



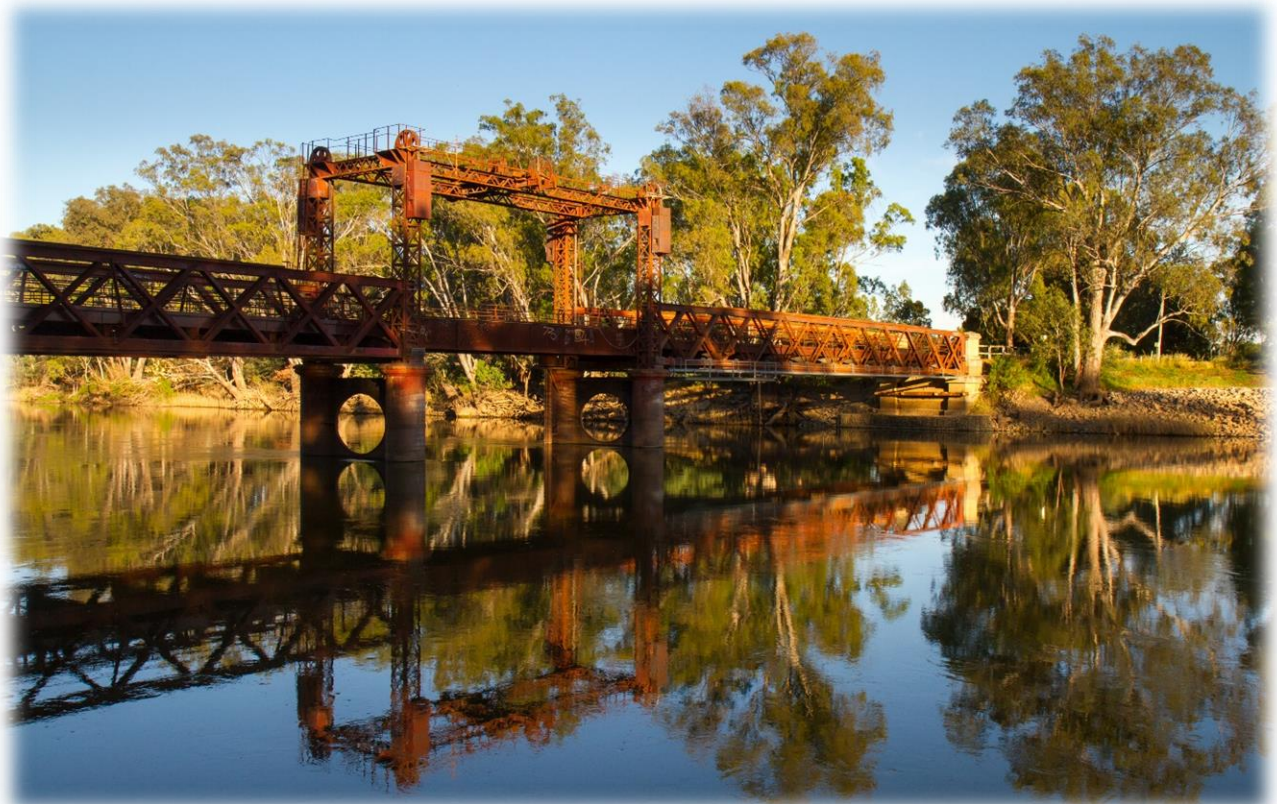
ORDINARY MEETING OF COUNCIL

Wednesday 19 August 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 19th August, 2020** when the following business will be submitted:-

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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 19th August, 2020

BUSINESS PAPER

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

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

3. VISITORS

Ian Dickins – Volunteer Recognition

4. CONFIRMATION OF MINUTES

Recommendation:

That the Minutes of the meeting held in the Council Chambers on Wednesday 15th July, 2020 be confirmed.

5. MAYORAL MINUTES

5.1 Local Government Exclusion from National Cabinet

Recommendation:

That the Council:

1. Agrees to send a letter to the Premier and to Sussan Ley as the Federal Member for Farrer and the State member for Murray respectively which highlights the critical necessity for Local Government representation on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.

2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

6. NOTICES OF MOTION

Nil

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 General Manager's End of Year Performance Review

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

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

It is not in the public interest to reveal the personal information relating to individual staff members.

7.2 Finley Saleyards

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

- (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or

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

7.3 T06/20/21 Tocumwal/Barooga Floodplain Risk Management Study and Plan

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

- (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or

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

7.4 Senior Staff Salary Review Report

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

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

It is not in the public interest to reveal the personal information relating to individual staff members.

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 General Manager's End of Year Performance Review
- 7.2 Finley Saleyards
- 7.3 T06/20/21 Tocumwal/Barooga Floodplain Risk Management Study and Plan
- 7.4 Senior Staff Salary Review Report

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:

8. ITEMS FOR RESOLUTION

Council Meeting

19th August, 2020

8.1 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 July 2020,
- b) Confirm the accounts paid as per Warrant No. 07/20 totaling \$2,627,630.40, and
- c) Note the report on investments attached as "**Appendix 8.1-A**".

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 July 2020 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 July 2020.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 July 2020, totaling \$2,627,630.40 and will be submitted for confirmation of payment as per Warrant No. 07/20
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) The Council's cash holdings are consistent with previous history. August will see cash holding increase as the Financial Assistance Grant quarterly payment and the first rates instalment are both due.

The Council’s investment portfolio is slightly overweight towards Bendigo-Adelaide Bank - mainly relating to cash held in the operating bank account.

- f) Further information regarding Council’s investments is attached to this Agenda as “Appendix 8.1-A”

Statement of Bank Balances as at 31 JULY 2020

Bank Account Reconciliation

Cash book balance as at 1 JULY 2020	\$ 11,179,800.17
Receipts for JULY 2020	\$ 2,411,478.86
Term Deposits Credited Back	\$ -
	<u>\$ 13,591,279.03</u>
<i>Less Payments Statement No 07/20</i>	
No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 623,838.13
Electronic Funds Transfer (EFT) Creditors E034951-E035173	\$ 1,912,536.20
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 91,256.07
Total Payments for JULY 2020	\$ 2,627,630.40
Cash Book Balance as at 31 JULY 2020	<u>\$ 10,963,648.63</u>
<i>Bank Statements as at 31 JULY 2020</i>	\$ 10,963,648.63
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 JULY 2020	<u>\$ 10,963,648.63</u>

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	136/18	365	**1.60%	17/10/2020	\$ 2,000,000.00	BBB+
AMP	133/17	181	**1.65%	24/11/2020	\$ 1,000,000.00	BBB+
AMP	125/16	182	**1.60%	30/11/2020	\$ 2,000,000.00	BBB+
AMP	144/19	365	**1.80%	23/03/2021	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	124/16	365	1.30%	13/05/2021	\$ 2,000,000.00	UNRATED
Bendigo Bank	141/18	364	*1.45%	11/09/2020	\$ 2,000,000.00	BBB+
Bendigo Bank	142/18	365	*1.60%	25/09/2020	\$ 2,000,000.00	BBB+
Central Murray Credit Union	126/16	365	1.85%	30/08/2020	\$ 2,000,000.00	UNRATED
Defence Bank Limited	146/19	365	1.70%	30/08/2020	\$ 2,000,000.00	BBB
Defence Bank Limited	138/18	365	1.70%	10/01/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	102/14	364	1.65%	5/04/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	106/14	365	1.35%	29/06/2021	\$ 2,000,000.00	BBB
G&C Mutual Bank	145/19	364	1.70%	6/04/2021	\$ 2,000,000.00	BBB-
NAB	143/18	365	1.45%	19/11/2020	\$ 2,000,000.00	AA-
					<u>\$ 27,000,000.00</u>	

Total Funds Held at 31 JULY 2020

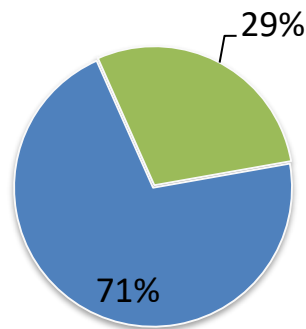
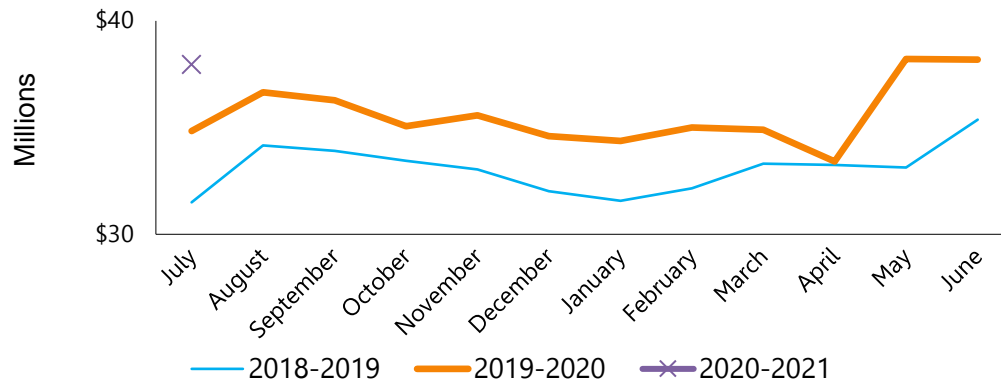
\$37,963,648.63

Tahlia Fry - Finance Manager

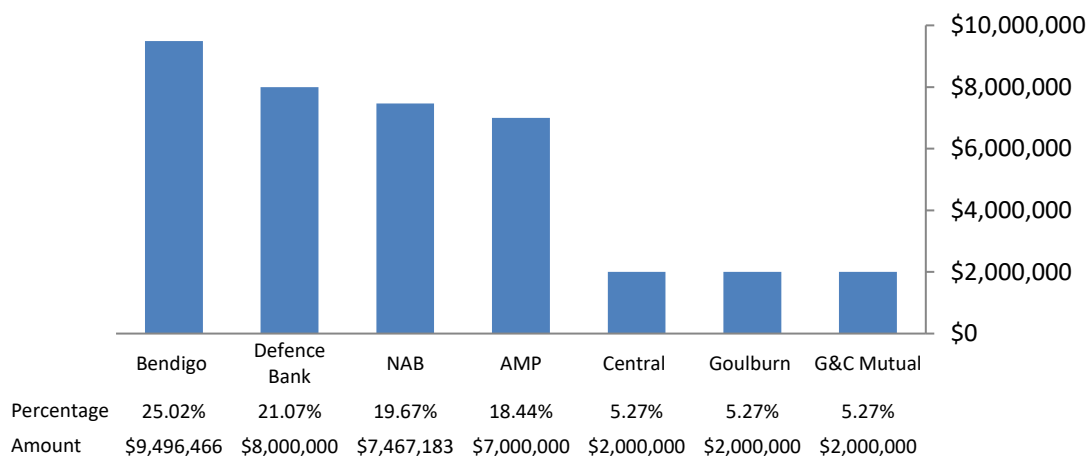
*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

Total Cash and Investments



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



Term Deposits Credited Back

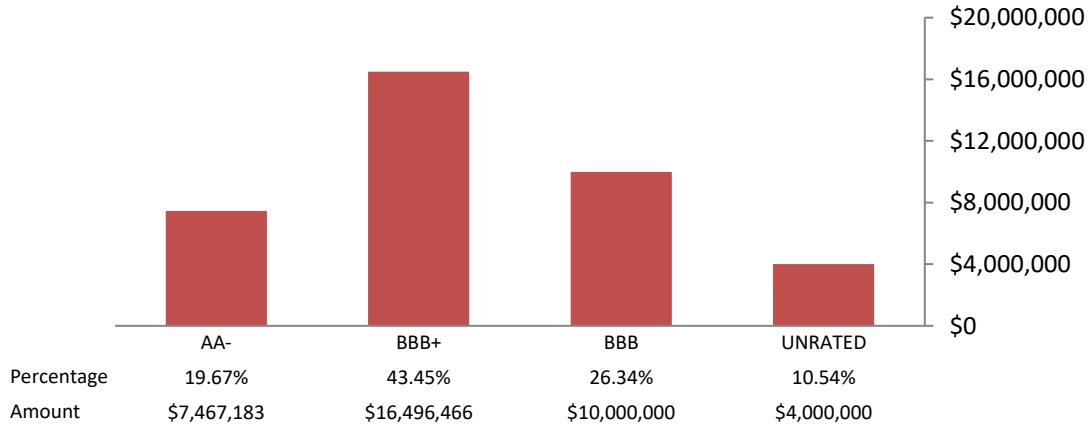
Prior Financial Institution Term (Days) Amount Interest Rate Maturity Date

NIL CHANGES TO TERM DEPOSITS FOR JULY 2020

Term Deposits Invested / Reinvested

Current Financial Institution Term (Days) Amount Interest Rate Maturity Date

NIL CHANGES TO TERM DEPOSITS FOR JULY 2020



Council Meeting

19th August, 2020

8.2 Finley Recreation Reserve Tree Removal

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation:

That the Council approve additional tree works, and other requests as outlined by the Finley Recreation Reserve Committee of Management in their letter included as **“Appendix 8.2-A”**.

Report:

Tree removal recommended in the Axiom Arborist Report at the Finley Recreation Reserve, was adopted at the Council meeting on 20th May, 2020.

Correspondence was sent to the Finley Recreation Reserve Committee of Management (the Committee) to advise them of the Council’s decision, and advise that the high-risk trees identified would be removed, however this would result in sporadic pockets of lower risk trees retained, and that if the Committee wanted them removed, they would need to write to Council.

Correspondence received from the Secretary of the Finley Recreation Reserve Committee of Management on 22 July, 2020 is included as an **“Appendix 8.2-A”** circulated with this Agenda. The requests of the Committee are:

- Removal of the remaining sugar gums;
- Planting of other appropriate trees/shrubs along the fence line at Council’s expense;
- Retention of the lopped trees for firewood

The direction of the Council is sought in relation to the Committee’s requests.

Council Meeting

19th August, 2020

8.3 Finley Showground Tree Removal

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation:

That the Council approve the tree works identified in tree assessments included as “**Appendix 8.3-A**” for the Finley Showgrounds.

Report:

At the request of members of the Finley Showgrounds Committee of Management, tree assessments were conducted on 16 trees located on the western side of the grounds, in an area bordering the tractor pull arena, and shedding used for dairy cattle on show days. The assessment also included trees surrounding the poultry pavilion.

Of the trees assessed, 12 sugar gums were identified which were all dead and posed unacceptable risk of failure due to their decline in health and close proximity to shedding and areas used by patrons. Two trees were pine trees that were in a moribund state, and two trees were eucalypts which had been severely pruned and were now shooting very poor epicormics growth, with one growing directly over shedding. In comparison the environmental value was medium as there was minimal understory, and no obvious evidence of fauna use.

The trees surrounding the poultry pavilion were identified as Athel Pines. These did not pose a high risk of failure, however in accordance with Department of Primary Industries, the Athel Pine is an invasive pest and classified “as one of the worst weeds in Australia because of its invasiveness, potential for spread, and economic and environmental impacts” (<https://weeds.dpi.nsw.gov.au/Weeds/AthelPine>). The trees increase the level of salt in the soil and discourage native growth.

