



Council Chambers,
BERRIGAN NSW 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **20th February, 2019** when the following business will be submitted:-

9:00AM

Public Question Time

COUNCIL MEETING

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12.	CLOSE OF MEETING	

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

ROWAN PERKINS
GENERAL MANAGER

Items requiring Council Resolution



Council Meeting

Wednesday 20th February, 2019

BUSINESS PAPER

1. **APOLOGIES**
2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
3. **VISITORS ATTENDING MEETING**
4. **CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 16th January, 2019 be confirmed.
5. **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

Items requiring Council Resolution

- (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.

5.1 GENERAL MANAGER'S END OF YEAR PERFORMANCE REVIEW

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

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

It is not in the public interest to reveal the personal matters concerning individual staff.

5.2 DEVELOPMENT APPLICATION 105/18/DA/D9 KERB & GUTTER COSTS

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

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

It is not in the public interest to reveal the personal matters concerning individual staff.

Items requiring Council Resolution

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*.

- 5.1 **GENERAL MANAGER'S END OF YEAR PERFORMANCE REVIEW**
- 5.2 **DEVELOPMENT APPLICATION 105/18/DA/9 KERB AND GUTTER COSTS**

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

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Items requiring Council Resolution

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:

RESOLUTION

Items requiring Council Resolution

6.1 FINANCE - ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.066.1

RECOMMENDATION: - that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 January 2019, be received and that the accounts paid as per Warrant No. 01/19 totaling \$1,761,773.58 be confirmed.

REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 January 2019 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 January 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 January 2019, totaling \$1,761,773.58 and will be submitted for confirmation of payment as per Warrant No. 01/19
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) January has shown a small decrease in total funds held at the end of December. The current trend is comparable with the same period in other years and represents the general pattern in cash holdings over the year.

Items requiring Council Resolution

Overall funds are \$3M higher than the same period last year. Council is expecting to payout some very large orders for capital project works in the near future, whilst February will also see receipt of the third instalment of the Financial Assistance Grant and Rate instalments. As a result, total funds held expect to remain stable into March.

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Items requiring Council Resolution

Statement of Bank Balances as at 31 JANUARY 2019

Bank Account Reconciliation

Cash book balance as at 1 JANUARY 2019	\$ 4,020,686.57
Receipts for DECEMBER 2018	\$ 1,316,543.11
Term Deposits Credited Back	\$ -
	\$ 5,337,229.68

Less Payments Statement No 01/19

Cheque Payments V075854	\$ 897.90
Electronic Funds Transfer (EFT) payroll	\$ 605,407.53
Electronic Funds Transfer (EFT) Creditors E030664-E030880	\$ 1,124,769.44
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 30,698.71
Total Payments for JANUARY 2019	\$ 1,761,773.58

Cash Book Balance as at 31 JANUARY 2019

\$ 3,575,456.10

Bank Statements as at 31 JANUARY 2019

\$ 3,575,456.10

Plus Outstanding Deposits

\$ -

Less Outstanding Cheques/Payments

\$ -

Reconciliation Balance as at 31 JANUARY 2019

\$ 3,575,456.10

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	133/17	365	2.75%	28/05/2019	\$ 1,000,000.00
AMP	125/16	365	2.75%	5/06/2019	\$ 2,000,000.00
AMP	136/18	365	2.75%	17/10/2019	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	365	2.75%	15/05/2019	\$ 2,000,000.00
Bendigo Bank	141/18	365	2.30%	13/09/2019	\$ 2,000,000.00
Bendigo Bank	142/18	365	2.30%	26/09/2019	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	2.70%	31/08/2019	\$ 2,000,000.00
Defence Bank Limited	102/14	365	2.80%	4/04/2019	\$ 2,000,000.00
Defence Bank Limited	106/14	365	2.90%	29/06/2019	\$ 2,000,000.00
Defence Bank Limited	138/18	365	2.85%	10/01/2020	\$ 2,000,000.00
ME Bank	139/18	272	2.80%	25/03/2019	\$ 2,000,000.00
ME Bank	132/17	212	2.83%	8/08/2019	\$ 2,000,000.00
ME Bank	140/18	365	2.83%	8/08/2019	\$ 1,000,000.00
WESTPAC	137/18	92	2.76%	9/04/2019	\$ 2,000,000.00
NAB	143/18	365	2.75%	19/11/2019	\$ 2,000,000.00
					\$ 28,000,000.00

