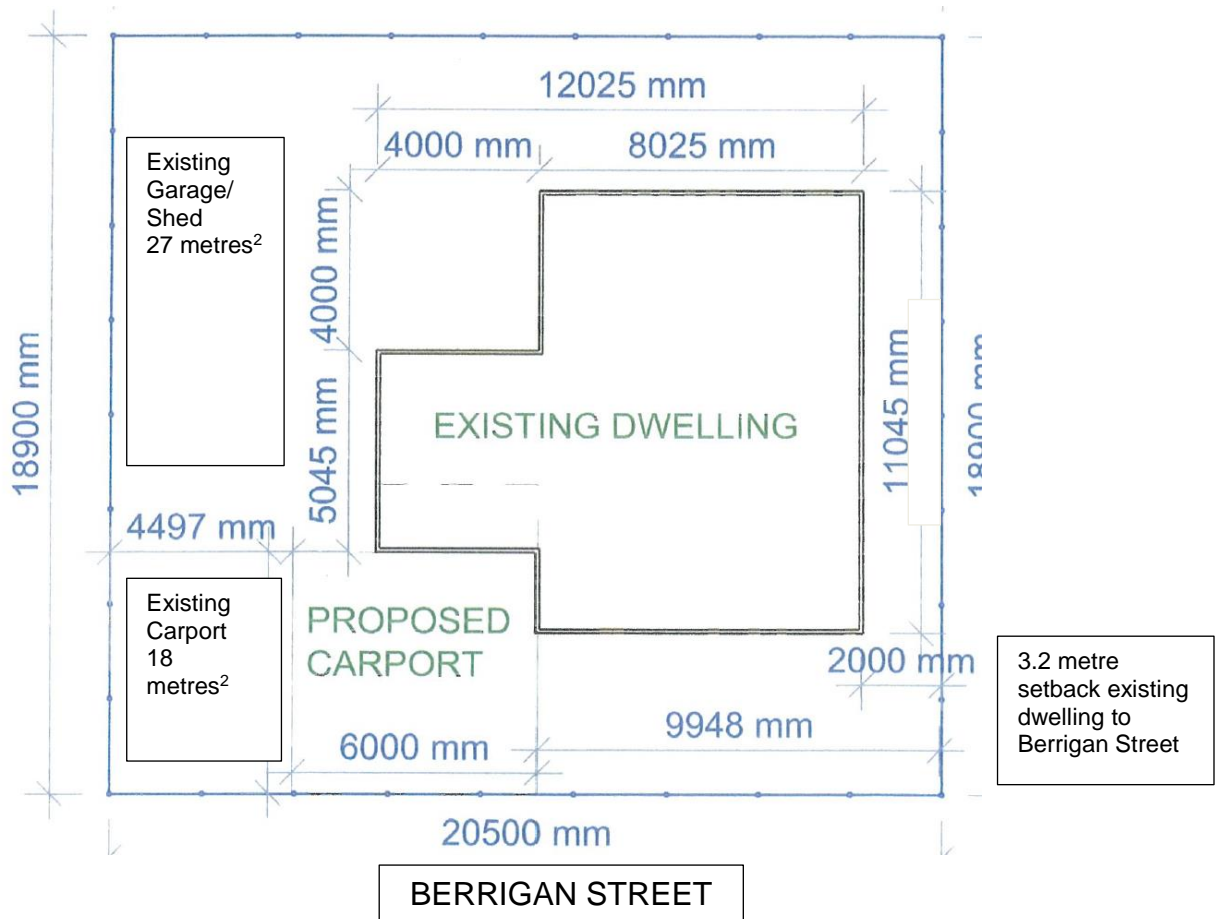


Figure 2 – Site Plan for proposed carport

Subject Site and Locality

The total area of the subject site is 386 metres². The existing dwelling on the subject site is 105 metre² and is setback 3 metres from Berrigan Street. The subject site was subdivided and the dwelling approved in 2006 under the previous Berrigan LEP, the *Berrigan Local Environmental Plan 1992*. In considering the reduced setback to Berrigan Street, Council factored in the

Items requiring Council Resolution

existing dwelling to the north with a reduced setback of 3 metres to Berrigan Street and infrastructure on site at the time and given the width of the road reserve on Berrigan Street frontage being approximately greater than 8 metres. A garage/shed was also approved on site with the dwelling.

Since this time, a Carport structure has been constructed extending forward of the existing garage/shed with an approximate 2.3 metres setback to Berrigan Street and a hardstand area in front of the existing dwelling. No record of this development is on Council files and Council is currently seeking development plans for the structures.

Within the neighboring environment, Berrigan Street is a residential area with established dwellings and carports/garages fronting onto Berrigan Street. There is also shed development to the north and south in close proximity to the Berrigan Street boundary due to these allotments being corner allotments and the sheds are generally to the “rear”.



Figure 2 – Aerial image of subject site (satellite imagery from 2014)

Items requiring Council Resolution



Figure 3 and 4 – Streetview of subject site

Assessment

Under the *Berrigan Local Environmental Plan 2013*, land zoned RU5 Village permits the construction of ancillary structures to a dwelling such as a Carport.

There are a number of potential impacts related to a proposal which must be addressed if development is to be supported. The Development Control Plan that needs to be taken into account in the assessment of this proposal is the *Berrigan Development Control Plan 2014* (Berrigan DCP). The purpose of the controls in Chapter 2 Residential Development is to create well-designed residential environments for current and future residents in the Shire.

The development controls are expressed as the objective Council is seeking for residential development and secondly the development controls considered by Council to deliver these outcomes. Compliance with development controls should result in consistence with the objective and consequently the granting of development consent.