It is therefore recommended that all assessed trees be removed, and all Athel Pines located near the poultry pavilion, also be removed.

In discussion with Council’s Weed Control Officer, the Athel Pines must be cut down and preferably, burned on-site. Council will then monitor the stumps to prevent any regrowth.

The Committee have also requested that the felled sugar gums are also able to be retained onsite so they can be cut for firewood.



Council Meeting

19th August, 2020

8.4 Tocumwal Heavy Vehicle Bypass

Report by: General Manager, Rowan Perkins
Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That the Council not proceed with a heavy vehicle bypass for Tocumwal to cater for east-west traffic and maintain the status quo with regard to traffic movement facilities and further it withdraw its funding application under the Fixing Country Roads Program.

Report:

General Manager

As Councillors may be aware staff have been attempting to progress a truck by-pass at Tocumwal in an attempt to reduce truck movements in the CBD area of Tocumwal.

This investigation was commenced following a brief introduction of the concept during the 2019 capital works tour and subsequent inclusion in the 20/21 Operational Plan.

Given that it was readily clear that any such by-pass route, particularly the Thorburns Road option were surrounded by significant issues, the intent at that stage was to properly explore the issues surrounding such a proposal develop a business case and then engage with stakeholders around this.

This position was compromised, initially by the announcement of availability of Fixing Country Roads grants and then by the COVID-19 restrictions on public gatherings etc.

An application for grant funding was made without any agreement by or knowledge of the Council to go forward and without any support from stakeholders.

As General Manager I must accept responsibility for this occurring.

Despite the above, the following is clear to me from the work that has been completed in relation to the proposal:

- There is almost no support from the transport industry for any of the proposed by-pass routes;
- There is no evidence from the community at large or Tocumwal main street traders of any concern with large vehicles using that route;

- The proposal would see heavy vehicles moved off State funded roads on to ratepayer funded roads;
- The Council has not been able to effectively engage with affected property owners for a variety of reasons;
- Those vehicles requiring a permit or authority to traverse the main street area can continue to be diverted away;
- Over time the issue will recur either when the dimension of vehicles physically precludes access to the main street or volumes become so high that concern levels of other stakeholders escalate to an unacceptable level; and
- No business case has been considered in relation to the issue.

Again, given the above I am recommending that the Council abandon the proposed by-pass and withdraw its application for grant funding.

Director of Technical Services

Staff have investigated the potential for the Heavy Vehicle Bypass and had initially proposed to upgrade Thorburns Road Tocumwal. Please find attached initial proposed bypass as **“Appendix 8.4-A”**.

A summary of community feedback is attached in **“Appendix 8.4-B”**.

It has been suggested by members of the public to consider upgrading McCullochs Road by either constructing a new road (extending McCullochs Road alignment) to Woolshed Road or upgrading Carruthers Road. In order to further consider this proposal, it would be necessary to discuss this option with the affected land owner as some land would need to be acquired. Please see attached concept realignment of the McCullochs Road Carruthers Road intersection in **“Appendix 8.4-C”**.

A table indicating route lengths, anticipated additional traffic and potential additional transport operator costs may be found in **“Appendix 8.4-D”**.

Part of McCullochs Road and Racecourse Road are already gazetted as Road Train & B-Double routes. A map of the gazetted Road Train network is attached in **“Appendix 8.4-E”**.

Council Meeting

19th August 2020

8.5 Local Government NSW Annual Conference

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

The Direction of the Council is sought

Report:

The Council, like most NSW Councils is a member of Local Government NSW (LGNSW). LGNSW is the peak local government body in NSW and broadly represents the interest of NSW Councils to other levels of government.

LGNSW also provides training and industrial services to Councils.

LGNSW was formed by the amalgamation of the former Shires Association and Local Government Association which broadly represented the interests of Rural and urban Councils respectively although they shared a central administration.

LGNSW hold an annual conference in October each year which rotates between urban and regional venues.

The relevant Council policy presently provides for attendance at the conference by the Mayor, Deputy Mayor and the General Manager and one other Councillor that has not previously attended the conference. From memory, I believe all Councillors have attended a LGNSW Annual Conference

This year's conference will be held at Lovedale (Hunter Valley) from Sunday 22nd – Tuesday 24th November 2020.

Registration costs etc. for the event are:

Early bird	\$840
Standard	\$940
Conference Dinner	\$132

Whilst the actual holders of the positions of Mayor and Deputy Mayor for the next year are unknown interim registrations can be made.

A Conference program is circulated with this agenda as "Appendix 8.5-A".

The Council also has the opportunity to present motions for consideration at the conference and some discussion around this would be useful. Motions must be lodged by 28th September 2020.

The LGNSW Board has resolved that motions will be included in the Business Paper for the Annual Conference only where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules1);
2. relate to local government in NSW and/or across Australia;
3. concern or are likely to concern local government as a sector;
4. seek to advance the local government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Also in relation to motions LGNSW advises that;

“The Board will **not include** motions in the Business Paper which do not advance the local government policy agenda. Therefore a motion will not be included if it is operational, rather than strategic; a matter which could be actioned by LGNSW without going to Conference; not local government business; focused on a local issue only, or if the motion is consistent with longstanding actions of LGNSW and the Local Government and Shire's Association”.

In normal circumstance the following recommendation would have been presented to the Council for consideration:- “that the Council authorise the Mayor, Deputy Mayor, and the General Manager to attend the 2020 LGNSW Annual Conference from 22nd November until 24th November 2020” however I question whether it is the appropriate time to be planning to attend the conference.

Council Meeting

19th August, 2020

8.6 Barooga Recreation Reserve Irrigation and Depot Relocation

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That the Council, subject to consultation with the Barooga Recreation Reserve Committee and obtaining necessary Crown Lands approvals:

- Supply and install a 350,000 litre water storage tank and 50mm raw water connection to the water main for the purpose of irrigating the Recreation Reserve,
- Supply and install a pump station for the purpose of irrigating the Recreation Reserve;
- Relocate the Council's Barooga Works Depot to the Barooga Recreation Reserve;
- Site the irrigation tank, pump station and works depot at the north eastern corner of the Recreation Reserve fronting Snell Road and;
- Charge all costs associated with the relocation of the Barooga Works Depot irrigation tank to the Council's water fund.

Report:

On 19th December, 2019 the Engineering Services Manager was made aware that the Barooga Sports Grounds were not being watered due to water allocation issues with Barooga Sporties Group and Council assistance was requested by the Committee of Management to implement an alternative water supply for the grounds.

Following discussions with the General Manager and negotiations with Barooga Sporties staff emergency arrangements were put in place to enable the Barooga Sports Ground to be watered via the existing irrigation system for the immediate future. It was agreed that Berrigan Shire Council transfer water from the untreated water supply to the bottom dam on the Barooga Golf Course. This water has been delivered from a metered standpipe installed on a fire hydrant in Golf Course Road and discharged into the stormwater pipework that runs directly to the golf course lower dam. The agreement included that all water transferred will be used for watering of the Barooga Sports Ground or the Barooga Cemetery.

On the 14th January 2020 Cr John Bruce, the Director Technical Services and Engineering Services Manager met with members of the Barooga Recreation Reserve Committee to discuss proposals for a lasting solution to their current irrigation issues and lack of available water for irrigation purposes.

At the meeting held on the 14th January all parties agreed that the Barooga Recreation Reserve would be better served by an independent irrigation water supply rather than have its irrigation controlled by Cobram Barooga Golf Club.

Currently there is a 20 ML water allocation dedicated to the Barooga Recreation Reserve controlled by Barooga Sporties Club

In order for the Barooga Recreation Reserve to have its own independent irrigation water supply it will require some new infrastructure and some upgrades to its existing infrastructure.

The options of using the Barooga town untreated water supply and an existing disused bore were considered.

The disused bore was discounted from immediate considerations due to expected high salinity and cost of rejuvenation. This may be further considered in the future when time permits greater investigation of water quality.

Calculations on the required water usage and balance of supply from the untreated water system were completed and it is agreed that the construction of a system including a 350KL storage tank and pressure pump as proposed by CIF Irrigation of Cobram would provide sufficient water for irrigating both ovals while not placing undue stress on the town water supply.

In relation to the town water supply, the current river raw water supply is large enough to cater for the Barooga Receptions irrigation demand as the towers are filled by 2 pumps capable of delivering more than the required volumes of water. These pumps are currently set on alternate duty, however, the electrical switchboard could be modified to allow both operate at the one time if required.

It was also agreed that the efficiency of the existing irrigation system for the sports grounds could be improved considerably by changing its operating controls. The current irrigation system is set up in banks of sprinklers that result in parts of the oval becoming over saturated whilst others remain too dry. It is therefore recommended that the irrigation system be upgraded to provide individual control of sprinklers to enable the maximum efficiency of water use, however, no detailed discussion have been held to date with the Barooga Recreation Reserve Committee.

The estimated cost to install an independent irrigation system as previously outlined to the Barooga Recreation reserve is \$115,000, which does not allow for any upgrades on the delivery side of the irrigation pump. Discussions with recreation reserve committee need to take place to discuss the scope of this project and to determine more accurate costs.

Currently Council does not have budget to carry out such works and will need to consider its options for funding the project, however, it is suggested to fund this project through Council's Water Fund.

Council is also in the process of upgrading the Barooga Water Treatment Plant and as part of the process will need to relocate the works depot component of the site in Buchanans Road to allow sufficient space for the new upgraded infrastructure. An area in the eastern end of the Recreation Reserve (south of Sporties Fitness Centre) is an ideal area to relocate the Barooga Depot to allow for the upgrade of the Barooga Water Treatment Plant to proceed.

A concept map is attached in **"Appendix 8.6-A"**.

No discussions have been held with the Barooga Recreation Reserve Committee to discuss the potential of relocating the Barooga Works Depot to the Recreation Reserve, however, if it is carried out in conjunction with providing the irrigation storage it seems a reasonable outcome to all parties involved.

It is suggested to locate the Barooga Works Depot, irrigation tank and pump station in the same area on the Barooga Recreation Reserve.

Council Meeting**19th August, 2020****8.7 2019/2020 Rates and Charges and Interest Written Off**

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council under section 607 of the Local Government Act 1993, and clause 131 (1-6) of the Local Government (General) Regulation 2005, write off the following amounts as recorded in the 2018/19 Write Offs – Rates and Charges document for the period 1st July, 2019 to 30th June 2020:

Ordinary/General Rates/Interest	\$292.35
Annual Water Charges/Interest	\$108.94
Water Consumption/Charges/Interest	\$1,202.51
Annual Sewer/Pedestal Charges/Interest	\$1,642.81
Garbage/Domestic Waste Charges/Interest	\$145.66
Storm Water/Drainage Charges/Interest	\$355.45
Bank Charge	\$0.58
Legals	\$0.00
Total	\$3,748.30

Report:

Section 607 of the Local Government Act, 1993, and Clause 131 (1-6) of the Local Government (General) Regulation 2005, list various circumstances under which either the General Manager or Council can endorse the writing off of rates and charges, either by written order (General Manager) and/or resolution (of Council).

These write offs can include rates, charges and interest raised in error, and small balances that are deemed to be uneconomical to recover. There has been no major Rates or Legal Charges written off in the 2019-2020 Financial Year.

Council Meeting

19th August, 2020

8.8 Sign and Seal – Rates and Charges

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council sign and seal the following documents:

- Certificate of 2019/20 Rates and Charges levied and brought to account, as at 30 June 2020
- Certificate of 2020/21 Rates and Charges levied, as at 8th July 2020.

Report:

This Certificate is prepared by the Revenue Officer, for Rates and Charges levied and brought to account for auditing requirements.

A copy of the Certificates are circulated with this Agenda as “**Appendix 8.8-A**” “**Appendix 8.8-B**”.

Council Meeting

19th August, 2020

8.9 Access Control Policy

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

- Revoke its Password Policy adopted 9 October 2019
- Adopt the Access Control Policy set out below:



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ACCESS CONTROL

Strategic Outcome:	Good government	
Date of Adoption:	19 August 2020	Minute Number:
Date for Review:	21 August 2024	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Password Policy adopted 9 October 2019	
Delivery Program Link:	2.1.3.6 Provide information technology and associated support for Council operations	

1. POLICY STATEMENT

Berrigan Shire Council is committed to maintaining a robust and secure Information and Communication Technology (ICT) environment.

A key control measure used by the Council to meet this commitment is access control. Controlling access to the ICT environment minimises the risk of unauthorised use and malicious damage

2. PURPOSE

The purpose of this Policy is to:

- Ensure access to Council information and services is controlled and secure.
- The Council meets all its legislative and other requirements for information security and privacy
- Council operations are not impacted by unplanned ICT loss of service

3. SCOPE

This policy applies to:

- Access control for all items connected to the Council's Information Technology network
- Access control for all Council information and services hosted on the Cloud



4. DEFINITIONS

Access control:	Regulation of who or what can view or use resources in a computing environment
Administrator:	responsible for the upkeep, configuration, and reliable operation of client computer systems, servers, and data security systems
Authentication:	The process of identifying an individual, usually based on a username and password
Authorisation:	The process of giving someone permission to do or have something
Cloud:	Hosted information and communication services delivered over the internet
Council officials:	as defined in the Berrigan Shire Council Code of Conduct
IT Network:	A group of computers and other equipment linked by physical or wireless connections.
Logical access	the systems used to identify, authenticate and authorise and account for use of the Council's computer information systems.
Multi-factor authentication:	a security mechanism that requires an individual to provide two or more credentials in order to authenticate their identity. For the purposes of this policy this will usually be possession of a hardware token or smartphone.
Password:	a string of characters used to verify the identity of a user during the authentication process
User name:	a name that uniquely identifies someone on a computer system
Virtual Private Network:	an encrypted connection over the Internet from a device to a network



5. POLICY IMPLEMENTATION

5.1 Risk management approach

The Council takes a risk management approach to the security of its ICT environment in line with the Council's Risk Management framework. Access control measures put in place by the Council should be based on a risk assessment prepared by Council staff as per the Risk Management framework.

Identified risks and control measures will be included in the Council's corporate Risk Register.

5.2 Physical access

Where possible, the Council will limit physical access to key components of the Council's IT network.

In the first instance, the Council will only allow Council officials and other persons authorized by the Council physical access to Council workspaces.

Secondly, rooms containing key components of the Council's IT system will be kept secure (locked) at all times with access only available to Council officials and contractors as approved by the Director Corporate Services

5.3 Logical access

The Council will maintain a set of procedures for controlling logical access to the Council's computer information systems.

5.3.1 Register

The Council will maintain a register of all access points that require authentication. The register will include at a minimum:

- an assessment of the risk of unauthorised access,
- the complexity requirements for the password, and
- maximum time between password changes

5.3.2 Authorising and removing access

The Council will maintain a set of procedures to ensure logical access to Council's computer information systems is only available to approved Council officials and contractors. This will include procedures for setting and approving, modifying and removing access and authorisation rights for Council employees and Councillors.