Total Funds Held at 31 JANUARY 2019

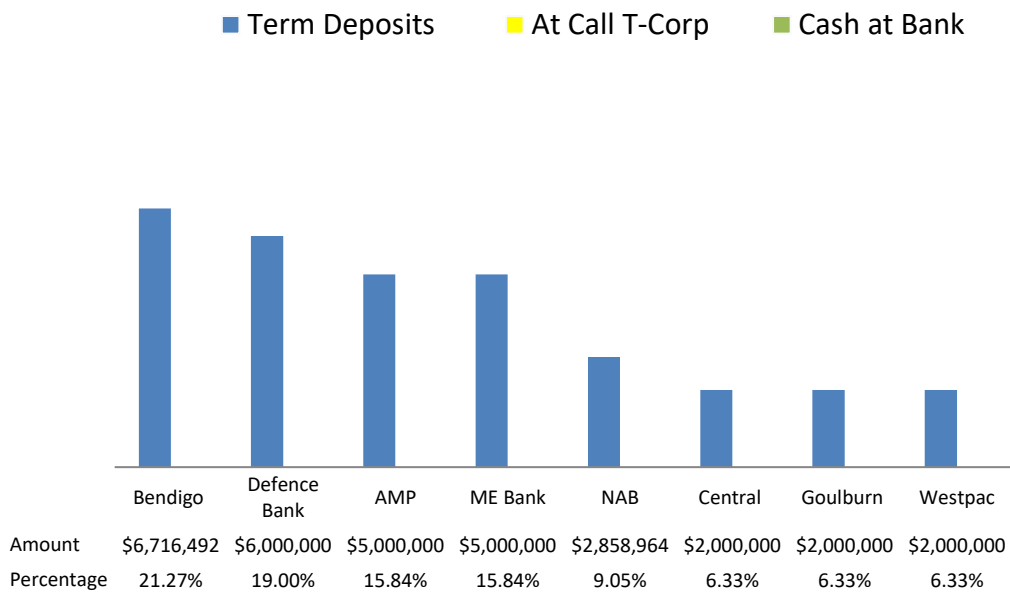
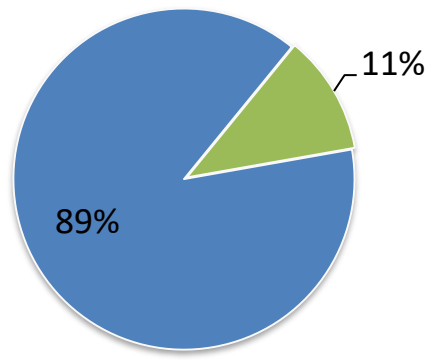
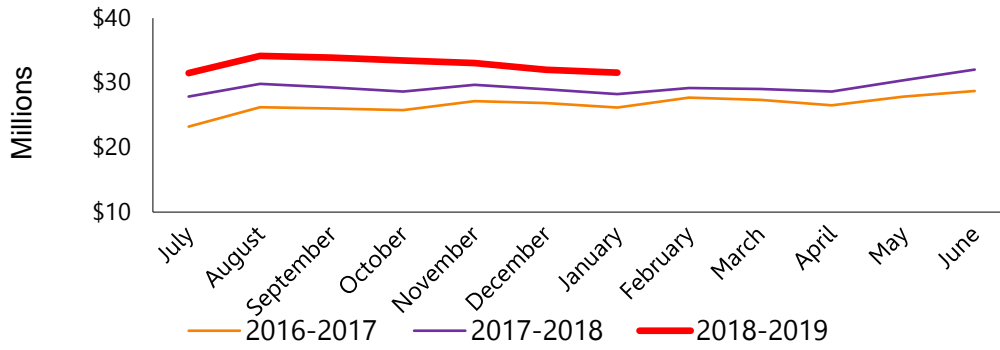
\$31,575,456.10

Carla von Brockhusen - Finance Manager

RESOLUTION

Items requiring Council Resolution

Total Cash and Investments



RESOLUTION

Items requiring Council Resolution

Term Deposits Credited Back				
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
Defence Bank Limited	275	\$ 2,000,000.00	2.80%	10/01/2019
WESTPAC	94	\$ 2,000,000.00	2.76%	8/01/2019

Term Deposits Invested / Reinvested				
Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
Defence Bank Limited	365	\$ 2,000,000.00	2.85%	10/01/2020
WESTPAC	92	\$ 2,000,000.00	2.76%	9/04/2019

RESOLUTION

Items requiring Council Resolution

6.2 RMS BLOCK GRANT

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 4.4 Connect local, regional and national road, rail, and aviation infrastructure

FILE NO: 28.128.1

RECOMMENDATION: that the Council enter into the Regional Roads Block Grant Agreement 2018/19 with the NSW Roads and Maritime Services.

REPORT:

The Roads and Maritime Services have forwarded the Regional Roads Block Grant Agreement 2018/19 to be signed on behalf of Council and returned.

The total funding available for 2018/19 is \$1,019,000 and this compares to \$998,000 for last financial year and this represents a 2.1% increase.

The agreement is in a similar form to previous years and will be available at the meeting should Councillors wish to peruse it.

Items requiring Council Resolution

6.3 RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 24.128.14

RECOMMENDATION: that the Council

- Provide public notice of its intention to re-establish Alcohol Free zones in accordance with Section 644B(4) of the *Local Government Act 1993* in line with its proposal attached as Appendix “D”
- Invite written submissions until 29 March 2019 with any submissions to be considered by the Council at the meeting to be held on 17 April 2019.

REPORT:

At its ordinary meeting held on 16 January 2019, the Council resolved to prepare a proposal for the re-establishment of Alcohol-Free Zones in the commercial and residential areas of Barooga, Berrigan, Finley and Tocumwal.

Subsequently, Council staff have prepared a proposal for consideration by the Council – in line with the requirements of the Local Government Act 1993 and the [Ministerial Guidelines issued pursuant to the Act.](#)