Berrigan DCP Chapter 2 Objectives and General Controls	Assessment of Proposed Carport
<p><u>2.1 Neighbourhood Character</u> Relevant Objective</p> <ul style="list-style-type: none"> - Create aesthetically pleasing residential neighbourhoods. <p>Relevant Control</p> <ul style="list-style-type: none"> - The design of residential development is to suit the existing scale, density, setbacks and character of the neighbourhood. 	<p>As there is an existing unauthorised carport on the subject site, the proposal will total three (3) carports in the front area of the subject site and the proposal will have a nil setback to Berrigan Street. The collective carport structure will cover 9 metres of the front of the allotment, approximately 43% of the total front boundary. The proposed design is therefore not of a similar setback and character of the neighbourhood environment. Due to the built form taking up a large portion of the front</p>

Items requiring Council Resolution

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	<p>area of the site and the factors mentioned above, the proposed Carport has therefore been assessed as generally not adding to an aesthetically pleasing residential neighbourhood.</p>
<p><u>2.2 Streetscape</u> Relevant Objective</p> <ul style="list-style-type: none"> - Residential design that makes a positive contribution to the streetscape. <p>Relevant Control</p> <ul style="list-style-type: none"> - Bulk and scale should be kept of a compatible size with the existing or likely development in the residential precinct. - The width of a garage (door) facing a public road is to be no greater than 7 metres, or 50% of the width of the building frontage, whichever is the lesser. 	<p>As discussed above, the bulk and scale of development would not be compatible with the residential precinct.</p> <p>Therefore, the proposal has been assessed as generally not making a positive contribution to the streetscape.</p>
<p><u>2.3 Landscaping</u> Relevant Objective</p> <ul style="list-style-type: none"> - Front landscaping that contributes to an attractive streetscape. <p>Relevant Control</p> <ul style="list-style-type: none"> - A landscaping plan detailing the site features, hardstand areas, number and type of plan species and planting locations is to be submitted to the Council's satisfaction prior to the issues of the Construction Certificate. 	<p>Further to the points above, given that 43% of the front area of the allotment will be a carport structure requiring a hardstand area (already established) and that the existing dwelling has a reduced setback of 3 metres to Berrigan Street, the proposal has been assessed as having very little area in the front area available for landscaping to contribute to an attractive streetscape.</p> <p>Therefore, the proposal has been assessed as generally not achieving a front landscaping area that contributes to an attractive streetscape.</p>
<p><u>2.5 Building Setbacks</u> Relevant Objective</p> <ul style="list-style-type: none"> - Attractive streetscapes through consistency in front building setbacks. 	<p>The proposed Carport will be within a portion of the front setback area of an existing dwelling. The general controls do not mention a carport for example in the articulation zone. An assessment of the proposed Carport</p>

Items requiring Council Resolution

<p>Relevant Control</p> <ul style="list-style-type: none"> - An articulation zone is permitted in front of the building setback for a distance of 1 metre from the foremost edge of the building line and for 25% of the overall building width. The articulation zone allows for building elements, such as porticos, awnings and the like where necessary or which enhance the quality of the building and/or contribute to the visual quality of the streetscape. - Garages should not extend forward of the front building line. Where the front building setback is less than 6 metres, any garage must be setback a minimum of 1 metre behind the building setback. 	<p>is that it is generally not a construction that will enhance the quality of the building and will not contribute to the visual quality of the streetscape.</p> <p>The second point, although the structure is a carport and not a garage, it will be in the front area of a dwelling, approximately 4 metres forward of an existing dwelling and will have a 6 metre wide structure with a nil setback to Berrigan Street. The setback of the existing carport structure is approximately 2.3 metres from Berrigan Street. The communicative result of the proposal will be 9 metres of a structure with a very minimal setback to Berrigan Street.</p> <p>The existing residential dwellings, garages and carports along Berrigan Street have a minimal 4.5 metre setback to Berrigan Street. There are sheds in the northern and southern allotments with an approximately nil setback to Berrigan Street however as these are corner allotments, the structures are “rear” type development.</p> <p>The proposal has therefore been assessed, due to the above factors, as generally not being attractive to the streetscape and is an inconsistent structure in the front articulation zone and shouldn't be included in the building setback. Even though it is a carport and not a garage, the cumulative effect of three (3) carports in the front building setback has been assessed as having a potential impact on the streetscape of the existing residential environment along Berrigan Street.</p>
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Items requiring Council Resolution

RESOLUTION

<p><u>2.11 Outbuildings</u></p> <p>Relevant Objective</p> <ul style="list-style-type: none"> - Outbuildings not to be detrimental to residential amenity. - Outbuildings are to be in proportion with the size of the lot they are placed. <p>Relevant control</p> <ul style="list-style-type: none"> - The total floor area and height of an outbuilding in the RU5 zones shall be considered on its merit and against the objectives of this section. 	<p>As discussed above, the combined width of the Carports will be 9 metres and given that the front of the allotment is 20.5 metres, the carports will cover 43% of the total front area of the allotment. Furthermore, the proposed 6 metre Carport will have a nil setback to Berrigan Street. The proposal has been assessed therefore as being generally detrimental to residential amenity due to the amount of built form in front the front area of an allotment and in front of an existing dwelling and the amount of structure that will have a nil setback to Berrigan Street. The proposed outbuilding has been assessed as generally not in proportion with the size of the lot that they will be placed, being a 386.3 metres² allotment.</p> <p>Therefore, the proposal has been assessed as generally not complying with this development control.</p>
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The proposal has been assessed as generally not complying with specific objectives and development controls of the Berrigan DCP Chapter 2 for Streetscape, Building Setbacks, Outbuildings and Landscaping. The proposal has been assessed generally as not adding to an aesthetically pleasing residential neighbourhood, not making a positive contribution to the streetscape, having a minimal front landscaping area to contribute to an attractive streetscape and having an outbuilding that will be detrimental to the residential amenity and not in proportion with the size of the lot they are placed.