The Council's IT Officer, in conjunction with at least one other approved staff member, will review access and authorisation rights for key components every six (6) months. This will include at a minimum:

- the Council's main IT network and email system
- Financial management system, and
- Electronic Document and Records Management System (EDRMS).

Council officials should only have logical access and authorisation for those components of the Council's computer information system reasonably necessary for them to undertake their role with the Council.

5.3.3 Authentication and passwords

All Council officials are to follow routine IT access security requirements.

Council officials must:

- Never share passwords across functions – i.e. use a different password for network access, for the Council's management software and for any cloud functions
- Never share passwords with other users – unless the password is a generic Council username **and** approved by the Director Corporate Services.
- Never re-use the same password twice
- Never write passwords down
- Always log off or lock IT equipment & devices when unattended

5.4 **Password requirements**

5.4.1 Time

All passwords providing access to Council's ICT network or information must be changed at regular intervals. The Council will maintain procedures setting out these requirements.

Passwords granting administrator rights for the IT network and Council's management software are to be changed no less than annually.

For other services, the length of the interval will be determined by the Director Corporate Services based on an assessment of the risk of unauthorised access.

5.4.2 Complexity

All passwords providing access to Council's ICT network or information must meet minimum complexity requirements. The Council will maintain procedures setting out these requirements.



These will be determined by the Director Corporate Services based on an assessment of the risk of unauthorised access

5.4.3 Multi-factor authentication

Where available multi-factor authentication will be used for access to key services.

Multi-factor authentication **must** be used to access the Council's banking service.

5.5 **Remote access**

The Council has the capability to provide remote access to its ICT environment for approved Council officials off-site including those working from home or travelling on business.

Remote access is not a right or condition of employment and will only be available with approval

5.5.1 Approval

Approval for remote access to the Council's ICT environment will be granted on an as-needs basis and usually will be for a limited period of time.

Approval for remote access may only be provided in writing by the General Manager or Directors. The IT Officer will maintain a record of Council officials with remote access.

5.5.2 Virtual Private Network (VPN)

Remote access to the Council's IT Network will only be provided via a Virtual Private Network (VPN).

The IT Officer is the only Council official with administrator rights to the VPN

5.5.3 Review

The IT Officer will review the Remote Access register at least once every three (3) months to ensure only approved Council officials have remote access

5.6 **Education and Enforcement**

Where possible, the Council will use software-based tools to enforce compliance with this policy.

Where this is not possible, the onus is on the Council official to ensure that he/she complies with the requirements of the policy and associated procedures

Initial breaches of this policy will be dealt with via education and training. Further breaches may lead to disciplinary action as per the Local Government (State) Award



6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- [Local Government Act 1993](#)
- Local Government (State) Award 2020

6.2 Council documents

- [Berrigan Shire Council Code of Conduct](#)
- [Information and Communication Technology Strategic Plan 2019-2024](#)
- [Communication Devices Policy](#)
- [Information and Communication Technology Policy](#)
- [Risk Management Policy and Framework](#)
- [Fraud Control Policy and Framework](#)

6.3 Other resources

- [NSW Office of Cybersecurity - password tips](#)

Report:

In its Interim Management Letter issued in July, the NSW Audit Office made the following recommendation:

Council should formalise and document the following controls:

- *privileged user activity logs should be regularly logged and reviewed by a suitably independent and qualified individual, with appropriate action taken when required*
- *regularly review the appropriateness of user access rights*
- *existing and terminated user access process for key systems to ensure that users are only granted access after appropriate approval has been given and users' access is removed promptly when no longer required or the user is terminated.*

Evidence should be retained for these controls in operation and performed in a timely manner.

To address this recommendation, Council's Information and Communication Technology (ICT) staff have prepared an Access Control Policy - replacing the Password Policy adopted in 2019

This policy takes a broader view of access control rather than focusing on just passwords.

Most of the specific details around password change times and password complexity will be handled as internal procedures. This is consistent with using adopted policies for strategic matters and leaving implementation to the procedures. It avoids having the Council's password requirements being made public and also allows ICT staff more flexibility to make timely changes to password and access requirements without requiring a Council resolution so long as they are consistent with this policy.

Other changes from the Password Policy include:

- Specifically links the policy and IT security as a whole to the Council's risk management framework – i.e. the Council will take a risk management approach to cyber security weighing up costs and benefits of tighter controls.
- Includes physical and remote access control – both of which were specific concerns raised by the NSW Audit Office.
- Prioritises education over disciplinary action when dealing with breaches

8.10 Tocumwal War Memorial Hall Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Sergio Redegalli
Secretary/Treasurer:	Leanne Mark
Committee:	
	Laurie McQueen
	Kevin McCumstie
	Betsy Bird
	Anne Jones
	Kerry Davies
	Claire Wileman
	Mark Wileman
	Marg Close

Report:

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

Council Meeting

19th August, 2020

8.11 Tocumwal Friends of the Library Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Kathleen Folliard
Vice President:	Esther Bryan
Secretary:	Lois Johnson
Treasurer:	Gayle Blakey
Committee:	
	Sita Baker
	Kath Ritchie
	Dianne Stephens
	Ann Way

Report:

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

Council Meeting

19th August, 2020

8.12 Berrigan War Memorial Swimming Pool Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

- a) revoke existing members of the Berrigan War Memorial Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan War Memorial Swimming Pool Committee of Management:

President:	Sue Chisholm
Vice President:	Gary Lehre
Treasurer:	Jude Lawrence
Committee:	
	Barbara Fox
	Nicole Lorimer
	Phil Selman

Report:

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

Council Meeting

19th August, 2020

8.13 Berrigan Conservation Group & Tidy Towns Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

- a) revoke existing members of the Berrigan Conservation Group & Tidy Towns Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan Conservation Group & Tidy Towns Committee of Management:

President:	Mark Ryan
Secretary:	Carol Cottam
Treasurer:	Jude Lawrence
Committee:	
	Val Daly
Barbara Dunn	Tracey Dunn
Clara Way	John O'Dwyer
David O'Dwyer	David Batten
Laurie Thompson	John Walker
John Lane	Kath Moulder
Carol Hovenden	Leigh Rogers
Irene Bonnet	Mary Curtin
Dianne Petzke	Marianne Whelan
Tom Pyle	Keith & Jan Steele
Colin Cameron	Sue & Judy Chisholm
Sue Cameron	Elaine Hawkins
Peter Blake	Stephen & Elizabeth Austin
Sue Keating	Allan Lawrence
Carole & Carla von Brockhusen	

Report:

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

Council Meeting

19th August, 2020

8.14 Tocumwal Swimming Pool Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Laurie Cossar
Vice President:	Randall Jones
Secretary/Treasurer:	Barry Prideaux
Committee:	
	Faith McCallum
	Melanie Walsh
	Penny Jones
	Anne Logie

Report:

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

Council Meeting

19th August, 2020

8.15 Finley War Memorial Hall Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Sally Bickerton
Secretary:	Aaron Taylor
Treasurer:	Dean Russell
Committee:	
	Jill Orro
	Rob Hawkins

Report:

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

Council Meeting

19th August, 2020

8.16 Finley Showground and Sporting Complex Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Rodger Sutton
Secretary/Treasurer:	Katy Wallace
Committee:	
Matthew Mueller	Trent Royston
Bill Rowlands	Sam Price
Jullian Rourke	Leanne Loughridge
Troy Marshall	Carol Kennedy
David Webb	Stacey Ware

Report:

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

Council Meeting

19th August, 2020

8.17 Barooga Botanical Gardens Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Lynn Knight
Vice President:	Marlene Manning
Secretary:	Jan Cullen
Treasurer:	Vanessa Ranken
Committee:	
	Lousie Ryan
	Gavan Cullen
	Greg Bowyer
	Nella Sorrenti
	David Fox

Report:

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

Council Meeting

19th August, 2020

8.18 Finley Log Cabin Museum Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Chris Braybon
Vice President:	Henry Matheson
Secretary:	Maureen Bevan
Treasurer:	Ray Koschel
Committee:	
C.Bruest	B.Bevan
C.Braybon	L.Donkin
B.Bryabon	P.Horneman
I.Matheson	M.Kable
P.Matheson	A.Matheson
K.Bevan	M.Walsh
M.Matheson	C.Drury
J.McBurnie	K.Jenkin
P.Ryan	D.Thomas

Report:

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

Council Meeting

19th August, 2020

8.19 Tocumwal Recreation Reserve Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Alan Jones
Vice President:	Jim Cullen
Secretary:	Barbara Cullen
Treasurer:	Alan Jones
Committee:	
Bill Fuller	Debbie White
David Baldwin	Paul McCallum
Carl Cummins	Dennis Sutton
Jeremy Cardillo	Greg Mason
Alice Stewart	

Report:

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

Council Meeting

19th August, 2020

8.20 Berrigan War Memorial Hall Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council:

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

President:	Neville Dalglish
Secretary:	Ian Rendell
Treasurer:	Bruce Rendell
Committee:	
	Marnie Steer

Report:

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

Council Meeting

19th August, 2020

8.21 Relocation of Tocumwal Visitor Information Centre

Report by: General Manager, Rowan Perkins

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation:

That the Council advise the Tocumwal Chamber of Commerce that it will support the operation of the relocated Visitor Information Centre by providing a rental subsidy of \$200 per week and meeting the current level of internet and mobile phone services for a period of three years and subject to no material business or commercial operations being conducted from the site.

Report:

The Council, at its July 2020 meeting considered the following report:

“As Councillors may be aware, the Council is proposing to demolish the existing Tocumwal Visitor Information Centre and public toilets to develop a new hospitality faced facility on the site.

To date the proposal had required the Tocumwal Chamber of Commerce and Tourism to temporarily relocate its Visitor Information Service during the demolition and construction process pending the occupation of a dedicated premise within the new facility.

The Tocumwal Chamber of Commerce and Tourism has now written to the Council to advise that it will vacate the existing building prior to its demolition and that it will not be requiring accommodation in the new building.

The Tocumwal Chamber of Commerce and Tourism advises that it has secured the Old Railway Store as its new site, at the corner of Bridge Street and Tuppal Road, Tocumwal.

The Tocumwal Chamber of Commerce and Tourism is enquiring what support, if any, the Council will provide to the operation. The Tocumwal Chamber of Commerce and Tourism notes that it will be paying \$200 rent per week plus expenses like volunteer insurance electricity, internet and telephone. The present stock sales will continue to help defray these costs.

By way of background the Council has previously provided the existing premises free of charge including utilities and has met internet costs and provided a mobile phone service. The

Council has also been planning for the Visitor Information Service to be accommodated in the new building and had expanded the space proposed to be provided at the request of service providers.

The actual cost of providing the existing facility is unclear as the utilities and building structure are joined with the public toilets.

Also by way of background the Council's Tourism Strategy identifies its role as one of providing infrastructure and improving amenity while the provision of visitor information services is provided by the community and vested interests.

Interestingly, the Council's Tourism Strategy that was developed in consultation with the community and tourism operators has a strong focus on attracting Newell Highway traffic to turn easterly into the town to maximize visitation and locating a new visitor information service to the west of the Newell Highway seems to be contrary to that focus. It also needs to be recognised that the provision of specific directional signage to the service may be difficult and that this is not controlled by the Council.

The Council can approach the request in several ways.

Firstly, it could agree to provide some level of support on the basis that the service is useful in attracting or retaining visitors to the area and that helps support the local economy despite its position that the responsibility for the provision of the service rests with the tourism industry and the community.

Secondly it could decline to provide support on the basis that it was prepared to continue to accommodate the service, at no cost, within the new building and also because the location west of the Newell Highway is contrary to the Council's Tourism Strategy.

Thirdly, despite the second point, the relocation to alternative accommodation will provide another rental stream to the Council through the rental of the space that was to be provided that could be used to provide a subsidy to the service. It needs to be noted also that there is in effect, no going back, as once the previously available space is leased there will be no option for the Tocumwal Chamber of Commerce and Tourism to return to the site.

On balance, and despite the apparent conflicts with the Council's Tourism Strategy, the service is of some value to the local economy and some level of support could be provided for a period of time – i.e. the Council could meet the rental cost for a period of three years with a later review to determine whether that will continue or not or in circumstances where the operation of the visitor information service becomes something more than mere information provision. It also needs to be noted that if the visitor information expands its "trading" operations beyond anything inconsequential the Council will have real difficulty in providing a subsidy to a business to operate in competition to other existing or potential businesses.

The Council has no specific budget for any such subsidy.

As an aside, two of the principal service volunteers have written to the Council thanking it for its past support and requesting continued use of the Council provided mobile telephone and internet service.

*Copies of the correspondence from the Tocumwal Chamber of Commerce and Tourism and the principal volunteers are circulated as **"Appendix 8.21-A"** & **"Appendix 8.21-B"**.*

For discussion".

Following consideration of the above report the Council resolved:

"that this item be deferred to the August 2020 Council Meeting".

The above resolution was made on the basis that the Council was informed that the Tocumwal Chamber of Commerce and Tourism had been requested to clarify what support it was actually seeking.

As a result of the Council's resolution the Tocumwal Chamber of Commerce and Tourism was requested to provide information as to what support it was actually requesting.

The Chamber has now responded to the effect that it is seeking an increased rental amount of \$250 per week and \$50 for other expenses. It is assumed that continued support for internet and mobile phone costs is still expected.

The points raised in the original report are still relevant in terms of consideration of this issue.

The recommendation attached to this report reflects the original request from the Tocumwal Chamber of Commerce and Tourism and the other support already provided for internet and mobile phone costs and also the need for the tourism industry itself to provide some material support to sustain the visitor Information Centre operations.

The letter received from the Tocumwal Chamber of Commerce and Tourism is circulated with this agenda as **"Appendix 8.21-C"**.

Council Meeting

19th August, 2020

8.22 Finley and District Historical Museum - Request for Assistance

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

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

Recommendation:

That the Council:

- a) Provide a one-off grant of \$1,500 to the Mary Lawson Wayside Rest and Finley Log Cabin Museum Committee of Management
- b) Defer any decision on an on-going operational grant for this Committee until the 2021/2022 budget deliberations

Report:

The Finley and District Historical Museum - the operating name of the Mary Lawson Wayside Rest and Finley Log Cabin Museum Committee of Management - have requested financial assistance from the Council to meet its expenses.

A copy of the request is attached as "**Appendix 8.22-A**".

The letter requests a grant of \$1,500 per year to cover for the loss of revenue resulting from the COVID-19 pandemic and the resulting restrictions. Given the impact of the pandemic, there may be scope to consider this request on a one-off basis initially and review as part of the 2021/22 operating budget deliberations.

The Council should be aware that other Council Volunteer Committees of Management have also been financially impacted by COVID-19 restrictions and further requests for assistance are likely.

Council Meeting

19th August, 2020

8.23 Standard Instrument (Local Environmental Plans) Amendment
(Natural Disasters) Order 2020

Report by: Development Manager, Laurie Stevens

Strategic Outcome: 2. Good government

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That the Council resolve to advise the Department of Planning, Industry and Environment that it confirms that the Council elect to opt-in and have the final clause inserted into the Berrigan Local Environmental Plan 2013 as part of the adoption of the amending SEPP.