A copy of this proposal is attached as **Appendix “D”**

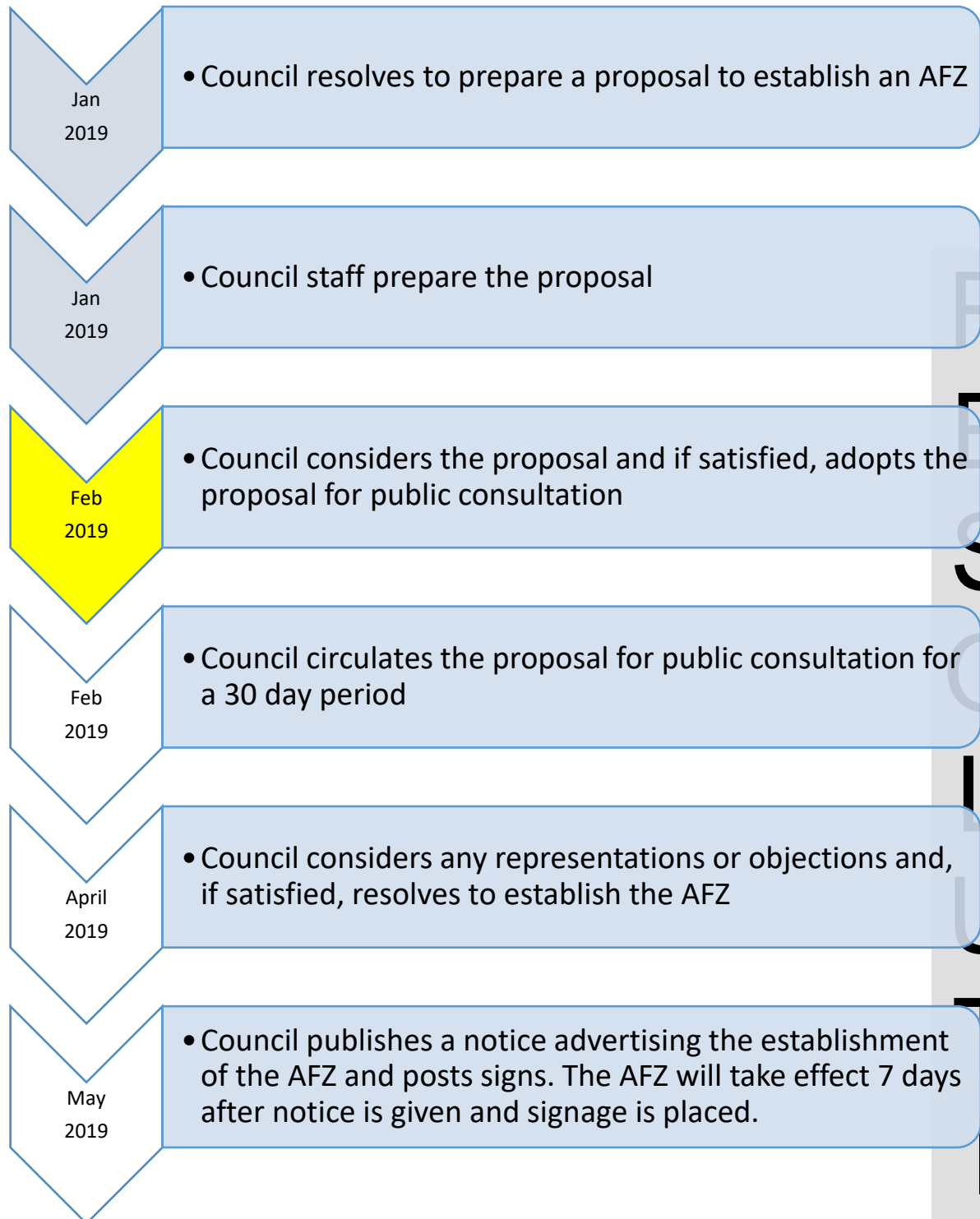
The proposal sets out the proposed AFZ areas and the process the Council must follow in re-establishing the AFZs. A summary of the process is shown on the diagram on the following page.

Once the Council considers the proposal and if satisfied, adopts the proposal for public consultation, the proposal will be circulated for public consultation. The proposal calls for submissions to be received by the Council by **29 March 2019**.

After consideration of any submissions received, the Council will resolve to establish the AFZs at its ordinary meeting on **17 April 2019**.

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Items requiring Council Resolution



Items requiring Council Resolution

6.4 AMENITIES BUILDING – BERRIGAN CARAVAN PARK

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO:

RECOMMENDATION: that the Council refer \$7,500 to its draft 2019/2020 budget for renovation of the Berrigan Caravan Park amenities building.

REPORT:

The lessees of Berrigan Caravan Park have written to the Council expressing concern with the condition of the amenities building at the Park.

Following receipt of the concerns the Council's Assets and Maintenance Officer inspected the building and provided the following report:

Structure Name: *Berrigan Caravan Park - Amenities Block*

Location: *104 - 120 Jerilderie Street, Berrigan*

Asset Code: *B0154 – Asset on Crown Land*

Brief Description and Condition:

This is a brick building with a corrugated iron roof in good condition. Building is currently being leased.



Items requiring Council Resolution

Recommendations

Currently under lease, building currently has experienced some minor movement and has been a common recurrence over time. Building has also experienced water leaks from the roof skylights.

The concrete access to the building from the east side has experienced movement and has become a tipping hazard and uneven not allowing adequate drainage of surface water away from building.

The issues can be resolved with maintenance done to the building, as set out in the recommendations below

These would not be considered a long-term solution as building has been experienced similar occurrences in the past.

Estimated cost of recommendations

Rec #	Item	Description of works	Est cost
1	Concrete access	Remove and replace existing concrete footpath on east side of building, upgrade drainage to from building.	\$2,800
2	Skylight removal	Remove existing skylights and replace with new roofing sheets, install 5x new illum skylights	\$2,130
3	Repair cracks and ceilings	Repair cracks in tiles and infill old niche in roof from existing skylights	\$450
4	Council Labour	Labour to install new roofing , skylights repair cracking and replace tiles (allowance of 46.5 hr)	\$1,860
5	Total	For council to complete works	\$7,240

Conclusion

The building is in ok condition and some maintenance is required to resolve ongoing issues with the building, I have estimated around \$7,500 would cover initial works as mentioned above.

As mentioned, this is not a long-term solution and I have priced a new modular building with a similar design to the existing building. Estimate to replace building
\$210,000.

Which includes new concrete slab, labour to install and new building delivered to site, see attached quotation.

Items requiring Council Resolution

This building has had many issues over the years and remains relatively sound and with its limited usage it is difficult to support its replacement.

RESOLUTION

Items requiring Council Resolution

6.5 SAVE OUR RECYCLING**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** 31.160.2**RECOMMENDATION:** That the Council:

1. Sign up to Local Government NSW's campaign, Save Our Recycling, to advocate that 100% of the Waste Levy collected by the NSW Government be reinvested in waste avoidance, recycling and resource recovery.
2. Make representation to the local State Member(s), in support of this campaign.
3. Write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Luke Foley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for 100% reinvestment of the waste levy collected each year into waste avoidance, recycling and resource recovery.
4. That Council take a lead role in activating the Local Government NSW Save Our Recycling campaign locally.
5. Endorse the distribution and display of the Local Government NSW Save Our Recycling information on Council premises, as well as involvement in any actions arising from the initiative.
6. Formally advise Local Government NSW that Council has endorsed the Save Our Recycling advocacy initiative

REPORT:

The Council has been requested by Local Government NSW to support its campaign to have all funds collected by the State under the Waste Levy spent on waste avoidance, recycling and resource recovery.