The development proposal for a Carport has therefore been assessed as not meeting the overall objectives of the Residential Development chapter 2 of the Berrigan DCP as it potentially will have impact on the residential amenity and potentially will impact on the character and amenity of the existing streetscape in the neighbouring environment along Berrigan Street.

Furthermore, there is an existing power pole and a Telstra box in the front verge area of the subject site directly in front of the proposed Carport, see figure 4 above. A sufficient setback would be required for this infrastructure that would hinder the ability to access a portion of the proposed Carport.

Items requiring Council Resolution

As the proposal does not generally comply with the development controls of Chapter 2 of the Berrigan DCP, it is therefore recommended that the proposed development application for a Carport be refused.

Conclusion / Legislation

In assessing this development application, the relevant parts of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into account. The development proposal has been assessed as having a potential impact on the residential amenity and a potentially impact on the character and amenity of the existing streetscape in the neighbouring environment along Berrigan Street.

Recommendation

That Development Application Number 145/19/DA/D5 for a Carport be refused as the proposal does not generally comply with the development controls of Chapter 2 of the *Berrigan Development Control Plan 2014* and potentially will impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Berrigan Street.

Items requiring Council Resolution

5.10 INTEGRATED PLANS

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: 04.121.4

RECOMMENDATION: that the Council

1. Adopt the reviewed Berrigan Council Resourcing Strategy 2017 – 2027 inclusive of Council's:
 - Long Term Financial Strategy and Plan 2019 – 2029 (Appendix "G")
 - Asset Management Strategy and Plan 2017 – 2027 (Appendix "H")
 - Workforce Management and Development Strategy and Plan 2017 – 2021 (Appendix "I")
2. Adopt the reviewed Berrigan Shire Council Delivery Program 2017 – 2021 (Appendix "J")
3. Adopt the Berrigan Shire Council Annual Operational Plan 2019 – 2020 (Appendix "K") inclusive of the Council's Fees and Charges 2019/120, Revenue Policy 2019/20 and Annual Budget 2019/20

REPORT:

Per the provisions of the Local Government Act, 1993 (s403 – 404) Council's suite of integrated plans was placed on public exhibition (16 May 2019) for 28 days with public comment and submissions sought until 5:00pm 13 June 2019.

No submissions or public comments were received during the period of public exhibition.

Attached for consideration and adoption by the Council are the following:

1. A reviewed Berrigan Shire Council Resourcing Strategy 2017 – 2027 inclusive of the Council's
 - Updated Long Term Financial Strategy and Plan 2019 – 2029 (Appendix "G")

Items requiring Council Resolution

- Reviewed Asset Management Strategy and Plan 2017 – 2027 **(Appendix “H”)**
- Reviewed Workforce Management and Development Strategy and Plan 2017 – 2021 **(Appendix “I”)**
- 2. Reviewed Berrigan Shire Council Delivery Program 2017 – 2021 **(Appendix “J”)**
- 3. Berrigan Shire Council Annual Operational Plan 2019 – 2020 **(Appendix “K”)** inclusive of
 - The Council's Fees and Charges 2019/20
 - The Council's Revenue Policy 2019/20; and
 - Annual Budget 2019/20.

Changes to the appended plans from those endorsed by the Council for public exhibition include the following:

- Change to the Barooga, Berrigan, Finley and Tocumwal Ad Valorem residential and business rate the subject of separate report to the Council.
- An update to the Council's Organisational Structure (included in the Council's Reviewed Workforce Management and Development Plan 2017 – 2021) noting the replacement of a Water and Sewer Operator position with a Trainee Water and Sewer Operator, the employment of a mechanic an additional Assets and Operations staff member. Council Minute 67 Ordinary Council Meeting 15 May, 2019.
- Updated Long-term Financial Management plan with flow-on effects to the Council's Delivery Program and Operational Plan budget related to additional funds allocated by the Council for the Finley School of Arts Council Minute 81 Ordinary Council Meeting 15 May 2019 and Council Officer identified upgrade of toilets at Memorial Park, Finley.

Items requiring Council Resolution

5.11 TOCUMWAL HISTORIC AERODROME MUSEUM

AUTHOR: Economic & Industry Development Liaison

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO: 26.109.2

RECOMMENDATION: Council direction is sought on the proposal from Tocumwal Historic Aerodrome Museum Committee.

REPORT:

The Council has received a letter from the committee of the Tocumwal Historic Aerodrome Museum indicating an intention to take steps to “develop plans for a purpose built museum at a suitable location.” The letter goes on to state that a good deal of consideration has been given to the eventual location of such a museum and that the committee is “considering erection of a suitable building at the Aerodrome on the vacant block of land to the western side of the terminal building.”

The letter is seeking Council consideration of the proposal and advice regarding allocation of the land at the aerodrome for this purpose.

The report from Robin and Sally Hirst, which was commissioned by Council, was discussed at the Corporate Planning Workshop in February 2019. The report was developed with the brief that Council could not support a traditional museum that had significant and ongoing operational costs and little opportunity to raise sufficient revenue to cover these costs.