Report:

Over the 2019-20 summer more than 3,400 homes were destroyed or damaged and subsequent flooding also affected large parts of NSW causing further damage to homes and infrastructure. Many of those affected by these natural disasters are now seeking planning approvals to rebuild or repair these dwellings. Many of these dwellings were originally approved and constructed under historical planning instruments however due to changes to legislation and the introduction of updated planning controls applicable to the land development consent cannot be granted to reconstruct new dwellings under the current planning controls.

Given the above constraints the Department of Planning, Industry and Environment is proposing to amend the Standard Instrument (Local Environmental Plans) Order 2006, through an amending State Environmental Planning Policy (SEPP), to insert an optional provision that may be inserted into local environmental plans (LEP). The purpose of the provision is to allow consent authorities to grant development consent to the repair or rebuild of a lawfully erected dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster, despite any applicable development standards in the LEP.

The proposed provision will:

- clarify that a dwelling that has been destroyed or damaged in a natural disaster can be rebuilt or repaired with development consent;
- save the applicant time and money by removing the need to request a variation to development standards under the applicable LEP;
- allow the consent authority to assess and determine the application on its merits.

Further information is included in **"Appendix 8.23-A"**.

The Department is currently exhibiting the draft Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020, and is interested to see whether Council would like to opt-in to insert the final clause into the existing Berrigan LEP upon adoption of the new SEPP. Should Council prefer not to opt-in at this early stage then this optional provision may be included at a later date as part of a planning proposal to amend the LEP if appropriate.

Council Meeting19th August, 2020**8.24 Annual Returns - Volunteer Committees of Management**

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

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

Recommendation:

That the Council note the annual returns submitted by the following Volunteer Committees of Management:

- a) Tocumwal Foreshore
- b) Finley Tidy Towns
- c) Tocumwal Swimming Pool
- d) Berrigan War Memorial Hall
- e) Barooga Community Botanical Gardens
- f) Tocumwal Recreation Reserve
- g) Finley School of Arts
- h) Finley War Memorial Hall
- i) Mary Lawson Wayside Rest and Finley Log Cabin Museum
- j) Berrigan Conservation Group
- k) Finley Showgrounds and Sporting Complex
- l) Tocumwal Friends of the Library
- m) Tocumwal War Memorial Hall

Report:

The Council has a range of volunteer committees of management established [under s355 of the Local Government Act 1993](#) who provide local government services on behalf of the Council.

These volunteer committees are required to submit an annual return to the Council at the end of every financial year.

The return contains information on the membership of their committee, their income, and expenditure, their assets and other information required for various reports required by the Council's auditors and/or other levels of government.

Committees were given until 31 July 2020 to submit their annual returns.

The table below summarises the financial position of those committees who submitted their return by the due date.

Committee	Income \$	Expenditure \$	Cash and Investments \$
Tocumwal Foreshore	80,806	112,743	
Finley Tidy Towns	0	0	280
Tocumwal Swimming Pool	48,044	49,257	77,512
Berrigan War Memorial Hall	10,921	2,985	22,086
Barooga Community Botanical Gardens			12,113
Tocumwal Recreation Reserve	25,574	25,555	
Finley School of Arts	12,127	31,535	8,423
Finley War Memorial Hall	\$17,000	0	17,000
Mary Lawson Wayside Rest and Finley Log Cabin Museum			19,057
Berrigan Conservation Group	1,141	2,028	8,914
Finley Showgrounds and Sporting Complex	25,345	32,059	54,979
Tocumwal Friends of the Library	1,258	2,001	2,074
Tocumwal War Memorial Hall	10,373	17,485	22,518

In submitting their return, Finley Tidy Towns have advised that they have gone into recess.

At the time of writing, the following committees have not submitted returns:

- Barooga Advancement Group
- Barooga Recreation Reserve
- Berrigan Sportsground
- Berrigan War Memorial Hall
- Finley Railway Park
- Finley Recreation Reserve
- Finley War Memorial Swimming Pool
- Retreat Hall
- Tocumwal Historic Air Museum
- Tocumwal Rail Preservation

Finley Recreation Reserve have asked for an extension. Neither Boomanoomana Landcare nor Fullers Road Landcare were asked to submit a return this year.

Reminder letters have been sent to the other committees. Tocumwal Foreshore have requested an extension.

Copies of the submitted returns are available for perusal at the Council administration office.

Council Meeting

19th August, 2020

8.25 Meeting with Tocumwal Golf and Bowls Club

Report by: General Manager, Rowan Perkins

Strategic Outcome: 4. Diverse and resilient business

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

Recommendation:

The direction of the Council is sought.

Report:

The Tocumwal Golf and Bowls Club has written to the Council, via its CEO, requesting a meeting with Councillors to discuss its plans to relocate its Pro Shop into the existing Club House, build office toilets and catering areas for bowlers and relocate golf cart storage area. The proposed renovation will also include a new main entrance, reception area and all abilities elevator.

The Club advises that have initially consulted with engineers to obtain a quote to drawings and concept plans.

The Club advises that it hopes that some funding or “offset” may be available.

On the basis of the above, the Club is requesting a meeting with Councillors to discuss its “dream” and to look to ongoing support from the Council to make it a reality.

From the above it is clear that the Club is seeking Council support towards its plans, whether that is financial or not is not clear in the letter requesting the meeting however the covering email indicated that the Club was hoping to “maybe shake some money out of you in the future”.

It is suggested that rather than Councillors meeting with developers privately offsite, it should, in accord with its Code of Conduct, meeting with representatives of the Club at a formal Council meeting to receive a presentation from it.

A copy of the Club’s letter and supporting documentation is circulated with this agenda as **“Appendix 8.25-A”**.

Council Meeting

19th August 2020

8.26 Development Application 16/21/DA/D5 Carport

Report by: Town Planner, Elizabeth Schindler

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation:

That Development Application 16/21/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 White Street.

Report:

Proposal

The proposed Carport is six (6) metres by six (6) metres with a total area of 36 metres². It will be 2.8 metres to the eve with a total height of 4.1 metres. The proposal will be located forward of an existing 6 metre wide garage and 1.3 metres from the front boundary to White Street.

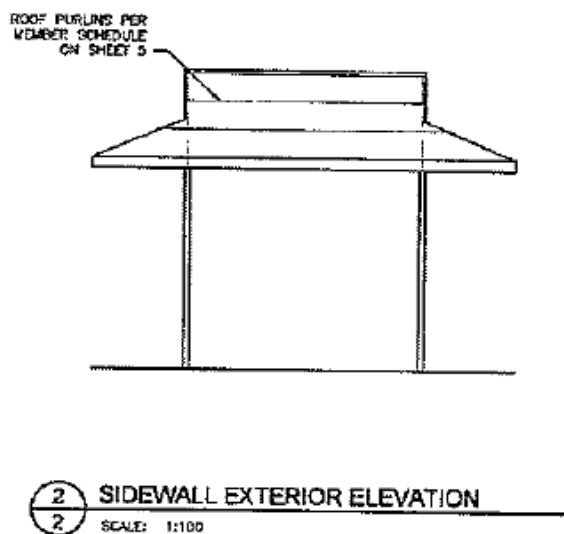
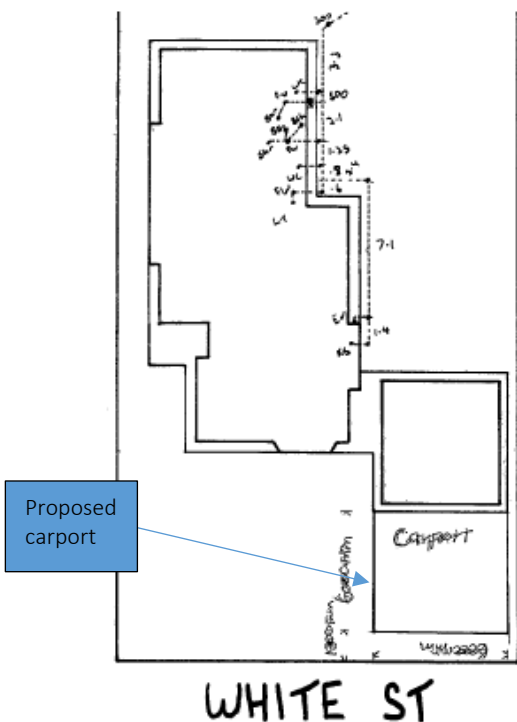


Figure 1 – Site Plan for proposed carport

Figure 2 – Elevation Plan for proposed carport

Subject Site and Locality

Under the *Berrigan Local Environmental Plan 2013*, the subject site is zoned RU5 Village and the total area is 793 metres². There is an existing dwelling on the subject site with an existing garage set approximately 3 metres forward of the building line and is setback 7 metres from White Street.

The neighboring environment has established residential dwellings. The front setback of the existing dwellings along the northern side of White Street are setback on average 6 metres from the street (the location of the subject site).

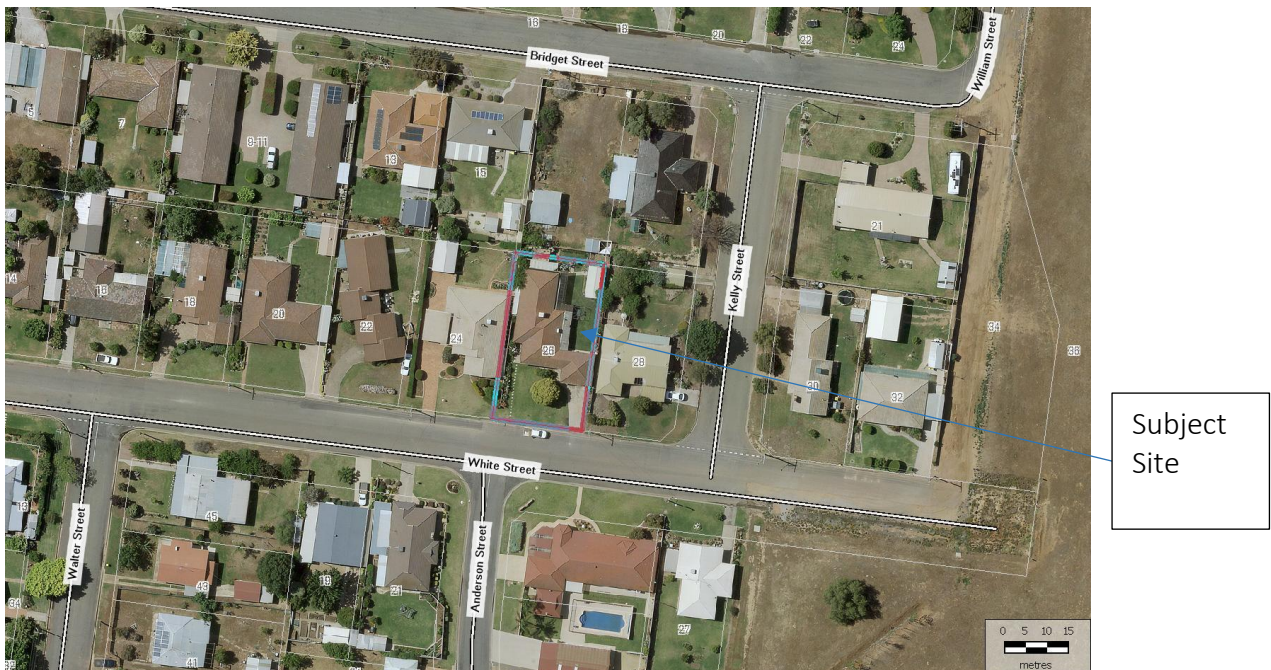


Figure 3 – Aerial image of subject site

Assessment

A number of factors must be considered in assessing the proposed carport. Under the *Berrigan Local Environmental Plan 2013* a Carport is permissible within the RU5 Village zone.

Neighbour Notification

As the proposal will be located 600 mm from the eastern property boundary, it has the ability to impact on the neighbouring property. Therefore the land owner for the neighbour property to the east was notified of the development on 17 July 2020 for 21 days. No formal submission was received for the proposal.

An assessment of the proposal against the relevant development controls of the Berrigan DCP is provided in the table below and the potential impacts on the surrounding neighbouring environment.

Berrigan DCP Chapter 2 Residential Development	Assessment of proposal
<p>2.1 Neighbourhood character Objectives of the controls is to create aesthetically pleasing residential neighbourhoods and high levels of amenity. The design of residential development is to suit the existing setbacks and character of the neighbourhood.</p>	<p>The neighboring environment has established residential dwellings with an average 7 metres front setback to White Street along the northern side of the street (the location of the subject site). Given the proposal will be located in front of an existing dwelling in the front setback area and will have a 1.3 metre setback to the front boundary to White Street, this has been assessed as not keeping to the existing setbacks and character of the neighbouring environment which would have an impact on the neighbouring residential amenity. The Berrigan DCP development controls are consistent with the provisions of the Housing Code in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> whereby assessment of front setbacks is to take in an average of the existing front setbacks along your side of the street. The average front setback to White Street for the subject site is 6 metres.</p>
<p>2.2 Streetscape Objectives of the controls is to ensure residential design makes a positive contribution to the streetscape and the integration of new development into the streetscape and neighbourhood. The bulk and scale should be kept to a compatible size with the existing development in the residential precinct.</p>	<p>As per the above point, the proposal is not keeping with the existing character of the neighbourhood. The proposal will have a 1.3 metre setback to White Street which will be forward of the existing building line along White Street and not be a similar bulk and scale to the existing residential precinct. Therefore the proposal has been assessed as not integrating into the streetscape or the neighbourhood.</p>
<p>2.5 Building Setbacks Objectives of the controls is to ensure attractive streetscapes through consistency in front building setbacks. A dwelling must have a minimum 4.5 metre building line setback from the front property boundary.</p>	<p>The proposal does not meet the development objective as it be within the minimum 4.5 metre front setback to the front boundary. The proposed 1.3 metre setback to the front property boundary will not be consistent with the surrounding neighbourhood along the street and therefore will not contribute to an attractive streetscape.</p>
<p>2.11 Outbuildings Objectives of the controls is to ensure outbuildings are not detrimental to residential amenity.</p>	<p>Given the above points, the proposal has been assessed as being generally detrimental to residential amenity.</p>

The proposal has been assessed as generally not complying with specific objectives and development controls of the Berrigan DCP Chapter 2 for Neighbourhood Character, Streetscape, Building Setbacks and outbuildings. The proposal has been assessed generally as not adding to an aesthetically pleasing residential neighbourhood, not making a positive contribution to the streetscape and affecting the residential amenity.

Should Council approve a carport in front of an existing dwelling (in front of a garage), Council will be creating a precedent for such development, which is not keeping with the Development Control Plan. Approval of this structure might encourage further people to take similar development that is not in keeping with the development control plan that the community has provided input into the creation.

As the proposal does not generally comply with the development controls of Chapter 2 of the Berrigan DCP, it is 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 proposal has been assessed as generally not complying with these development controls of the Berrigan DCP Chapter 2 and the proposal has been recommended for REFUSAL.

Recommendation

That Development Application Number 16/21/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 White Street.