This Council is not subject to the levy and thus the Council is only being request to support the intent of the levy. Despite the Council not contributing to the levy it does fund the RAMJO Waste Officer position.

LGNSW has provided the following report for the Council's information.

Items requiring Council Resolution

The Protection of the Environment Operations Act 1997 (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility. The 'waste levy' aims to reduce the amount of waste disposed of to landfill, and encourage recycling and resource recovery.

The waste levy applies in the regulated area of NSW which comprises of the Greater Sydney metropolitan area including: Blue Mountains, Wingecarribee and Wollondilly councils, the Illawarra and Hunter regions, the central and north coast local government areas to the Queensland border.

However, very little of the waste levy is currently used to support waste avoidance, recycling and resource recovery, with the vast majority flowing to the NSW Government's consolidated revenue.

In 2016/17, the NSW Government collected \$726 million from local government, community, businesses and industry via the waste levy, but only committed to use \$72 million on waste avoidance and recycling in 2017-18.

This amount – roughly 10 per cent of the total levy collection – will be spent on the NSW Government's Waste Less Recycle More program.

The program allocates \$801 million over 8 years to waste and recycling, compared to a total of more than \$4.62 billion collected over the same period.

At a local government level, just 18% of the \$300 million collected annually from local government was returned to councils to reinvest in recycling and waste management.

The reinvestment of the waste levy to support waste and resource recovery infrastructure, develop markets and innovative solutions, and undertake other initiatives to encourage reuse and recycling offers wide-ranging benefits to our communities right across NSW.

There is the potential for economic growth, new infrastructure, new technology and new jobs, particularly in our regional areas.

It is noted that the following motion was unanimously endorsed at the Local Government NSW (LGNSW) 2018 Conference:

That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*
- *Local community waste recovery and repair facilities.*

Items requiring Council Resolution

- *Funding a wider range of sustainability initiatives, such as marketing and strategies, that promote and support a circular economy.*

This motion covered motions proposed by Blacktown City Council (resource recovery locations); Central Coast Council (waste levy revenues); Cessnock City Council (recycling crisis - funding support); City of Ryde (revenue raised by the waste levy); Federation Council (waste resource); Gwydir Shire Council (tyre recycling); Hornsby Shire Council (increase in grant funding for waste levy program); Leeton Shire Council (increase of waste levy distribution); and Shoalhaven City Council (POEO Levies). Related motions were also submitted by Tweed Shire Council (recycled products and procurement); Lake Macquarie Council (support for recycle end markets, reusable, recyclable or compostable packaging); and Orange City Council (waste management).

LGNSW continues to progress this policy on behalf of the local government sector via an advocacy campaign calling on all those contesting the State election to reinvest 100% of the waste levy collected each year into waste avoidance, recycling and resource recovery in NSW. This is not a party-political issue - the advocacy initiative calls on all parties and candidates to commit to the 100% hypothecation of the waste levy to the purpose for which it is collected.

Items requiring Council Resolution

6.6 2019-20 DRAFT CAPITAL WORKS BUDGET**AUTHOR:** Finance Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 04.121.4**RECOMMENDATION:** That the Council adopt the 2019-20 Capital Work Program attached as Appendix "E" as a draft for inclusion in its draft 2019-2020 Operational Plan**REPORT:**

At its ordinary meeting on 19 December 2018 the Council adopted its proposed timetable for review of its suite Integrated Plans for 2019/20. In line with this timetable, please find attached as **Appendix "E"** a copy of the draft 2019/2020 Capital Works program.

This draft program is based on the 2018/19 program with adjustments based on changes in priorities identified by the Council and Council staff, funding requests from Council and other stakeholders and informed by the Capital Works tour held in December.

Items of significance include:

Expenditure

Function	Change	Item	Amount	Comment
Domestic Waste	Remove	New Landfill hole BGN	\$55,000	Expenditure already undertaken 2018-19
Rural Roads Construction	Reallocation	Woolshed Rd 2.4 to 2.9 & 3.5 to 4.8	\$300,000	Change of priorities
	Reallocation	Maxwells Rd – Larkins Rd	\$200,000	Was Maxwells Rd - 5.7 to 7.4

Items requiring Council Resolution

Function	Change	Item	Amount	Comment
		to Riverina Hwy		
	Reallocated	Maxwells Rd - 5.7 to 7.4	(\$200,000)	To Maxwells Rd – Larkins Rd to Riverina Hwy
	Reallocated	Melrose Rd – 9637 to 10653	\$180,000	Change of priorities
	Reallocated	Lower River Rd - Causeways 2.8 and 3.2	\$200,000	Change of priorities
	Reallocated	Burkes Rd from Plumptions Rd to Lawlors Rd	\$100,000	Change of priorities
	Reallocated	Burma Rd 00 to 1.3km	(\$150,000)	Pushed out to 2024-25
	Reallocated	Bushfield Rd 00 to 5km	(\$355,000)	Pushed out to 2020-21
	Reallocated	Coldwells Rd - 5300 to 6300 east of Berrigan-Barooga Rd	(\$125,000)	Pushed out to 2020-21
Rural Roads Unsealed - Resheet	Reallocated	Miechels Rd from SH17 to 3.1km West	(\$139,000)	Pushed out to 2020-21
Urban Roads construction	Reallocated	To be determined	(\$153,000)	Allocated to specific jobs
Rural Roads Resheet	Reallocation	Sandhills Rd -Piney to Boxwood, Form & Gravel	\$200,000	Change of priorities
Corporate	New	Records Management Proposal	\$53,295	Advance to Electronic record management