The key findings and recommendations from the Hirst Report were:

- That the current location of the collection is not appropriate;
- The storage locations and storage systems mean that the future of the collection is not secure;
- The collection is also at risk as there is no catalogue of the holding of THAM;
- It is important to clarify the ownership and establish policies and plans around the collection and its care;
- The future concept utilizes existing assets and creates new ones. It is not a traditional museum. It is a multi-site experience; The Golf and Bowls Club is potentially a site for an interpretive facility. The RSL site is potentially a site for a storage and research facility.

Items requiring Council Resolution

The airport is potentially a site for the large object storage and restoration; and

- THAM online needs to be upgraded

A purpose built single site museum was not a recommendation of the Hirst report preferring a more contemporary multi-site approach however, the implementation plan noted the need to identify a site at the aerodrome for the large object store and Restoration Centre.

Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.5 inclusive be received and noted.

6.1 LOCAL GOVERNMENT GRANTS COMMISSION

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Strengthen strategic relationships and partnerships with community, business and government

FILE NO: 15.128.5

REPORT:

The NSW Local Government Grants Commission have written to advise Council of changes to the methodology for the allocation of Financial Assistance Grant (FAG).

A copy of the letter and an associated fact sheet is attached as **Appendix “L”**

The changes are unlikely to have a material impact on this Council.

Items for Noting

**6.2 DISCLOSURE OF INTERESTS RETURN AND
THE GOVERNMENT INFORMATION (PUBLIC
ACCESS) ACT 2009****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: 16.002.1**

REPORT:

The NSW Information and Privacy Commission (IPC) has released a draft guideline – *For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW)*.

The IPC is seeking feedback on the draft guideline by 14 June 2019. This is before the June Council meeting.

The IPC make the following comments on the revision:

The draft revised Guideline provides that the returns of interest of councillors and designated officers must be made publicly available free of charge on a website maintained by the agency unless there is an overriding public interest against disclosure of the information. It also provides guidance in relation to the public interest considerations for and against disclosure of the returns of interests.

Key points of the revision:

- *Section 6 of the GIPA Act provides for the mandatory proactive release by NSW public sector agencies of open access information. The Act provides that open access information must be made publicly available free of charge on a website maintained by the agency.*
- *The returns of interests of councillors and designated officers are prescribed under Schedule 1 to the GIPA Regulation as open access information for local government.*
- *The IPC has undertaken a review of Guideline 1 to ensure that the Guideline is consistent with the requirements of the GIPA Act.*

NOTING

Items for Noting

Comments

While called a “guideline”, Guideline 1 is proposed to be issued under [Section 15\(b\) of the GIPA Act](#) and in effect will be mandatory for all NSW Councils.

There is scope to redact information in a Return of Interests before it is placed on the Council website if it can be shown that there is an “overriding public interest against disclosure”. However, this is a difficult test to pass under the guideline.

Councillors and designated persons with genuine concerns for their privacy may be able to make use of the provisions of [Section 739\(1\) of the Local Government Act 1993](#)

A person may request that any material that is available (or is to be made available) for public inspection by or under this Act be prepared or amended so as to omit or remove any matter that would disclose or discloses the person’s place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person’s family at risk.

Action

Council staff are preparing a submission on behalf of the Council. This is not complete at the time of writing this report. It will be circulated to Councillors once submitted.

Councillors and designated persons should note that the newly adopted Code of Conduct requires continuous disclosure of your interests.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Councillors and designated persons may wish to review their Return of Interests and consider any privacy concerns that may arise from their publication on the Council’s website. All Councillors and designated persons will be formally consulted prior to this occurring.

Items for Noting

6.3 LEETON SHIRE COUNCIL – WATER POLICY**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** 11.128.14

REPORT:

The General Manager of Leeton Shire Council has written to the Council and other RAMJO member Councils as follows:

At its meeting last week, Leeton Shire Council adopted a position on water policy – see attached. You may note that there is a degree of similarity with some of the wording recently put out by Australian Almonds (AA). The AA sentiments resonated strongly with our Council as there is a strong call to ‘a systems approach’ to dealing with the Murray Darling River System and its communities. We couldn’t agree more.

*In short, Leeton Shire Council, in support of the sustainability of the environment AND our communities, believes the Basin Plan should consider more than just the recovery of water for the environment but also the **intelligent, efficient and effective use of the reduced volume of water remaining in the System for productive purposes.***

This means that matters other than just water recovery need serious consideration if the System is to thrive, including communities. For example, if - in the context of the Basin-Plan-driven reduction in the availability of productive water - we fail to anticipate and address the effects of ‘loose’ water trading and land use planning rules, we risk seriously compromising our resilience as established Murray Darling Basin communities.

We look forward to discussing our thoughts about a stronger “systems approach” at the next Water Sub-Committee meeting.

The Council’s adopted water policy is circulated with this agenda as **Appendix “M”**

Leeton Shire Council’s position is not at odds with the policy position recommended for adoption elsewhere in this agenda.

A vertical black bar containing the word "NOTING" in white, capital letters, oriented vertically from top to bottom.

Items for Noting

6.4 COUNCIL BANKING ARRANGEMENTS**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:** 12.024.1

REPORT:

Berrigan Shire changed banking providers in 2018 in order to allow Council's own banking to take place in Berrigan Township through the agency run at the Council offices.

The operation of the agency is not the issue at hand, rather it is Council's own internal banking arrangements which are experiencing operational issues as a result of this changeover.

The primary overarching issue is whilst it appears Bendigo Bank (BBL) is geared toward personal and small business it does not appear to be able to cater adequately to large and complex businesses.

The changeover was protracted and arduous, and after more than a year of persevering with the current arrangements staff need to flag that it is not sustainable.