Division

In Favour:

Against:

Council Meeting

19th August, 2020

8.27 Election of Mayor, Deputy Mayor and Appointment of Delegates

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council convene an Extraordinary Council Meeting on Wednesday 16th September 2020 commencing at 11.00 am for the purpose of conducting elections for the positions of Mayor and Deputy Mayor and appointment of Council delegate to various Committees and organizations

Report:

Prior to the September 2020 Council meeting, an Extraordinary meeting will be held to:

- Elect a Mayor for the next year
- Elect a Deputy Mayor for the next year
- Appoint Delegates to other committees and organisations for the next 2 years.

As returning officer, I now invite nominations for the positions of mayor/deputy mayor for Berrigan Shire Council for a two year period.

Whilst the positions are elected for a two year period, in accordance with the Local Government Act, holders of those positions cease to hold office period to the election to be held during September 2021.

Nomination forms for the positions of Mayor and Deputy Mayor are circulated to Councillors with this Agenda as **"Appendix 8.27-A"**.

Completed nomination forms should be returned to the General Manager prior to 9:00 am on Wednesday 16th September, 2020.

Also circulated with this agenda as **"Appendix 8.27-B"** is a fact sheet in relation to the election of the Mayor and Deputy Mayor.

Council Meeting

19th August 2020

8.28 Development Application 88/20/DA/DM - Generator

Report by: Town Planner, Elizabeth Schindler

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation:

That the Development Application 88/20/DA/DM for a Generator be approved subject to the following conditions:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plans BM CIVIL ENGINEERS PTY LTD Drawing Number 52749-19A Sheet 1 of 2 and BSC-001 'ENVIROWall', on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Construction Certificate for Retaining Wall

No work is to commence until the person granted development consent has had the detailed plans and specifications for the retaining wall endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

3. Appointment of PCA and Notice of Commencement

No work on the retaining wall is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for the retaining wall
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY (Complete Form D - Appointment PCA)
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

4. Critical Stage Inspections for Retaining Wall

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying

authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

5. Occupation for Retaining Wall

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.

(Section 109C(1)(c) and 109H EP&A Act 1979)

6. Compliance with Building Code

All building work must be carried out in accordance with the provisions of the Building Code of Australia

7. Permitted hours for building work

All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.

8. Excavations and Backfilling

(a) All excavations and backfilling associated with the erection of retaining wall must be executed safely and in accordance with appropriate professional standards.

(b) All excavations associated with the erection of retaining wall must be properly guarded and protected to prevent them from being dangerous to life or property.

9. Signs Erected on Building and Demolition Sites

a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of retaining wall and placement of generator is being carried out:

- i. stating that unauthorised entry to the work site is prohibited, and
- ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

10. Waste

A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

11. Boundary Fence

A boundary fence must be provided to effectively screen the generator from the neighbouring allotment. This is to ensure that the impact of the generator upon the residential amenity of the neighbouring environment is minimised.

Report:

Proposal

Council is in receipt of a development application for a Generator to be located at 51-53 Davis Street, Berrigan. The proposal will be 3.8 metres by 1.14 metres (total area of 4.3 metres²) and will be 2.08 metres high. The location of the proposal will be built up to ground level of the existing aged care building that will require an 800 mm high concrete panel retaining wall. The proposed Generator will be located 650 mm from the southern boundary and the retaining wall will be on the boundary line. From the neighbouring allotment, the total height of the proposal from ground level will be 2.88 metres (i.e. the total of the Generator and the retaining wall).

The proposal is intended to be used as a 'back-up' energy supply in the event of a power outage at an existing aged care facility. It will require a maintenance check approximately twice a year. The proposed Generator will be effective attenuated as per manufacturing details. The sound output of the Generator will be 65 dB(A).



Figure 2 – proposed Generator – elevation plan



Figure 2 – proposed Generator - site plan

Subject Site

The subject site is zoned RU5 Village under the *Berrigan Local Environmental Plan 2013* (LEP) and has a total land area of approximately 7029 metres². The subject site is utilised as an aged care facility and is within an aged care health precinct with neighbouring health administration facility and residential units. In the neighbouring environment there are existing residential dwellings.



Figure 3 – aerial view of the subject site



Figure 4 and 5 – existing site conditions and location for proposed Generator

Assessment

The proposed generator is permissible within the RU5 Village zone under the Berrigan LEP.

- **Neighbour Notification**

The main issues which needs to be considered when undertaking this assessment is that the proposed development is located in close proximity to the south property boundary and thus has the ability to impact on the neighbouring property. The affected neighbouring property was notified of the proposal and a formal submission was received on 17 July 2020.

Summary of Submission	Response to Submission
<p>The submitter is in objection to the proposal as they believe:</p> <ol style="list-style-type: none"> 1. It will be a large and unsightly structure and will be located at the front of their property. 2. That the last time there was a power outage at the aged care facility on the subject site, the temporary generator placed onsite was loud and omitted fumes close to their dwelling. 3. That there is sufficient land to located the proposal in a different location so it does not impact on their site. 	<ol style="list-style-type: none"> 1. The proposal is on the side boundary of the subject site where services are generally located. The proposal is required to be located close to the electricity meter box which is located on the south-east side of the main building (approximately 13 metres from the location of the proposal) and cannot be located in the rear of the existing facility. <p>The neighbouring allotment is at the end of Davis Street as it is a cul-de-sac Road, the allotment has only vehicle access to Davis Street and therefore it is difficult to determine the front of the allotment. The existing dwelling is on a large allotment with views to the north and northwest. Furthermore, the proposal will be approximately 27 metres north-east of the existing dwelling providing sufficient area for landscaping if required.</p> <p>The proposal will be 3.8 metres by 1.14 metres with a total area of 4.332 metres² and 2.075 metres high (plus 800 mm retaining wall). Given the existing</p>

<p>4. They are already impacted by a shed and a water tank in this location.</p>	<p>infrastructure onsite (an approximately 4 metre² shed and water tank), the proposal will be located in line with the existing infrastructure.</p> <p>A condition of consent will be included that a side boundary fence be provided to effectively screen the proposal from the neighbouring allotment.</p> <p>2. The proposal will be a new structure that is widely used as an essential support infrastructure for aged care facilities and hospitals. It will be clad in high quality materials and finishes. A condition of consent will be included that a side boundary fence be provided to effectively screen the proposal from the neighbouring allotment.</p> <p>3. The proposal is intended to have minimal use. It will be for emergency purposes when required and maintenance. The proposal is a new machine that has been designed and clad in insulation to ensure there is minimal noise and fumes omitted. The temporary generator utilised in the past was a temporary industrial type generator and the proposed new generator has been engineered to ensure that it has minimal noise and omissions.</p> <p>4. The proposal is on the side boundary of the subject site where services are generally located. The proposal is required to be located close to the electricity meter box which is located on the south-east side of the main building (approximately 13 metres from the location of the proposal) and cannot be located to the rear of the existing building. A condition of consent will be included that a side boundary fence will be required to effectively screen the proposal from the neighbouring allotment.</p>
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- **Berrigan Development Control Plan 2014 (DCP)**

An assessment of the proposal against the relevant development controls of the Berrigan DCP is provided in the table below and how mitigation is provided for potential impacts on the surrounding neighbouring environment.

Berrigan DCP Chapter 2 Residential Development	Assessment of proposal
<p>2.1 Neighbourhood character Objectives of the controls is to create aesthetically pleasing residential neighbourhoods and high levels of amenity.</p>	<p>The proposal will be clad in high quality materials and finishes. It is located to the side of the subject site in a location to access the exiting electrical meter. The proposal will be located in line with exiting shed and watertank to minimise additional built form impacting on the neighbouring environment. A condition of consent will be included that a boundary fence be constructed to adequately screen the proposal from the neighbouring allotment.</p>
<p>2.2 Streetscape and 2.3 Landscaping Objectives of the controls is to ensure residential design makes a positive contribution to the streetscape and provision of passive surveillance to the street.</p>	<p>The proposal is to the side of the existing building which ensures services (as per the proposed Generator) are not in the front area of the building to ensure that the existing building design can maintain its passive surveillance to the street.</p>
<p>2.5 Building Setbacks Objectives of the controls is to ensure that adequate separation between dwellings through side setbacks.</p>	<p>The proposal will have a 650 mm setback to the side boundary and is designed to meet the Building Codes of Australia. It will be supported by an engineered designed retaining wall to adequately address the Building Codes of Australia.</p>
<p>2.7 Site Facilities and 2.11 Outbuildings Objectives of the controls is to ensure that site facilities / outbuildings are not to detract from the public aesthetics of a building and not be detrimental to residential amenity.</p>	<p>The proposal is to the side of an existing aged care facility which will ensure that the existing facility does not have services in the front street setback area. The proposal is required to be located close to the electricity meter box which is located on the south-east side of the main building (approximately 13 metres from the location of the proposal) and cannot be located to the rear of the existing building.</p> <p>The proposal will be approximately 27 metres north-east of the existing dwelling providing sufficient area for landscaping if required.</p> <p>The proposal will provide essential services for the existing aged care facility with emergency back-up electrical supplies in the event of an emergency, providing amenity to the residences onsite.</p>

	A condition of consent will be included that a boundary fence be provided to effectively screen the proposal from the neighbouring allotment.
Berrigan DCP Chapter 4 Commercial Development	Assessment of proposal
4.2 Appearance & Design and 4.3 Landscaping Objectives of the controls is to make a positive contribution to the streetscape.	The proposal will be to the side of the exiting building and therefore will not impact on the streetscape to Davis Street.

Otherwise, the development will not largely impact the character and amenity of the already existing built and natural environments. The development is consistent with the Building Code of Australia. Overall, the development meets the objectives of the Berrigan DCP chapter 2 and chapter 4.

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 is permissible in the RU5 Village Zone as per the Berrigan LEP, the submission in objection to the proposal has been addressed and a complete assessment has been conducted in accordance with the Berrigan DCP to ensure that the proposal mitigates against any potential impacts on the surrounding neighbouring environment. Conditions of consent will ensure the development protects the residential amenity of the neighbouring environment.

Recommendation

That development application 88/20/DA/DM be approved subject to conditions of consent.

Division

In Favour:

Against:

Council Meeting

19th August, 2020

8.29 Town Beach - Approval to Operate Camping Ground

Report by: Development Manager, Laurie Stevens

Strategic Outcome: 2. Good government

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation:

The direction of the Council is sought.

Report:

Council is in receipt of numerous complaints from local caravan park operators regarding the amount of time visitors to the Town Beach Camping Ground at Tocumwal are allowed to stay and the impact this is having their businesses.

The current Approval to Operate a Caravan Park/Camping Ground for Town Beach, issued under the provisions of Section 68 of the Local government Act 1993, has been conditioned to reflect the maximum number of days a visitor may stay at a camping ground as indicated in clause 73 (1) (b) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. The maximum number of days a person may occupy a camp site in any 12 month period is 150 days. See "**Appendix 8.29-A**".

It should be noted that the same regulation applies to caravan parks with designated short term or camp sites.

Town Beach is classified as a Camping Ground and has a total of 65 sites. Facilities at the site are minimal and include a small toilet and shower block with cold water only. There is reticulated town water on site with numerous taps along the beach frontage. A sewer dump point is located adjacent to the amenities block.

In contrast the caravan parks contain enhanced facilities that would be expected in a functioning contemporary caravan park including the accessibility to a power supply.

It would appear that the caravan park owners/managers, in particular the adjoining caravan park, are concerned that the camping ground at Town Beach is becoming increasingly popular and it is perceived that the caravan parks are losing revenue due to the amount of time visitors are able to stay at any one time.

It should be noted that there has been a gradual change in the ownership and use of caravans and motor homes over recent times whereby a number of these are now fully self-sufficient and do not require the facilities and services that established caravan parks provide. In addition the cost of staying at a camping ground is significantly lower than at a traditional caravan park.

Many of the camping grounds around the state are free and these generally have no facilities. Many others offer limited facilities such as water, toilets and waste services, such as Town Beach, and these generally attract small fees for overnight or extended stays. A large number of camping reserves limit the amount of time visitors can stay at one time and/or the number times that can be visited each year. For example Kyffins Reserve on the shores of Lake Mulwala has a 14 day limit on the length of stay with a no return limit of 90 days.

While there have been a few campers that have stayed at Town Beach for extended periods the vast majority of visitors are relatively short stay only and they contribute to local economy.

The question that remains is whether the application of time limits upon visitors to Town Beach Camping Ground would have a positive impact on visitation rates to the local caravan parks and whether such restrictions would have an impact on visitor numbers to Tocumwal. Perhaps it is the responsibility of the caravan parks to adapt to the changing culture of the holidaying public and provide specific areas on their properties with limited access to facilities at competitive rates.

The direction of the Council is sought with a view to resolving this matter.

Council Meeting

19th August 2020

8.30 T06/20/21 Tocumwal/Barooga Floodplain Risk Management Study and Plan

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That the Council:

1. Accept the tender submission from WMA Water Pty Ltd in the amount of \$174,218
2. Sign and seal the contract documents in relation to 1 above;
3. Appoint the Director of Technical Services as the Contract Superintendent;
4. Pursuant to S355 of the Local Government Act form an advisory committee to be known as the Floodplain Risk Management Committee with the following:

Purpose

- The Committee is formed to act as an advisory committee to the Council under the guidelines specified by the NSW Floodplain Development Manual.
- To represent the community and assist the Council with the floodplain risk management process, for the towns of Tocumwal and Barooga.

Term

- The term of office for all members shall be equal to the period required for the completion of the Floodplain Risk Management Plan.

Membership

- The Committee complement shall be:
 - Two Councillors
 - Two residents from the Barooga area
 - Two residents from the Tocumwal area
 - The Director of Technical Services

Voting Rights

- Councillors and residents shall have voting rights in accordance with the Council's Code of Meeting Procedure.

Quorum

- The quorum for the committee is 4.
5. That the Council appoint Cr..... as chairman of the Floodplain Risk Management Committee and Cr..... as a member of the Floodplain Risk Management

Committee and Cr..... as an alternative member of the Floodplain Risk Management Committee.

6. That the Council advertise for nominations for two Barooga area and two Tocumwal area residents for membership of the Floodplain Risk Management Committee.

Report:

The Council has been successful in obtaining state government grant funding through the NSW Government Floodplain Management Program to carry out a floodplain risk management study and plan on the Murray River focusing on the section of river between downstream of the Yarrawonga Weir to just west of Tocumwal.

The project will be completed in two phases comprising of a revised flood study followed by a floodplain risk management study and plan. Once complete, this study and plan will be an important tool in managing the flood risk in our community and in meeting our obligations under the NSW Government Flood Prone Land Policy as detailed in the Floodplain Development Manual (2005) <https://www.environment.nsw.gov.au/research-and-publications/publications-search/floodplain-development-manual>.