RESOLUTION

Items requiring Council Resolution

Recreation Reserves	New	Finley Showground change room	ORG infrastructure Funding \$100,000 Council \$100,000	Council 50% contribution as per funding agreement
Public Health & Safety	New	Pound Facilities upgrade	\$120,000	To bring to minimum required standards
Sewer		Upgrade digester BGN	\$50,000	Under review
		Desilt primary pond FIN	\$80,000	Proposed works
		Odour investigation and mitigation FIN	\$50,000	Proposed works
		Sewer Main Relining TOC	\$100,000	Proposed works
		New Drying Bed TOC	\$50,000	Proposed works
		AC Main Renewals – Various	\$200,000	Proposed works
		Loan to Water Fund	\$1,000,000	Amount dependant on availability of grant funding
		Loan to General Fund	\$1,000,000	Contingency only – for potential Murray River Experience scope overrun
Water		Expansion of Barooga WTP	\$850,000	Proposed works
		Upgrade Treatment Process (DAFF)	\$2,000,000	Proposed works at Finley
		Replacement of Water	\$350,000	Proposed works

R E S O L U T I O N

Items requiring Council Resolution

		Mains – Various		
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Income

Function	Change	Item	Amount	Comment
Recreation Reserves	Additional	Finley Showground change room	ORG infrastructure Funding \$100,000	Funding gained
Water		Capital Works Water Loan from Sewer - Upgrade WTPs	\$1,500,000	Amount dependant on availability of grant funding
Community Amenities		Loan from Sewer Fund to General Fund - MRE Scope Change	\$1,000,000	Contingency only – for potential Murray River Experience scope overrun

The current 2019-20 Draft Capital Works Program also includes the following – already adopted projects:

- The Stronger Country Communities Round 2 program split out to the approved funding projects.

Please note this Draft does not include any submissions from Section 355 committees, or any projects resulting from the 2019 Council Corporate Workshop 21-22nd February 2019.

RESOLUTION

Items requiring Council Resolution

6.7 WAAAF CREEK WALK – TOCUMWAL**AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife**FILE NO:** 21.180.2**RECOMMENDATION:** That the Council adopt the WAAAF Creek Walk Concept Plan attached as Appendix “F”

REPORT:

Tocumwal Rotary Club, in partnership with Berrigan Shire Council and Tocumwal Farmers Market, commissioned Liesl Malan Landscape Architects to commission a concept plan for the development of the WAAAF Creek Walk in Tocumwal.

The plan is now complete and attached as **Appendix “F”**

The plan takes a risk management approach to the development of the WAAAF Creek Walk, prioritising safety improvements. The plan also allows for future works to improve linkages in Tocumwal and provide interpretation of Tocumwal’s World War II history, especially the history of the Women’s Auxiliary Australian Air Force.

An overview of the plan is shown on the following page.

Items for Noting

RECOMMENDATION – that Items for Noting numbered 7.1 to 7.4 inclusive be received and noted.

7.1 **2020 COUNCIL ELECTION**

AUTHOR: **General Manager**

STRATEGIC OUTCOME: **Good government**

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

FILE NO: **13.055.1**

REPORT:

The Council has recently received the following information from the Office of Local Government in relation to the conduct of future Council elections:

Amendments to the election provisions of the Local Government (General) Regulation 2005

What's new or changing?

Amendments have been made to the Local Government (General) Regulation 2005 (the Regulation) to:

- give effect to the Government's response to the recommendations of the Joint Standing Committee on Electoral Matters (JSCEM) in relation to preference counting in local government elections by:
 - introducing the weighted inclusive Gregory method of preference allocation with respect to council elections using the proportional voting system (recommendations 1 and 2)
 - removing the cap of four digits for a decimal fraction when calculating transfer values (recommendation 10) and
 - removing the option for candidates to pay for a recount (recommendation 8)
- give effect to the 2014 amendments to the Local Government Act 1993 that gave councils the option of holding a countback election to fill casual vacancies in the first 18 months of their terms instead of holding a costly by-election and prescribe the administrative requirements for countback elections

Items for Noting

- prescribe the administrative requirements for universal postal voting elections (currently, only the City of Sydney has the option of holding elections exclusively by postal voting because of its high number of nonresidential electors who, unlike other council elections, are required to vote at council elections)
- update other provisions of the Regulation to align with contemporary electoral practice as prescribed with respect to State elections under the Electoral Act 2017 and to make a number of other amendments that are consequential to that Act and the Electoral Funding Act 2018
- make other minor changes to improve the efficiency of the administration of council elections.

What this will mean for your council

- The amendments make the counting of votes at council elections fairer and more accurate and transparent by removing the random sampling method of preference allocation and replacing it with a fractional transfer system known as the weighted inclusive Gregory method. In a fractional transfer system, all ballot papers of the elected candidate are used to distribute the surplus. The ballot papers are distributed at a reduced rate by applying a transfer value.
- The new counting rules take effect on 11 September 2020, immediately before the next ordinary council elections.
- The prescription of the weighted inclusive Gregory method and the removal of the cap of four digits for a decimal fraction when calculating transfer values mean that it will no longer be possible to use manual counts for council elections.
- The prescription of the weighted inclusive Gregory method also means that the count will now be reproducible on a recount making countback elections possible.
- Following the September 2020 ordinary council elections, councils will be able to fill casual vacancies in civic office that arise in the first 18 months following the election by a countback election, saving councils the cost of a by-election. In the last 18 months of councils' terms, they retain the option of applying to the Minister for Local Government to dispense with a by-election
- Countback elections are not available for elections using the optional preferential voting system (including the election of a popularly elected mayor).
- To exercise the option of filling casual vacancies in the first 18 months using a countback election, councils must resolve at their first meeting