In particular:

1. Estimated additional 400 staff hours per year spent performing Bank reconciliations which equates to approx. \$12.5K more than with NAB.
 - NAB estimate 1.5 hours/business day = 400 hours/year = \$12.5K.
 - BBL estimate 3.0 hours/business day = 800 hours/year = \$25K.
2. BPAY Biller File Issues
 - Not being informed until we request information for why we have not received file.
 - No priority assistance when file not sent, just gets queued for following business day
 - This issue has happened over month end which impacts the entire finance function, including rates collection and internal controls.
3. Cyber Security Vulnerability

Items for Noting

- Have to use Decryption software which is available to anybody online for free.
 - No support for decryption software, was referred to Wikipedia for instructions and assistance.
4. Electronic Banking Failures
- March 2019, all electronic banking went down and was unavailable – Bendigo Bank was unable to pay its own staff for two days.
 - Looking through their social media it has happened previously and was not a one off event.
 - The above has caused Council to revise business continuity planning and hold enough funds in the still existing NAB account (rather than investing and earning interest) to cover Payroll and Creditor payments to minimise disruption to daily activities.
5. Inconsistency of Data
- Reliance on other agency processing for accurate data – this is very problematical
 - Incorrect reference or no reference at all on deposits. This makes it impossible for us to implement software to automate this function so more manual intervention is required to reconcile.
 - Less functions & features for business banking than NAB. Examples are Flexilink which automated deposits made over the counter at the NAB, NAB also photocopied deposit slips that were available to view the following business day in case of a query.
6. Business Support
- May 2019 was the first time we had been introduced to our business banker, almost 12 months after we were fully operational with Bendigo Bank.
 - Overcharged \$45K BPAY fees for 5 months – this was a manual keying error on the fee rate. We had to notify the Bank of the issue and took a further 2 months to resolve.
 - Proposed that we be allowed access to a small fraction of the IT functions that Bendigo Bank provide to City of Greater Bendigo (Similar to Flexilink) only to be told we are in the queue. After relentless efforts speaking with Bendigo Bank, we were advised that it could take up to 18 months to just have the request reviewed with no action promised.

Flow on affects from slow daily Bank Reconciliations, include;

- Rates / Revenue
Rates staff cannot run interest, instalment notices or overdue notices until later in the day – this impacts timelines which are often tight due to statutory requirements.
- Rates / Environmental

NOTING

Items for Noting

Receipts for certificate applications (sale of property and building applications) cannot be printed until the Batch of Bank Reconciliation is updated, delaying processing and eating into the associated statutory time limit for completion.

- Finance

Reduces the Finance Officers available time in his primary role to assist the Finance Manager with accounting for Councils Finances. This means processes do not get the attention required, potentially putting ourselves at risk of noncompliance and errors.

Staff wish to highlight the unsustainable nature of the process, and foreshadow the possibility of significant disruption (again) to change banking to a bank which is set up for a business of our size and complexity.

It must also be noted that if Council were to transition away from the agency the loss of council business would significantly impact the agency turnover.

Items for Noting

6.5 DEVELOPMENT DETERMINATIONS FOR MONTH OF MAY 2019

AUTHOR: General Manager's Personal Assistant

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 MAY 2019

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
92/19/DA/DM	INSTALLATION OF FIRE PROTECTION SYSTEM	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)	Peter Carter	BAROOGA SPORTS CLUB LIMITED	Approved 01-05-2019	\$ 47700.00	Active 15	Total 71
125/19/DA/D1	TRANSPORTABLE DWELLING	PLUMPTONS ROAD, FINLEY NSW 2713 (Lot1//DP856576)	Mr Shaun Braybon	MR SW BRAYBON	Approved 15-05-2019	\$ 10000.00	Active 9	Total 35
133/19/DA/D9	4 LOT SUBDIVISION	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot1//DP834495)	Mr Rob Crowe	MR RL CROW & MRS L CROW	Approved 07-05-2019	\$ 0.00	Active 24	Total 24
136/19/DA/D5	RESIDENTIAL STORAGE SHED & VERANDAH	1 DRUITT COURT, FINLEY NSW 2713 (Lot14//DP39698)	MR P G STENNER	MAUSTEN PTY LTD	Approved 09-05-2019	\$ 6500.00	Active 4	Total 24
138/19/DA/D5	GARAGE	90 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot521//DP1127858)	Realm Building Design	MS L M GILLIGAN	Approved 06-05-2019	\$ 20000.00	Active 0	Total 21
140/19/DA/DM	WATER STORAGE & SUMP	BACK BAROOGA ROAD, BAROOGA NSW 3644 (Lot65//DP752287)	Mr Chris Kelly	MR G M MARTIN	Approved 02-05-2019	\$ 400000.00	Active 3	Total 13
142/19/DA/D5	RESIDENTIAL STORAGE SHED	26 WALTER STREET, FINLEY NSW 2713 (Lot29//DP35186)	Mr Craig Taylor	MR CR TAYLOR	Approved 09-05-2019	\$ 8500.00	Active 0	Total 17
143/19/DA/D1	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot4//DP286078)	Stuart Wade	MR SJ & MRS DJ WADE	Approved 07-05-2019	\$ 250000.00	Active 13	Total 14
144/19/DA/D5	RESIDENTIAL STORAGE SHED	15-17 HOYLE STREET, TOCUMWAL NSW 2714 (Lot57//DP6464)	Mr Peter Leahy	MR P F LEAHY	Approved 17-05-2019	\$ 19900.00	Active 10	Total 17