As part of our obligations it is necessary that the Council form a Floodplain Risk Management Committee to oversee the development of the floodplain risk management study and plan. Key stakeholders include:

- Berrigan Shire Council
- Moira Shire Council
- Department of Planning Industry and Environment (DPIE)
- NSW State Emergency Service (SES)
- Murray Darling Basin Authority
- Goulburn Broken Catchment Management Authority
- Transport for NSW
- Bureau of Meteorology
- Local Community Representatives

The committee will be assisted by various experts however, only the councilors and local community representatives will have voting rights. Please note that the Floodplain Risk Management Committee is an advisory committee to Council. Please find attached draft terms of reference attached in **“Appendix 8.30-A”**.

This tender is for T06/20/21 Tocumwal / Barooga Floodplain Risk Management Study and Plan.

The total value of the contract based on Tender Price is \$174,218.00 (Inc GST).

The tendered price is below the allowable grant funding allowance and will allow completion of the study within the budget.

Tenders closed at 2:00pm Wednesday 12th August 2020. At the time of closing a total of 5 submissions were received:

- Alluvium
- Rhelm
- Water Modelling Solutions
- Water Technology
- WMAwater

Consideration of the Tenders

All tenders were considered by the Tender Evaluation Committee:

Matthew Clarke	Director Technical Services
Fred Exton	Engineering Services Manager
Steve Manwaring	Senior Natural Resource Officer (Floodplain Management) Department of Planning, Industry and Environment

Consideration of Tenders

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

Criteria	Highest Possible Score	Weighting
1. Value for Money	4	4
2. Management	4	3
3. Track Record	4	2
4. Relevant Experience	4	2
5. Availability of Appropriate Skills & Resources	4	4
6. Time Performance	4	2
7. Methodology	4	3

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

Summary

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

Supervisor

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

Council Meeting

19th August 2020

8.31 Staff Remuneration Package Review Policy

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. revoke the Staff Remuneration Package Review Policy adopted on 15 January 2014.
2. adopt the Staff Remuneration Package Review Policy as set out below:



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STAFF REMUNERATION PACKAGE REVIEW POLICY

Strategic Outcome:	Good government	
Date of Adoption:	19 August 2020	Minute Number:
Date for Review:	21 August 2024	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Staff Remuneration Package Review Policy adopted 15 January 2014.	
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing.	

1. POLICY STATEMENT

This policy provides a means for the Council to assure itself that the remuneration paid to the Council's General Manager and Directors is as per their contracts and properly authorised.

2. PURPOSE

In line with the *Local Government Act 1993*, the General Manager is generally responsible for the efficient and effective operation of the council's organization. This includes overall responsibility for the Council's payroll function.

The General Manager's responsibility for overseeing the payment of his or her remuneration package carries some risk. This risk is somewhat mitigated by the delegation of the payroll function to another staff member. However, further mitigation of this risk is possible through seeking a third party review of the payments made to the General Manager.

In the interests of completeness, this review also includes the Council's director-level staff.

3. SCOPE

This policy applies to the remuneration packages of the Council's General Manager, Director Technical Services and Director Corporate Services

4. POLICY IMPLEMENTATION

The risks associated with remuneration have been assessed in accordance with Council's Risk Management Framework and are documented in Council's Fraud Risk Assessments, with identified control measures included in Council's Fraud Control Plan.



In accordance with one of the control measures identified in the Fraud Control Plan, the Responsible Accounting Officer will commission an annual (1 July to 30 June) review of the payments made under the respective remuneration packages of the following staff:

- General Manager
- Director Technical Services
- Director Corporate Services

The review is to be conducted by an external audit firm.

The Director Corporate Services is responsible for ensuring the review is completed annually and a report prepared for the Council.

The commissioned auditors will provide a report to the Council on their findings. The report will include, at a minimum, an opinion on the correctness and accuracy of the payments made under the contracts.

The Director Corporate Services will present the report to the Council as soon as possible after receipt – but no later than the November ordinary meeting of Council.

Additional control measures outlined in the Fraud Control Plan and implemented to monitor fraud risks associated with remuneration also include:

- The establishment and distribution of the Code of Conduct
- Code of Conduct training for all staff
- Fraud Detection Programs
- Internal Reporting and Protected Disclosures

5. RELATED POLICIES OR STRATEGIES

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#)
- [Local Government \(State\) Award 2020](#)
- [Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Salary Policy](#)
- [Fraud Control Policy](#)
- Fraud Control Plan
- [Internal Reporting Policy](#)

Report:

The Council's [Staff Remuneration Package Review Policy](#) - last revised in 2014 - requires the Council to commission a third-party review of the salary payments to the General Manager and the two Directors. This review was built into the scope of works set by the Council for the audit of the Annual Financial Statements.

While not a statutory or regulatory requirement, the review is designed to provide the Council with some comfort that payments to Council senior staff were in line with their conditions of employment.

In 2017-18, the NSW Audit Office took over responsibility for the Council's Annual Financial Statements. In the handover of responsibility, this review fell out of the scope of works set by the NSW Audit Office and no report was prepared.

This oversight was addressed for this financial year with the Council directly commissioning Crowe Albury (the contract auditor) to prepare a report.

As the audit report deals with the remuneration of staff, it is included as a confidential item in this agenda.

The Council should need to revise its Staff Remuneration Package Review Policy to reflect the need to commission this report outside of the scope of works of the external audit.

Council Meeting

19th August 2020

8.32 Murray Irrigation Bridge Structures

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That Council seek legal advice with regard the upgrading of Murray Irrigation Bridge Structures as a result of increased roadway requirements within the Berrigan Shire Council Local Government Area with regard the 1995 lease between Murray Irrigation Limited and Council and furthermore offer to seek said legal advice jointly with Murray River, Edward River Murrumbidgee and Federation Shire Councils.

Report:

On the 23rd of July 2020 correspondence was received from Murray Irrigation (MIL) in relation to bridges within the Berrigan Shire LGA. The correspondence may be found in "Appendix 8.32-A".

Council currently maintains a Higher Mass Limit (HML) network. Any vehicle is permitted to travel at HML Loading on our HML network without obtaining a permit. In the event that a vehicle requests to travel at HML loading on a road outside of our HML network, and Council is comfortable, the following condition is added to the permit:

In the event that damage occurs to Council's infrastructure the costs of remediation will be borne by the transport company. If there is a possibility of impact on assets of other utility providers, the transport company should contact them directly.

It is intended that the transport operator seek consent from MIL to travel at HML loading over their structure, which removes liability from Council.

A copy of the Berrigan Shire Council HML Network may be found in "Appendix 8.32-B".

It is agreeable that the bridges highlighted in the correspondence from MIL should be structurally assessed and safe load rating determined. However, it is reasonable to expect that traffic conditions will change with time and it is reasonable to state that trucks are carrying heavier loads since the signing of the C.A.A.T (Councils Against Asset Transfers) agreement.

A map of the higher risk bridges identified by MIL is attached in "Appendix 8.32-C".

The majority of the MIL structures have no benefit to Council. In the hypothetical event that MIL ended its lease on the structures, Berrigan Shire Council would most likely commence a program of removing the bridges and filling in the irrigation canals. It is unjustifiable to be leasing bridge structures to MIL at a rate that does not recoup enough revenue to carry out maintenance, upgrades and replacements, which is the opinion that such expenses are to be borne by the lessee under the maintenance conditions of the C.A.A.T agreement.

It is recommended that Council seek legal advice jointly with Murray River, Edward River Murrumbidgee and Federation Shire Councils to determine a way forward.

A copy of the C.A.A.T agreement is attached in **Appendix 8.32-D**"

Council Meeting

19th August, 2020

8.33 Financial Review

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

- a) Note the fourth quarterly review of the 2019/20 budget
- b) Vote the funds the funds contained therein, including carry forward items to 2021/22, as shown in **"Appendix 8.33-A"**.

Report:

Circulated with this report as **"Appendix 8.33-A"** is the final quarterly financial report and program summary for the year ended 30 June 2020.

Note, no Quarterly Budget Review Statement has been prepared for this quarter. This is consistent with the Council's obligations under the *Local Government Act 1993* and associated regulations.

This report presents the final position for the year on a cash basis but also includes accruals for salaries, plant and creditors which relate to the 2019/20 financial year. The result does not include final figures for depreciation or the entire end of year journals that may be required for audit, but do include funds spent on capital works projects.

This report reflects the Council's final operating and capital expenditure results for 2018/19 and is not based on anticipated outcomes as are the other quarterly reports produced throughout the year. The final result is subject to external audit which is expected to be conducted on 28 September 2020.

The summarised results are as follows:

Actual surplus for the year ended 30/6/2020	\$ 6,552,428
Less unspent capital works carried forward to 2020/21	<u>\$(4,378,658)</u>
Surplus after carry forward items	\$2,173,770
less projected surplus from March 2020	<u>\$(267,917)</u>
Increase in surplus for 2019/20	\$ 1,905,853

Note that this large increase in surplus is largely the result of the decision by the Federal Government to pay 50% of the 2020/21 Financial Assistance Grant (FAG) in advance. The additional FAG paid was \$2,558,112.

Taking FAG paid in advance into account the revised **decrease** in cash surplus for the quarter was \$652,259 and the overall cash **deficit** is \$384,342. Note that this includes some expenditure for which the Council has made funding arrangements at the July ordinary meeting of the Council.

Various self-funded programs such as water, sewer, waste management, overheads and plant have been balanced with transfer to and from reserves and therefore do not impact on the above result.

In nearly every case, items which make up the carry forward figure of \$4,378,761 have been previously allowed for in the revised budget figures. They have usually been carried forward due to the projects not having been completed, and the project being deemed still worthwhile for completing in 2020/21.

The carried forward figure for 2020/21 has again increased from last year. This is largely as a result of the Council’s commitment to completing some large scale grant funded programs – continuing to delay somewhat the Council’s own works program.

As a general rule capital items which have not been spent are carried forward unless the project is complete or the project is deemed no longer necessary. Operating items are generally only brought forward if the money is tied to a grant and therefore must be spent on a particular program.

It is important to note that the figures supplied in this report have not yet been audited. Figures could change as a result of discoveries that occur as a result of getting information ready for the audit or as a result of investigations by the auditors. The figures take into account all known and quantifiable factors up to the time of this report.

A complete list of carry forward items is shown below.

DESCRIPTION	CARRY FORWARDS (\$)
EXPENSES	
1001-0347 ELECTION EXPENSES	103,705
1001-0348 COMMUNITY SURVEY	23,564
1214-0200 ERRADICATE CONTAIN INVASIVE SPECIES	16,766
1214-0400 Capacity Building	18,711
1412-0528 BERRIGAN TIP - FENCE	15,000
1412-0531 CONCRETE CRUSHING	80,000
1412-0535 COMPULSORY AQUISITION CROWN LA	100,000
1417-0830 BRUTON ST ELEC & PIPEWORK	24,083
1417-0835 MURRAY ST WARMATTA TO WOLAMAI	22,300

DESCRIPTION	CARRY FORWARDS (\$)
1417-0845 MCALLISTER St - HEADFORD TO OSB	49,442
1417-0846 JERSEY ST - CHANTER TO TUPPAL	2,092
1417-0850 DENISON - WOLLAMAI TO WARMATTA	3,825
1417-0852 TOCUMWAL ST- WOLLAMAI TO WARMATTA	74,790
1417-0853 MORRIS ST- TOC REC RESERVE	5,944
1417-0855 DRAINAGE ELECTRICAL CABINETS	23,708
1417-0856 TOCUMWAL ST - TUPPAL TO WOLLAMAI	75,000
1417-0857 TONGS ST CEMETERY PIPE DRAIN	17,798
1417-0859 DENISON ST - HORSFALL/NANGUNIA	35,000
1417-0860 BRUTON ST - KERB CONNECTION	15,000
1417-0861 JERILDERIE ST NTH - BRUTON ST	10,000
1418-0501 LEVEE 1 - 4675-5700	1,803
1418-0502 LEVEE 1 - 7580-8435	34,200
1418-0503 LEVEE 1 -9100-9650	22,000
1418-0505 LEVEE TREE WORKS REMOVAL	72,787
1418-0506 LEVEE 3 - 220M	8,800
1418-0507 LEVEE 5 - 2260M	47,012
1418-0508 LEVEE WORKS - GEOTECH	16,340
1418-0509 SEPPELTS LEVEE	30,000
1418-0932 JERSEY ST PRECINCT - LEVEE	14,612
1421-0120 BERRIGAN CONSERVATION GROUP EX	19,742
1510-0535 WATER SUPPLIES PRINCIPLE ON LCLI LOAN 400	178,751
1510-0665 TOC-CHLORINE DOSING SYSTEM	20,000
1510-0668 FIN - CLARIFIER REPLACE PONDS	475,000
1510-0669 METER CYBAL REPLACEMENT	335,682
1510-0880 CHEMICAL PUMP REPLACEMENT	1,287
1510-0882 WATER MAIN REPLACEMENT	10,000
1510-0885 BGN - WTP FENCE REPLACEMENT	20,000
1510-0889 FIN - WTP FENCE REPLACEMENT	15,000
1510-0894 BGA - EXPANSION WTP	3,944,111
1510-0895 BGN - STATIC MIXER	11,676
1510-0896 FIN - UPGRADE WTP (DAFF)	6,599,565
1510-0897 AUTOMATION QUALITY CONTROL	199,039
1510-0898 REPLACE COMPRESSOR TOCUMWAL	20,000
1611-0300 TRADE WASTE MANAGMENT	71,109
1610-0512 PUMP REPLACEMENT	30,000
1610-0526 SEWER MAIN UPGRADES - TOCUMWAL	78,838
1610-0550 BGN - STP FENCE	10,000
1610-0551 TOC - FENCE REPLACEMENT	34,975

DESCRIPTION	CARRY FORWARDS (\$)
1610-0590 BGN SEWER MAIN UPGRADES	56,000
1610-0621 BGA UPGRADE PUMP STATION	34,703
1610-0658 SPARE PUMPS FOR LOW PRESS SYS	3,110
1610-0705 FIN UPGRADE PUMP STATIONS	7,485
1610-0883 FIN - GRAVEL POND BANKS	10,000
1610-0899 FIN - DESILT PRIMARY POND	80,000
1610-0900 FIN - UPGRADE PUMP STATION	10,000
1610-0901 NEW DRYING BED	50,000
1610-0905 BGN - REPLACE ELECTRICAL CABINET	17,619
1610-0912 FIN-ODOR INVESTIGATE/ MITIGATE	50,000
1610-0932 JERSEY ST PRECINCT - Sewer	172,800
1610-0933 TOC SEWER MAIN RELINING	100,000
1611-0342 TOCUMWAL CCTV	40,154
1710-0235 LIBRARY SPEC. PROJ. OPERATING	25,622
1714-0505 TOC HISTORICAL AERO MUSEUM THAM	448,150
1718-0500 TOC FORESHORE STAGED DEVELOP	685,300
1718-0501 RUSSEL CRT OPEN SPACE	14,362
1718-0502 RAILWAY PARK UPGRADE	389,729
1718-0553 TOC CREEK WALK PLAN IMPLEMENTATION	95,000
1905-0100 TOWN ENTRY - BAROOGA	24,935
1910-0357 R/S McALLISTER ST 216-679	6,206
1910-0364 RESEAL HILL ST TOC 0- 70	5,268
1910-0365 RESEAL HILL ST TOC 70-392	15,245
1910-0366 RESEAL HILL ST TOC 392-492	4,000
1910-0750 RESEAL CHANTER ST BGN PARKLANE	1,000
1910-0809 RESEAL DENISON ST FIN 466-1409	29,323
1910-0821 RESEAL McALLISTER ST FIN	5,000
1910-0823 RESEAL MURRAY ST - WELLS/SCHOU	11,930
1910-0827 RESEAL TOCUMWAL ST FINLEY	13,995
1910-0857 RESEAL ULUPNA ST FIN 411-452	2,501
1913-0553 LANE 961 - BRUTON ST BAROOGA	60,000
1913-0845 McALLISTER ST - HEADFORD TO OSB	56,879
1913-0856 DC1 SCOLLAR STREET - EXTENSIO	16,383
1913-0915 COBRAM ST TOCUMWAL RECONSTRUCT	40,000
1913-0924 HANNAH ST - CALAWAY TO END	5,000
1913-0931 JERILDERIE ST NTH - BRUTON ST	10,000
1913-0932 JERSEY ST - CHANTER - TUPPAL	317,173
1914-0062 CROSBIES RD 0.1/2.7	50,000
1914-0077 BUSHFILEDS RD 00-5KM	15,265
1914-0095 PEPPERTREE RD 3.5/4.2	35,612
1914-0110 WOOLSHED RD 2.4/2.9 & 3.5/4.8	185,131