Items for Noting

following the ordinary election to fill vacancies using countback elections. OLG will provide further guidance on this closer to the relevant time. Key points

- A number of other amendments have been made to align the electoral provisions of the Regulation with the Electoral Act 2017 thereby reflecting the more contemporary electoral practices that apply at State elections. Key amendments include:
 - allowing the election manager to appoint centralised ballot counting centres to improve the efficiency of the administration of elections and reduce costs
 - allowing polling places for multiple wards or areas (thereby allowing, for example, voting in the Sydney CBD for other council areas). This is in addition to the existing requirement for polling places in each area and ward.
 - removing the requirement for the returning officer's office to be a polling place (reflecting the fact that these are also used to warehouse electoral materials and are often located in industrial areas)
 - allowing the early opening of postal ballot envelopes in the presence of scrutineers (but not early counting) so as to speed up the count on election night (this is consistent with the practice at State elections)
 - allowing candidates' nominations and the payment of deposits to be made electronically
 - allowing the election manager to provide candidates' statistical information sheets directly to OLG (rather than via councils' general managers) to improve the efficiency and speed of OLG's post-election research used to inform its strategies to promote greater diversity in candidates standing at the next council elections.

Items for Noting

**7.2 CEMETERIES AND CREMATORIA –
CHANGES TO REGULATION****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** 24.030.1

REPORT:

The *Cemeteries and Crematoria Act 2013* (the Act) was passed by the NSW Parliament and commenced on 24 October 2014. Part 4 of the Act is about to come into force, which introduces a new interment rights system in NSW. A fact sheet on the changes to the interment rights system is attached as **Appendix “G”**

The major change in to interment rights is the creation of a renewable interment right in addition to the permanent interment right that already exists. Note that offering a renewable interment right is **optional** – not mandatory – for cemetery operators such as the Council.

In the Council’s present circumstances there does **not** appear to be a need to change its current practice of offering permanent interment rights at its cemeteries in Barooga, Berrigan, Finley and Tocumwal.

From the Cemeteries and Crematoria Fact Sheet:

What is an interment right?

An interment right is a contract with a cemetery operator that allows the right holder to undertake burials in a particular grave or other allotment in the cemetery. The holder of the interment right can determine who can be buried in the grave or other allotment. An interment right is an ‘interest’ in land but the right holder does not become the owner of the land. Interment rights apply to burials in the earth and to burials in mausoleums, crypts and vaults. They also apply to burials of cremated remains in the earth, columbarium or niche wall.

What is a perpetual interment right?

A perpetual interment right allows the right holder to bury human remains in a particular grave or other allotment in a cemetery and for those remains to be left undisturbed forever (in perpetuity). Additional

NOTING

Items for Noting

interments may be added depending on the type of plot which has been purchased.

What is a renewable interment right?

A renewable interment right allows the right holder to bury human remains in a particular grave or other allotment in a cemetery and for those remains to be left undisturbed for an initial set period of 25 years. The renewable interment right can be renewed for additional periods up to a maximum of 99 years. Any human remains in the grave must remain undisturbed until the additional period expires. If a renewable interment right is not renewed, the grave may be re-used subject to a range of procedures as set out in the Act which must be followed by cemetery operators. The initial interment period for cremated remains may be up to 99 years

Items for Noting

**7.3 DIRECTOR TECHNICAL SERVICES -
COUNCIL APPRECIATION****AUTHOR:** Director Technical Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities**FILE NO:** 06.135.1

REPORT:

As this may be my last report to Council in my current role as Director of Technical Services, I wish to take this opportunity to thank all Councillors past and present that I have had the privilege of working with to provide services to Berrigan Shire Council.

It has always been a pleasure and privilege to work with people that only have intentions to improve the amenity and wellbeing of the residents of this shire and strive to improve and maintain the required infrastructure for this task.

The General Manager and staff have always been supportive, helpful and friendly and this has made my 17 years in the Directors role one of enjoyment rather than work.

I wish the Council, Councillors, General Manager and Council Staff all the best for the future and look forward to extending my contribution to the Shire in a new role.

NOTING

Items for Noting

7.4 DEVELOPMENT DETERMINATIONS FOR MONTH OF JANUARY 2019

AUTHOR: Executive Support Officer

STRATEGIC OUTCOME: Good government

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

FILE NO: 7.143.7

REPORT:

APPLICATIONS DETERMINED FOR JANUARY 2019

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
75/19/DA/D9	3 LOT SUBDIVISION	FRANKS ROAD, BAROOGA NSW 3644 (Lot6//DP1076143)	Mr M D & Mrs S V Robinson	MR M D & MS S V ROBINSON	Approved 24-01-2019	\$ 0.00	Active 42	Total 42
77/19/DA/D5	RESIDENTIAL STORAGE SHED	2-4 ROBERTSON STREET, BERRIGAN NSW 2712 (Lot10/17//DP758097)	Mr G Turner	MR G TURNER AND MS J PETERS	Approved 03-01-2019	\$ 16000.00	Active 24	Total 24
80/19/DA/D1	BV DWELLING & ATTACHED GARAGE	5 RIVERVIEW COURT, BAROOGA NSW 3644 (Lot5//DP1150036)	M S Constructions	MR BW & MRS CA MILLSTEED	Approved 09-01-2019	\$ 625255.00	Active 4	Total 25
81/19/DA/D1	DWELLING & ATTACHED GARAGE	3 BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot542//DP1107605)	Mr T Turner	MR T J TURNER	Approved 10-01-2019	\$ 180000.00	Active 4	Total 21
29/19/CD/MM	REMOVAL OF INGROUND FIBREGLASS POOL	10 AMAROO AVENUE, BAROOGA NSW 3644 (Lot17//DP537902)	Mr David Lock	MR DJ AND MRS HL LOCK	Approved 16-01-2019	\$ 4000.00	Active 3	Total 3
84/19/DA/D1	BV DWELLING & ATTACHED GARAGE	154 DENILIKUIN STREET, TOCUMWAL NSW 2714 (Lot52//DP1131677)	Dennis Family Homes	MR PM AND MRS AT TASSONE	Approved 18-01-2019	\$ 290719.00	Active 5	Total 5
89/19/DA/D1	RELOCATABLE DWELLING	22 LIBERATOR PLACE, TOCUMWAL NSW 2714 (Lot31//DP1190777)	Mr Andrew James Mitchell	MR AJ MITCHELL	Approved 29-01-2019	\$ 93000.00	Active 7	Total 7
93/19/DA/D5	RESIDENTIAL STORAGE SHED	10 HAYNES COURT, TOCUMWAL NSW 2714 (Lot84//DP1070311)	Mr Ryan Ellis	MR RF ELLIS	Approved 29-01-2019	\$ 9500.00	Active 5	Total 5
30/19/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	97 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot18//DP791586)	Poolside Cobram	MR WJ AND MRS CA ARTHUR	Approved 29-01-2019	\$ 37925.00	Active 3	Total 3