NOTIFICATION

Items for Noting

146/19/DA/D5	RESIDENTIAL STORAGE SHED	4 GYPSIE CRESCENT, BAROOGA NSW 3644 (Lot52//DP1110847)	Ms T Zoch	MS T A ZOCH	Approved 09-05-2019	\$ 9811.00	Active 8	Total 8
147/19/DA/D3	STORAGE SHED	5 WISE COURT, TOCUMWAL NSW 2714 (Lot5//DP1036181)	P.T.J Pty Ltd	P.T.J. PTY LTD	Approved 09-05-2019	\$ 80000.00	Active 7	Total 7
148/19/DA/D5	RESIDENTIAL STORAGE SHED	118-120 FINLEY STREET, FINLEY NSW 2713 (Lot178//DP752283)	Ashley Close & Kesiah Widdison-Fort	MR AR CLOSE & MS KJ WIDDISON-FORT	Approved 27-05-2019	\$ 9500.00	Active 0	Total 19
149/19/DA/D5	RESIDENTIAL STORAGE SHED	30 HADLEY STREET, TOCUMWAL NSW 2714 (Lot23//DP1250358)	O'Halloran Property Service	MR GM HANNS AND MRS SA HANNS	Approved 29-05-2019	\$ 30526.00	Active 20	Total 20
150/19/DA/D2	STORAGE SHED & CARPORT	15-17 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot15//DP758057)	Paul & Wendy Harvie	MR PA HARVIE & MRS WJ HARVIE	Approved 20-05-2019	\$ 60000.00	Active 7	Total 7
152/19/DA/D5	RESIDENTIAL STORAGE SHED	53 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot41//DP1250358)	Mathew O'Halloran	MR PR RICHARDSON AND MRS CM RICHARDSON	Approved 24-05-2019	\$ 42424.00	Active 9	Total 9
153/19/DA/DM	REPAIR OF FIRE DAMAGE	12 TOCUMWAL STREET, FINLEY NSW 2713 (Lot2//DP964631)	Mr Maxwell Smith	ESTATE OF THE LATE MR K C BROWN	Approved 21-05-2019	\$ 68246.00	Active 6	Total 6
154/19/DA/D5	RESIDENTIAL STORAGE SHED	48 COLLIE STREET, BAROOGA NSW 3644 (Lot92//DP545868)	Mr Julian Kirk	MR JJ KIRK AND MS AR WALLIS	Approved 31-05-2019	\$ 9500.00	Active 7	Total 7
38/19/CD/M1	BV DWELLING & ATTACHED GARAGE	46 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot37//DP1250358)	Hadar Homes	MR DN CONRICK AND MRS SL CONRICK	Approved 28-05-2019	\$ 365800.00	Active 4	Total 4
156/19/DA/DM	CONCRETE SLAB, INSTALLATION OF TOILET AND SHOWER MODIFICATION	5 WOLLAMAI STREET, FINLEY NSW 2713 (Lot12//DP710590)	Mr David Lane	MR DRG AND MRS RL LANE AND	Approved 31-05-2019	\$ 9400.00	Active 6	Total 6
157/19/DA/D1-M	TO DWELLING	95 NGAWA ROAD, BAROOGA NSW 3644 (Lot78//DP257589)	Mr Zane Goodwin & Ms Gemma Whinray	MR ZC GOODWIN & MS G WHINRAY	Approved 24-05-2019	\$ 0.00	Active 1	Total 1
158/19/DA/DM	NEW DECK	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)	MS Construction Pty Ltd	BAROOGA SPORTS CLUB LIMITED	Approved 24-05-2019	\$ 40000.00	Active 0	Total 0
159/19/DA/DO	RURAL SHED	SEPPELTS ROAD, BAROOGA NSW 3644	Katty East Engineering	SPUD NOMINEES PTY LTD	Approved 31-05-2019	\$ 65300.00	Active 5	Total 5

NOTING

Items for Noting

(Lot4//DP659936)

APPLICATIONS PENDING DETERMINATION AS AT 31/05/2019

Application No.	Date Lodged	Description	Property Location
139/19/DA/DM	10-04-2019	CAFE	221 NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot307//DP820153)
145/19/DA/D5	26-04-2019	CARPORT	16 BERRIGAN STREET, TOCUMWAL NSW 2714 (Lot112//DP1108924)
137/19/DA/D5	05-04-2019	RESIDENTIAL STORAGE SHED	14 STILLARD COURT, BAROOGA NSW 3644 (Lot38//DP248812)
162/19/DA/D5	30-05-2019	PATIO	32 DENISON STREET, FINLEY NSW 2713 (Lot 1//DP518545)
163/19/DA/D5	31-05-2019	CARPORT	26 BRUTON STREET, TOCUMWAL NSW 2714 (Lot 5//DP851337)
164/19/DA/D7	31-05-2019	INGROUND CONCRETE SWIMMING POOL	1 ARRAMAGONG STREET, BAROOGA NSW 3644 Lot 1//DP1224006
165/19/DA/D1	31-05-2019	NEW DWELLING & AIRCRAFT HANGAR	38 LIBERATOR PLACE, TOCUMWAL NSW 2714 (Lot 34//DP1190777)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