DESCRIPTION	CARRY FORWARDS (\$)
1911-0010 RESEAL COLDWELLS RD 3621-MR363	63,000
1917-0541 NEW FOOTPATHS - VARIOUS LOCATIONS	20,000
1911-0209 RESEAL BURMA RD 00-1.3	25,000
1916-0852 JERIDERIE ST NTH - BRUTON ST	22,500
1916-0853 HANNAH ST - CALAWAY TO EXISTIN	22,000
1916-0932 JERSEY ST CHANTER - TUPPAL	55,200
1917-0664 MURRAY ST HEADFORD TO OSBOURNE	24,437
1917-0667 LAWSON DR BGA	39,920
1917-0668 NANGUNIA ST BGA	4,538
1917-0676 TONGS WALKING TRACK - FIN	9,395
1917-0678 RACECOURSE RD BGN WALKING TRAC	49,920
1917-0679 DAWE AVE FINLEY	40,000
1917-0680 DONALDSON ST FIN - DAWE/SCHOUL	13,000
1917-0681 SCHOULLAR ST FIN	7,000
1917-0932 JERSEY ST PRECINCT - Footpath	48,694
1918-0515 STREET LIGHTING IN TOWNS	8,562
1920-0184 TOC AERO RUNWAY 18-36 HEAVY PA	42,144
2015-0529 FIN SUBDIVISION - LEWIS CR	600,000
INCOME	
1200-1952 ADVERSE EVENTS PLAN DC2	12,500
2800-1500 WEEDS ACTION PLAN GRANT	62,185
3670-2026 DWM TRANSFER TO RESERVE	195,000
4110-2026 WATER SUPPLIES TRANSFER TO RESERVE	11,830,111
5110-2026 SEWER SERVICES TRANSFER TO RESERVE	856,793

9. ITEMS FOR NOTING

Recommendation:

That Items for Noting numbered 9.1 to 9.8 inclusive be received and noted.

Council Meeting

19th August 2020

9.1 South West Arts Annual Report

Report by: General Manager, Rowan Perkins

Strategic Outcome: 3. Supported and engaged communities

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

Report:

South West Arts, of which the Council is a member has provided a copy of its 2019 Annual Report for the information of the Council.

A copy of the Annual Report is available from the General Manager for perusal by interested Councillors.

Council Meeting**19th August, 2020****9.2 Outstanding Rates and Debtors Balances**

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

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

Report:

This report is a summary of outstanding Rates and Charges (Part 1) and Debtors (Part 2) as at 30 June 2020, and how these balances compare to the previous year.

Rates and Charges

The final collection ratio for outstanding rates and charges has slightly improved from last year.

The final collection percentage of **97.54%** is particularly pleasing when considering the recent climatic conditions, associated negative local economic factors and the ongoing effects of COVID-19 which have presented challenges on an almost a daily basis. I would like to acknowledge the ongoing efforts of the Assistant Revenue Officer and Water Safety Officer for their part in achieving this excellent result.

The Council has a moral obligation to its community to ensure that all ratepayers pay their rates. Council has continued to make the Hardship Policy available to ratepayers. This allows for some consideration of the special circumstances of qualifying ratepayers.

The Revenue Department received one application for hardship relief during 2019/2020 that was approved.

The Revenue Department have continued the exceptional working relationship with our Debt Collection Specialist and have enjoyed very beneficial results.

In line with Council's Debt Management Policy a range of sound Debt Management strategies have been utilised throughout the 2019/20 year such as:

1. Personal meetings and phone calls with large outstanding ratepayers,
2. Garnishing wages,
3. Rental Garnish Orders on Properties
4. Statement of Claims, which, whilst not popular with the ratepayers concerned, has achieved satisfactory results.

5. Council sold a property for Unpaid Rates in October 2019, another property owner settled a large outstanding balance prior to their property being sold on the same date.

Council have enforced warrants on ratepayers to appear at court hearings to consider payment of their outstanding rates. This process is a last resort after all other options have been exhausted and not achieved a suitable repayment plan.

There are two factors which have contributed to the final positive debt ratio result, which include:

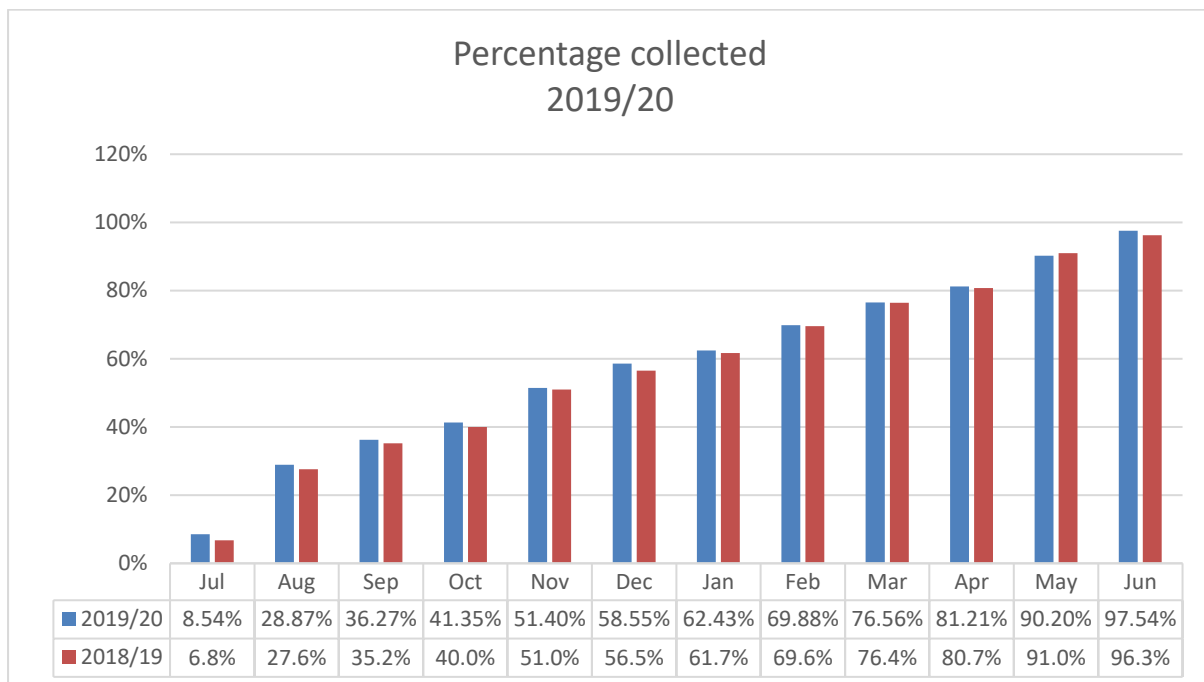
1. A more hands on approach to debt recovery by Revenue staff.
2. Increased engagement of ratepayers with large outstanding balances and the entering into suitable sustainable payment arrangements.

The adjustments made by the Water Safety Officer to align Water Consumption Notices with Rate periods over the last two years has been successful in achieving a positive result by 30th June.

The first table below is a summary of the amounts outstanding compared to the initial 2019/20 levy. The second table below shows the amounts outstanding from each instalment.

		Balances		Percentage outstanding
		Original levy	30 June 2020	
Arrears from prior levies		\$524,160.33	\$74,930.39	14.30%
Instalment	31 August 2018	\$2,466,070.76	\$24,066.60	0.98%
	30 November 2018	\$2,554,941.46	\$37,814.29	1.48%
	28 February 2019	\$2,578,252.92	\$75,013.51	2.91%
	31 May 2019	\$2,585,933.37	\$227,560.63	8.80%
Water Consumption		\$101,499.11	\$130,744.27	
Unallocated Receipts R & W		-\$56,584.75	-\$305,973.25	
Totals		\$10,574,273.20	\$264,156.44	2.46%

The chart below shows the progress in revenue collection of the 2019/2020 rates levy throughout the financial year



Debtors

Total outstanding debtors have decreased by \$107,120 this year the largest decrease being in the General/Sundry/Other Debtors. The below table shows a comparison of debtor types since 30 June 2014. There are no significant concerns at this stage about any of the outstanding amounts and most should be paid throughout the financial year.

Please note also that these figures reflect balances prior to the completion of the Annual accounts, and that other debtors maybe included in the preparation of Councils annual statements.

Debtor Class	30/06/14	30/06/15	30/06/16	30/06/17	30/06/18	30/06/19	30/06/20
General	\$183,040	\$281,795	\$121,406	\$429,670	\$970,628	\$148,663	\$149,207
Food Inspection	\$2,523	\$2,477	\$73	\$403	\$2797	\$218	\$73
Half Cost Works	\$86,459	\$59,877	\$53,795	\$114,507	\$116,691	\$130,750	\$38,631
S355 Comm Loans	\$70,946	\$148,316	\$78,970	\$59,239	\$12,230	\$0.00	\$7,643
Swimming Pools	\$19,735	\$13,917	\$23,399	\$0	\$4,739	\$17,080	\$644
Cemetery	\$51	\$2,595	\$1,372	\$348	\$7,106	\$6,515	\$1,882
Grants	\$19,600	\$51,174	\$21,822	\$337,462	\$125,065	\$361,871	\$353,352
Staff Debtors	-\$3,562	\$5,034	\$351	\$423	\$856	\$368	\$3,005
Superannuation	-\$1,906	-\$1,136	-\$480	-\$858	-\$1,075	-\$5,317	-\$4,095
Land Sales	\$65,000	\$315,664	\$0	-\$858	\$172,000	-\$2,000	-\$1,000
Aerodrome	\$4,225	\$3,768	\$3,709	\$2,933	\$230	\$285	\$1,971
Total	\$450,708	\$883,480	\$305,035	\$1,031,126	\$1,411,266	\$658,432	\$551,312

Council Meeting**19th August, 2020****9.3 Your Council Website**

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Report:

The Office of Local Government (OLG) has updated the “Your Council” website with the latest available comparative data from the 2018/19 financial year.

OLG state that:

The interactive website is part of the Office of Local Government’s ongoing commitment to improve the quality of information that is available to the community on council performance.

Since its launch in September 2019, the website has recorded 86,396 page views and 10,756 unique users.

The website highlights trends, achievements and key statistics, and allows ratepayers to access a comprehensive annual report card on NSW councils.

These key performance measures help councils to actively manage and improve their organisation’s performance and provide the community with more meaningful information on the drivers behind their performance

The report presenting stand-alone results for Berrigan Shire Council can be found at <https://www.yourcouncil.nsw.gov.au/council-data/berrigan/2018/>

A PDF version of the report is attached as “**Appendix 9.3-A**”.

The report assesses Berrigan Shire Council with a group of other peer councils in NSW, all of which are of similar size and profile.

The report shows that Berrigan Shire Council on average charges lower ordinary rates than its peer NSW councils across residential, business and farmland categories as well as domestic waste. However it charges a slightly higher rate for its combined water and sewer charges.

The Council compares well with its peer councils in a range of other performance measures including operating performance ratio and outstanding rates and charges. Berrigan Shire Council employs one person per 93 residents, a much lower staffing ratio than its peer councils (one employee per 69 residents).

On the other hand, Councillor expenses are somewhat higher than peer councils and the elected Councillors are less diverse than most peers.

Berrigan Shire Council assessed over 50% more Development Applications than the average of their peer councils and despite this additional workload managed to assess Development Applications more than 50% quicker than the average peer council.

Council Meeting

19th August, 2020

9.4 Murray Darling Association National Conference and Annual General Meeting

Report by: General Manager, Rowan Perkins

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Report:

The Murray Darling Association National Conference will be held virtually from 14th – 16th September 2020. The National Conference will be followed by the Annual General Meeting. Registration fees are \$175 for the entire conference or \$95 per day.

The Council's delegates to the Murray Darling Association are Cr's Reynoldson and Jones with Cr Bodey as an alternate.

If delegates or others wish to participate in the conference an appropriate resolution should be sought from the Council.

Council Meeting

19th August, 2020

9.5 Half Cost Footpath Schemes

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Report:

At its meeting held on 20th May 2020 the Council resolved “that a request be made to the NSW Government via correspondence to the Premier, the Minister for Local Government, the Minister for Roads and Transport and the Minister for Regional Transport and Roads for NSW Legislation to be amended to provide a more equitable method of recouping the costs of construction of new footpaths from benefiting landowners”.

A response has been received from the Minister for Local Government, following the Council’s representation, which is circulated with this agenda as “**Appendix 9.5-A**”.

Council Meeting

19 August 2020

9.6 NSW Local Government Model Code of Conduct

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Report:

The NSW government has released revised:

- Model Code of Conduct for local councils in NSW, and
- Procedures for the Administration of the Model Code of Conduct for local councils in NSW

The revised documents are attached as **“Appendix 9.6-A”**.

The Office of Local Government has advised that the changes include:

- Expanding the Office of Local Government’s role in code of conduct breaches with councils limited to formally censuring Councillors only. OLG will step in and impose more serious penalties, if appropriate, including requiring a public apology, suspension of payment of fees, and suspension or disqualification from office. This new process will also reduce time and cost to investigate complaints and take action.
- Requiring councils to publicly disclose the findings of an investigation when censuring a Councillor to ensure the public is aware of the misconduct and therefore act as a deterrent to bad behaviour.
- Allowing Councillors to avoid formal censure by their council for minor offences by making voluntary undertakings including apologising and attending training, mediation and counselling. This will ensure resources are directed to investigating more serious breaches.
- Removing the requirement for Councillors to formally appoint panels of conduct reviewers to investigate code of conduct breaches. Conduct reviewers can be appointed by the council general manager.
- Requiring webcasts of council meetings to be kept on council websites for at least 12 months.