NOTING

Items for Noting

95/19/DA/D5	CARPORT	27-29 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot12//DP568638)	Mr C D & Mrs L J George	MR C D & MRS L J GEORGE	Approved 30-01-2019	\$ 3500.00	Active 4	Total 4
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APPLICATIONS PENDING DETERMINATION AS AT 12/02/2019

Application No.	Date Lodged	Description	Property Location
135/18/DA/D1	15-05-2018	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW (Lot19//DP286078)
136/18/DA/D1	18-05-2018	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot5//DP286078)
82/19/DA/D9	03-01-2019	6 LOT SUBDIVISION	36 WHITE STREET, FINLEY NSW 2713 (Lot1//DP871378)
83/19/DA/D3	11-01-2019	WEIGHBRIDGE	1-2 JAMES COURT, FINLEY NSW 2713 (Lot1//DP713895)
87/19/DA/D1	15-01-2019	BV DWELLING & ATTACHED GARAGE	22 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot59//DP1131677)
90/19/DA/D9	22-01-2019	SUBDIVISION OF LAND FOR STRATHVALE ROAD DEVELOPMENT	29 STRATHVALE ROAD, BERRIGAN NSW 2712 (Lot1//DP134611)
91/19/DA/D9	22-01-2019	SUBDIVISION OF LAND FOR STRATHVALE ROAD DEVELOPMENT	142 STRATHVALE ROAD, BERRIGAN NSW 2712 (Lot5//DP248677)
92/19/DA/DM	22-01-2019	INSTALATION OF FIRE PROTECTION SYSTEM	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)
94/19/DA/DO	24-01-2019	RURAL SHED	152 BABINGTONS ROAD, TOCUMWAL NSW 2714 (Lot2//DP1180527)
96/19/DA/D1	24-01-2019	DWELLING & ATTACHED CARPORT	60 RACECOURSE ROAD, BERRIGAN NSW 2712 (Lot51//DP1129629)
97/19/DA/D1	30-01-2019	TRANSPORTABLE DWELLING	10 OSBORNE STREET, BERRIGAN NSW 2712 (Lot6/7//DP758097)
98/19/DA/DM-M	08-02-2019	MODIFICATION TO INTERNAL LAYOUT	34-36 COREE STREET, FINLEY NSW 2713 (Lot9/7//DP758412)
99/19/DA/DO	08-02-2019	RURAL SHED	27 BELINDA COURT, TOCUMWAL NSW 2714 (Lot15//DP270154)
31/19/CD/M5	08-02-2019	INGROUND FIBREGLASS SWIMMING POOL	26 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot113//DP1070311)
100/19/DA/DM	08-02-2019	GENERATOR	21-23 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot1//DP1167182)
101/19/DA/DM	08-02-2019	TURF FARM	187 QUICKS ROAD, TOCUMWAL NSW 2714 (Lot2//DP1088371)
102/19/DA/D5	11-02-2019	CARPORT	14 BARINYA STREET, BAROOGA NSW 3644 (Lot2071//DP703885)