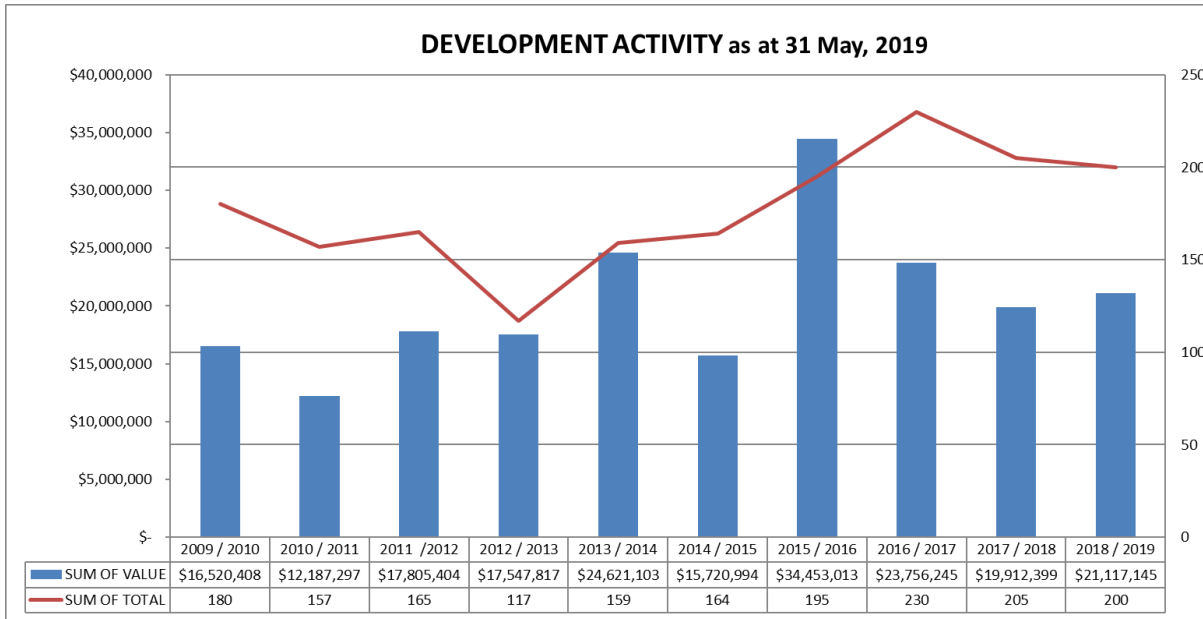
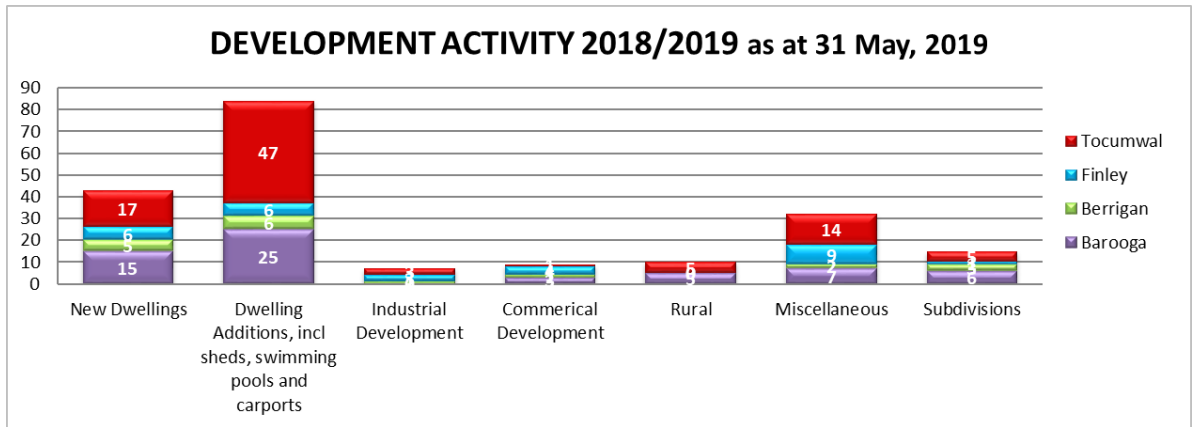
	This Month (May)	Year to Date	This Month's Value (May)	Year to Date Value
<i>Development Applications (DA)</i>	21	163	\$1,187,307	\$17,884,471
<i>Construction Certificates (CC)</i>	17	110	\$2,481,335	\$192,932,936
<i>Complying Development Certificates (CDC)</i>	1	37	\$365,800	\$3,232,674
<i>Local Activity (s.68)</i>	4	78		

OTHER CERTIFICATES ISSUED FOR MAY 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	
	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total
BAROOGA	4	68	0	1	0	1	0	0	0	0	0	5
BERRIGAN	8	62	0	2	2	14	0	1	0	0	0	1
FINLEY	5	91	0	7	1	9	0	5	0	0	0	6
TOCUMWAL	12	100	0	5	1	4	0	0	0	3	0	6
TOTAL	29	321	0	15	4	28	0	6	0	3	0	18

NOTING

Items for Noting



NOTING

Items requiring Council Resolution

7. CLOSED COUNCIL

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

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

The matters and information are the following:

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

7.1 CONSTRUCTION OF RESTAURANT BUILDING AND TOWN SQUARE

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

Items requiring Council Resolution

- (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*.

7.1 CONSTRUCTION OF RESTAURANT BUILDING AND TOWN SQUARE

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:

Committee meeting reports

8.1 MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING

RECOMMENDATION – that recommendation numbered 5 to 15 inclusive of the Corporate Services Committee Meeting held on 5th June, 2019 be adopted.

5. 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

STRATEGIC OUTCOME: Good government

FILE NO: 22.178.6

RESOLVED Crs Jones and Bruce that the Council commence implementation of the Councillor Induction and Professional Development Guidelines with individual assessment being conducted through July 2019 using the LGNSW Capability Framework.

6. 2019 BUSINESS AWARDS

AUTHOR: Economic & Industry Development Liaison

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: 02.023.2

RESOLVED Crs Jones and Bodey that:

1. the Berrigan Shire Business Awards become a biennial event; and
2. nominees in themed categories are given an opportunity to review and revise their written nomination before it is submitted to the judges.