- Strengthening the language in the Model Code of Conduct describing the various grounds of discrimination to reflect more contemporary standards.

While the new Model Code and Procedures have been gazetted, the changes will not formally come into effect until the necessary regulation is made. At that stage, the Council will need to revise its own Code of Conduct adopted in May 2019.

Council Meeting

19th August 2020

9.7 Berrigan Shire Local Strategic Planning Statement 2020 - Published

Report by: Town Planner, Elizabeth Schindler

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Report:

The Berrigan Shire Local Strategic Plan 2020 (LSPS) was adopted by Council at its ordinary meeting on 20 May 2020. A resolution from the Council meeting was the document would be published including minor formatting edits and is to be placed on the NSW Department of Planning, Industry and Environment (the Department) Planning Portal.

This report advises Council that the Berrigan Shire LSPS has been published (please see attached). Furthermore, the Berrigan Shire LSPS is now placed on the Departments Planning Portal, collectively with all the other Council's LSPS in NSW.

A link to the Planning Portal and the location of the Berrigan Shire LSPS is as follows:

<https://www.planningportal.nsw.gov.au/publications/local-strategic-planning-statements>

The Berrigan Shire LSPS is also published on Council's website for public viewing.

Conclusion

This report advises Council that the Berrigan Shire LSPS has been published on the NSW Planning Portal which addresses the resolution of the Council meeting 20 May 2020.

Council Meeting

19th August 2020

9.8 Development Determinations for Month of July 2020

Report by: Executive Support Officer, Rebecca Ware

Strategic Outcome: 2. Good government

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

Report:

APPLICATIONS DETERMINED FOR JULY 2020

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
171/20/DA/D5	RESIDENTIAL STORAGE SHED	43 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot69//DP1070311)	Matthew Mills	MR MA MILLS	Approved 13-07-2020	\$ 8000.00	Active 34	Total 34
174/20/DA/DM	SHIPPING CONTAINER	16-18 DAVIS STREET, BERRIGAN NSW 2712 (Lot A//DP364777)	Stephen Zeller & Tracy Dunn	MR SG ZELLER AND MS TR DUNN	Approved 23-07-2020	\$ 0.00	Active 0	Total 37
175/20/DA/DM	EXTENSION OF EXISTING QUARRY	1931 BERRIGAN ROAD, BERRIGAN NSW 2712 (Lot2//DP223321)	Chris Kelly	MR R W MCCARROLL	Approved 02-07-2020	\$ 0.00	Active 21	Total 21
177/20/DA/D2	CHANGE OF USE OFFICE TO GYM	45-51 VERMONT STREET, BAROOGA NSW 3644 (Lot2/9/DP758057)	Shane Barbetti	FRANK BISOGNI PTY. LTD.	Approved 01-07-2020	\$ 15000.00	Active 15	Total 15
179/20/DA/D5	COVERED ALFRESCO AREA	47 BUDD STREET, BERRIGAN NSW 2712 (Lot23/P/DP3197)	Matthew Ross	MR MA ROSS AND MS KM NOLEN	Approved 17-07-2020	\$ 3500.00	Active 25	Total 25
180/20/DA/D5	REPLACEMENT OF RESIDENTIAL STORAGE SHED	12 SANDY LANE, TOCUMWAL NSW 2714 (Lot2/12/SP33846)	Monique Lewis	MS M E LEWIS	Approved 29-07-2020	\$ 10000.00	Active 0	Total 27
181/20/DA/DO	RURAL SHED & TEMPORARY OCCUPATION	21 HAMILTON STREET, FINLEY NSW 2713 (Lot5//DP1262202)	Timothy Price	MR TJ PRICE AND MRS SK PRICE	Approved 23-07-2020	\$ 19000.00	Active 23	Total 23
184/20/DA/D5	RESIDENTIAL STORAGE SHED	34-38 NANGUNIA STREET, BAROOGA NSW 3644 (Lot6//DP248756)	O'Halloran Property Service	MR J M BIGNELL AND MRS K M BIGNELL	Approved 13-07-2020	\$ 27014.00	Active 13	Total 13
4/21/DA/D2	BUILDING ADDITIONS NEW DECK	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)	MS Constructions Pty Ltd	BAROOGA SPORTS CLUB LIMITED	Approved 28-07-2020	\$ 43760.00	Active 17	Total 17
5/21/DA/DM	REMOVAL OF TREE	23 HAMILTON STREET, FINLEY NSW 2713	Sarah Gray	MR TJ GRAY AND	Approved	\$ 0.00	Active	Total

		Lot6//DP1262202)		MS SJ CONGRAM	20-07-2020		4	4
1/21/CD/M1	BV DWELLING & ATTACHED GARAGE	29 TAKARI STREET, BAROOGA NSW 3644 (Lot63//DP1123204)	SIMONDS HOMES	MR MC SIMPSON AND MRS PJ SIMPSON	Approved 15-07-2020	\$ 223575.00	Active 1	Total 1
2/21/CD/M4	STORAGE SHED	51-59 MOMALONG STREET, BERRIGAN NSW 2712 (Lot82//DP752284)	Renee Paine	MRS M D PAINE	Approved 23-07-2020	\$ 9500.00	Active 3	Total 3
3/21/CD/PC	BV DWELLING & ATTACHED GARAGE	4 MURRAY GROVE, BAROOGA NSW 3644 (lot18//DP1092267)	BPI VIC & NSW	MR TM CAMPBELL & MRS EL CAMPBELL	Approved 28-07-2020	\$313885.00	Active 0	Total 0

APPLICATIONS PENDING DETERMINATION AS AT 31/07/2020

Application No.	Date Lodged	Description	Property Location
88/20/DA/DM	16-12-2019	GENERATOR	51-53 DAVIS STREET, BERRIGAN NSW 2712 (Lot13//DP739679)
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	TOCUMWAL FORESHORE (Lot7002//DP1019579)
135/20/DA/D5	18-03-2020	RESIDENTIAL STORAGE SHED & CARPORT	1-3 COREE STREET, FINLEY NSW 2713 (Lot5/1//DP758412)
137/20/DA/DO	19-03-2020	RURAL SHED	3075 MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot8//DP1027384)
168/20/DA/DM	19-05-2020	5MW SOLAR PV ARRAY	BROOCKMANNS ROAD, FINLEY NSW 2713 (Lot61//DP1053533)
1/21/DA/D9	03-07-2020	4 LOT SUBDIVISION	23-27 SNELL ROAD, BAROOGA NSW 3644 (Lot50//DP1102913)
7/21/DA/D1	14-07-2020	BV DWELLING & ATTACHED GARAGE	8 BEATRICE COURT, BAROOGA NSW 3644 (Lot32//DP1102913)
8/21/DA/D5	17-07-2020	CARPORT & PERGOLA	41 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot21//DP1071667)
9/21/DA/D6	17-07-2020	ADDITIONS TO DWELLING	21 HADLEY STREET, TOCUMWAL NSW 2714 (Lot18//DP1250358)
10/21/DA/D5	17-07-2020	RESIDENTIAL STORAGE SHED	10-12 WOLLAMAI STREET, FINLEY NSW 2713 (LotW//DP412105)
11/21/DA/D6	17-07-2020	DWELLING ADDITIONS	23 HADLEY STREET, TOCUMWAL NSW 2714 (Lot17//DP1250358)
12/21/DA/D1	17-07-2020	DWELLING & CARPORT	2 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot63//DP1131677)
13/21/DA/D9	17-07-2020	2 LOT SUBDIVISION	51 WIRRAWAY COURT, TOCUMWAL NSW 2712 (Lot48//DP1233177)
14/21/DA/D5	17-07-2020	VERANDAH	94 KELLY STREET, TOCUMWAL NSW 2714 (Lot72//DP611198)
15/21/DA/DM	23-07-2020	2.4M HIGH COLOURBOND BOUNDARY FENCE	5 ATHOL WHITE COURT, TOCUMWAL NSW 2714 (Lot261//DP44490)
16/21/DA/D5	24-07-2020	CARPORT	26 WHITE STREET, FINLEY NSW 2713 (Lot128//DP719841)

17/21/DA/DM	24-07-2020	PRIVACY SCREEN	34 MCALLISTER STREET, FINLEY NSW 2713 (LotC//DP437731)
18/21/DA/D5	24-07-2020	SUNROOM & PATIO WITH DECK	4 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot13//DP285573)
19/21/DA/DM	24-07-2020	CHANGE OF USE OFFICE - HAIRDRESSING SALON	32 HILL STREET, TOCUMWAL NSW 2714 (Lot23//DP618811)
21/21/DA/D3	24-07-2020	SITE UPGRADES	27-31 LYSAGHT STREET, BERRIGAN NSW 2712 (Lot5//DP1017892)
22/21/DA/D1	24-07-2020	BV DWELLING & ATTACHED GARAGE	5 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot66//DP1131677)
23/21/DA/DO	24-07-2020	RURAL SHED	94 QUICKS ROAD, BAROOGA NSW 3644 (Lot31//DP859774)
24/21/DA/D5	24-07-2020	RESIDENTIAL STORAGE SHED	29 HUGHES STREET, BAROOGA NSW 3644 (Lot13//DP778361)

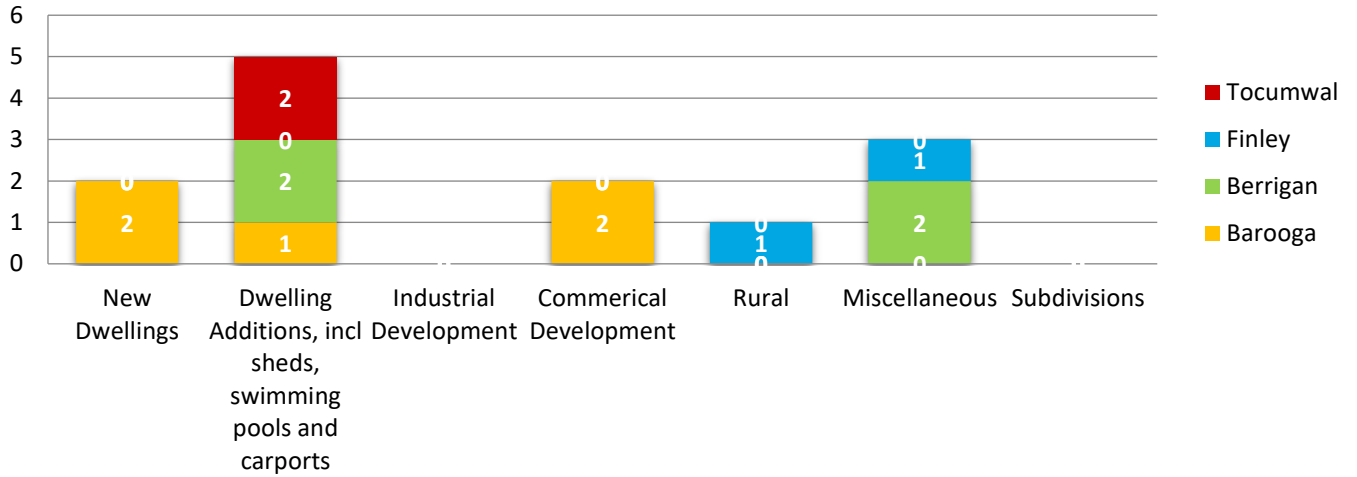
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (July)	Year to Date	This Month's Value (July)	Year to Date Value
Development Applications (DA)	10	10	\$126,274	\$126,274
Construction Certificates (CC)	9	9	\$365,575	\$365,575
Complying Development Certificates (CDC)	3	3	\$546,960	\$546,960
Local Activity (s.68)	7	7	0	0

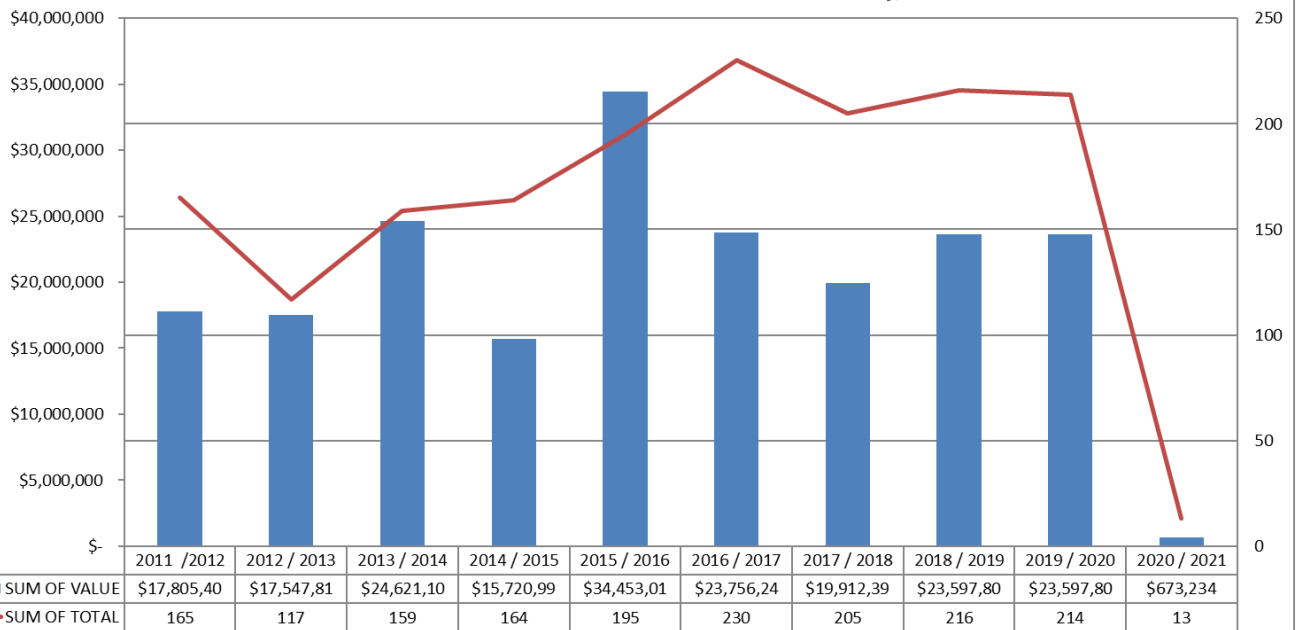
OTHER CERTIFICATES ISSUED FOR JULY 2020

	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	
	JULY	Year Total	JULY	Year Total	JULY	Year Total	JULY	Year Total	JULY	Year Total	JULY	Year Total
BAROOGA	10	10	0	0	1	1	0	0	0	0	2	2
BERRIGAN	7	7	0	0	2	2	0	0	1	1	1	1
FINLEY	9	9	0	0	1	1	0	0	0	0	0	0
TOCUMWAL	9	9	0	0	0	0	0	0	0	0	4	4
TOTAL	35	35	0	0	4	4	0	0	1	1	7	7

DEVELOPMENT ACTIVITY 2020/2021 as at 31 July, 2020



DEVELOPMENT ACTIVITY as at 31 July, 2020





10. COMMITTEES

11. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.

12. DELEGATES REPORTS

13. BUSINESS ARISING

14. CLOSE OF MEETING