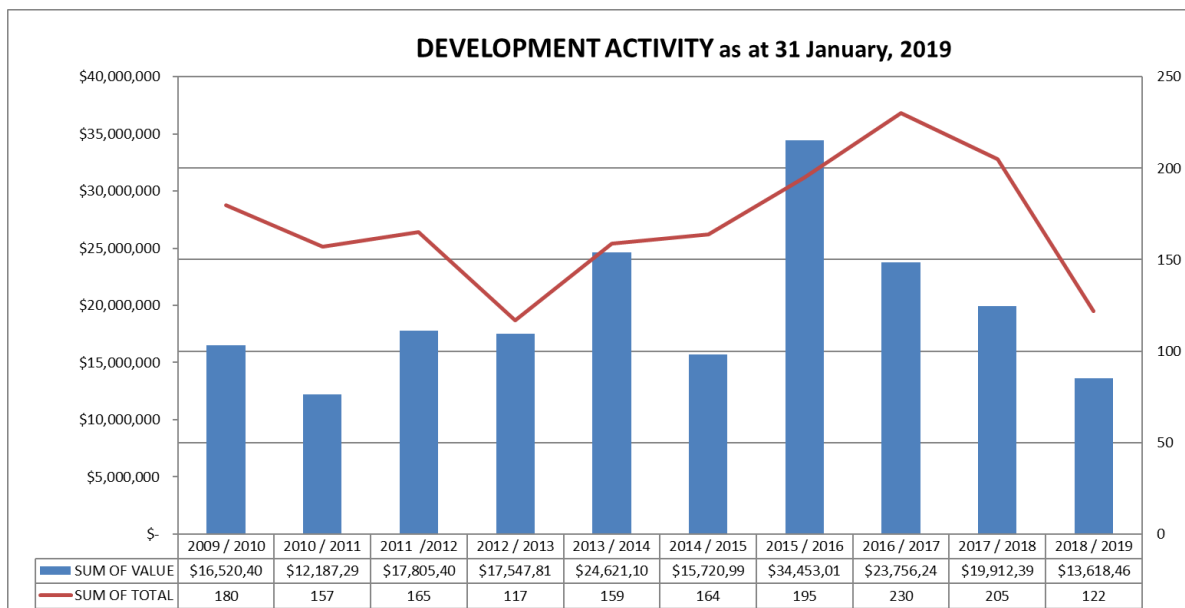
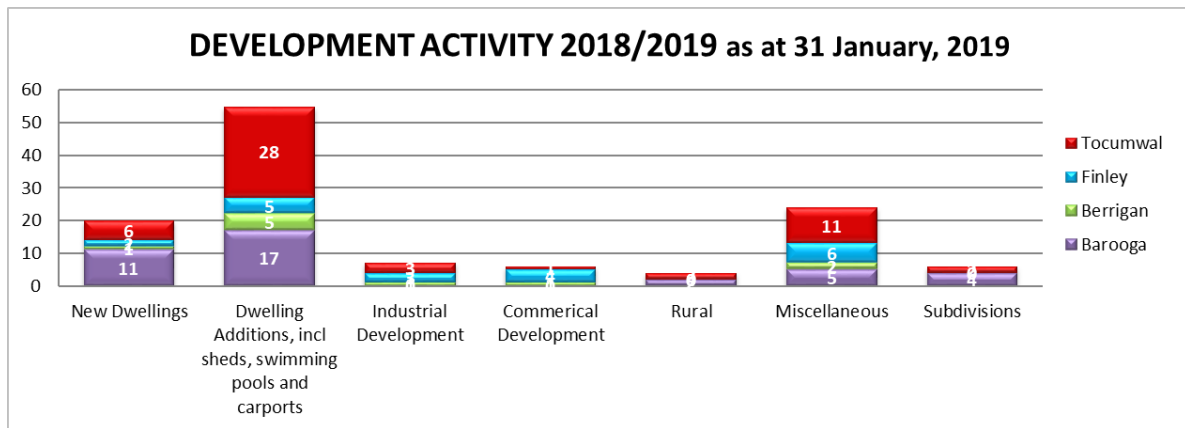
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Jan)	Year to Date	This Month's Value (Jan)	Year to Date Value
<i>Development Applications (DA)</i>	9	93	\$1,232,974	\$11,501,232
<i>Construction Certificates (CC)</i>	10	66	\$178,572,608	\$185,515,047
<i>Complying Development Certificates (CDC)</i>	2	29	\$41,925	\$2,117,232
<i>Local Activity (s.68)</i>	6	49	0	0

Items for Noting

OTHER CERTIFICATES ISSUED FOR JANUARY

	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	
	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total
BAROOGA	9	50	0	0	0	0	0	0	0	0	1	5
BERRIGAN	1	41	0	1	1	6	0	1	0	1	0	1
FINLEY	10	65	1	4	0	8	0	10	0	0	2	5
TOCUMWAL	13	68	0	2	0	3	0	0	0	4	1	4
TOTAL	33	224	1	7	1	17	0	11	0	5	4	15



NOTING

Committee meeting reports

8.1 MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING

RECOMMENDATION – that recommendation numbered 5 to 7 of the Corporate Services Committee Meeting held on 6th February, 2019 be adopted.

5. MODEL CODE OF MEETING PRACTICE

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

FILE NO: 13.044.1

RESOLVED Crs Glanville and Morris that in terms of the optional provisions of the model Code of Meeting Practice, the Council include:

- Clause 3.2;
- Clause 3.10 with a specified period of 7 business days;
- Clause 3.12;
- Clause 3.32;
- Clause 3.33;
- Clause 3.34
- Clause 3.36;
- Clause 3.37;
- Clause 5.14;
- Clause 5.15;
- Clause 8.1;
- Clause 13.1;
- Clause 13.2;
- Clause 13.3;
- Clause 13.4;
- Clause 13.5;
- Clause 13.6;
- Clause 13.7;
- Clause 15.14;
- Clause 15.16 and referring to Clause 15.14;
- Clause 17.12;
- Clause 17.13;
- Clause 17.14;
- Clause 17.15;

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Committee meeting reports

Clause 17.16;
Clause 17.17;
Clause 17.18;
Clause 17.19; and
Clause 17.20;

6. "HEART OF THE SOUTHERN RIVERINA" TRADEMARK

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

FILE NO: 08.160.2

RESOLVED Crs Glanville and Morris that the Council renew its Trademark – "Heart of the Southern Riverina"

7. MURRAY RIVER EXPERIENCE – FORESHORE BUILDING DESIGN

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

FILE NO: 05.101.7

RESOLVED Crs Morris and Glanville that the Council accept the fee proposal from GPG Architecture and Design for the development of plans for the proposed Tocumwal Foreshore commercial facility.

Committee meeting reports

8.2 MINUTES OF THE TECHNICAL SERVICES COMMITTEE MEETING

RECOMMENDATION – that recommendation numbered 5 of the Technical Services Committee Meeting held on 6th February, 2019 be adopted.

5. DEPOT WORKSHOP OPERATIONS

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 29.094.2

RESOLVED Crs Bruce and Morris:

1. That the Council's staff structure be amended to include a second position in Council's workshop designated as Mechanic and that advertisements be placed for a Qualified Mechanic.
2. That provision be included in the budget at the next quarterly review for \$15,000 for additional workshop equipment to allow in house servicing of light vehicles.

Items requiring Council Resolution

9.

MAYOR'S REPORT

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RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

10.

DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

11.

GENERAL BUSINESS

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