7. EVENT FUNDING – TOCUMWAL AIRSHOW

Committee meeting reports

AUTHOR: Economic & Industry Development Liaison
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO: 08.063.3

RESOLVED Crs Bruce and Reynoldson that the Council:

1. allocates \$10,000.00 under the Event Funding Program to the Murray Border Flying Club for the 2019 Tocumwal Airshow
2. Underwrites the cost of the toilet hire and waste services

8. CODE OF MEETING PRACTICE

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: 13.044.1

RESOLVED Crs Reynoldson and Bodey that the Council:

1. Abolish both the Technical Services Committee and Corporate Services Committee;
2. Consider a future report on the order of business of its Council meetings; and
3. Hold future Councillor briefing sessions immediately before Council meetings

9. GENERAL RATES AND ASSOCIATED INTEREST TO BE WRITTEN OFF BY ORDER OF THE COUNCIL

AUTHOR: Revenue 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: 25.138.1

Committee meeting reports

RESOLVED Crs Reynoldson and Jones that Council endorse the writing off of the following debts:

1. General Rates Levied on 12-14 Hayes Street, Berrigan and associated interest since December 2015. Amount \$2,489.81

10. BERRIGAN SHIRE LIVEABILITY VIDEOS

AUTHOR: Economic & Industry Development Liaison
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

FILE NO: 08.094.2

RESOLVED Crs Bodey and Jones that the Council hold a business breakfast in Finley in September or August in which the new Liveability video series is to be launched.

11. GOULBURN & MURRAY VALLEY QUEENSLAND FRUIT FLY ACTION GROUP

AUTHOR: Economic & Industry Development Liaison
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: 03.160.15

RESOLVED Crs Jones and Bruce that the Council note the report on the Goulburn and Murray Valley Queensland Fruit Fly Action Group.

12. TOCUMWAL AERODROME BUILDING

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: 30.101.3

Committee meeting reports

RESOLVED Crs Jones and Bodey that the Council support, in principle, the occupation of the relocated building at Tocumwal Aerodrome subject to terms and conditions satisfactory to the General Manager.

13. REQUEST FOR ASSISTANCE

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Strengthen strategic relationships and partnerships with community, business and government

FILE NO: 25.138.1

RESOLVED Crs Bruce and Jones that the Council grants a developer concession in line with its Statement of Revenue Policy for the unsold lots as listed below:

Assessment No.	Lot and Plan
01302	L1 DP1250358
01303	L2 DP1250358
01304	L3 DP1250358
01305	L4 DP1250358
01306	L5 DP1250358
01307	L6 DP1250358
01308	L7 DP1250358
01309	L8 DP1250358
01312	L11 DP1250358
01313	L12 DP1250358
01314	L13 DP1250358
01315	L14 DP1250358
01316	L15 DP1250358
01317	L16 DP1250358
01320	L19 DP1250358
01321	L20 DP1250358
01323	L22 DP1250358
01326	L25 DP1250358
01328	L27 DP1250358
01329	L28 DP1250358
01330	L29 DP1250358
01331	L30 DP1250358
01332	L31 DP1250358
01333	L32 DP1250358
01334	L33 DP1250358
01335	L34 DP1250358

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01336	L35 DP1250358
01337	L36 DP1250358
01339	L38 DP1250358
01340	L39 DP1250358
01341	L40 DP1250358
01343	L42 DP1250358

Annual water and sewerage charges will be waived on these lots up to a maximum period of three (3) years, or until the lots are built upon, sold, leased or otherwise occupied (whichever is the sooner).

14. FINLEY SCHOOL OF ARTS – FUNDING OPTIONS

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

RESOLVED Crs Reynoldson and Jones that the Council:

1. Note the report on funding options for the Finley School of Arts redevelopment
2. Remove from its draft 2019/20 budget the \$200,000 allocation for the redevelopment of Hayes and Apex Parks in Berrigan and use those funds for the Finley School of Arts redevelopment
3. Fund the balance of the Finley School of Arts redevelopment by way of an internal loan from the Berrigan Shire Sewerage Fund, subject to the permission of the Minister of Local Government.

15. OLD RECREATION RESERVE, BERRIGAN

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: 21.101.3

RESOLVED Crs Reynoldson and Jones that the Council advise Berrigan Conservation Group and Tidy Towns that it will refer its request for the

Committee meeting reports

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development of a concept plan for the Old Recreation Reserve for consideration as part of a future Operational Plan and budget.

Committee meeting reports

8.2 MINUTES OF THE TECHNICAL SERVICES COMMITTEE MEETING

RECOMMENDATION – that recommendations numbered 5 to 6 inclusive of the Technical Services Committee Meeting held on 5th June, 2019 be adopted.

5. DOCUMENTS FOR SIGNING AND SEALING

AUTHOR: Director Technical Services
STRATEGIC OUTCOME: Sustainable natural and built landscapes
STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 32.159.1

RESOLVED Crs Reynoldson and Jones that the Council sign and seal all documents relating to entitlements contracts with Murray Irrigation Limited for landholding references E1061, E1062 and E055B.

6. FINLEY MEMORIAL PARK AMENITIES

AUTHOR: Development Manager
STRATEGIC OUTCOME: Supported and engaged communities
STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 05.101.4

RESOLVED Crs Bruce and Reynoldson that the Council demolish the toilet block only and replace with a single modular unit whilst retaining the rest of the building.

Items requiring Council Resolution

9.

MAYOR'S REPORT

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RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

10.

DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

11.

GENERAL BUSINESS

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