



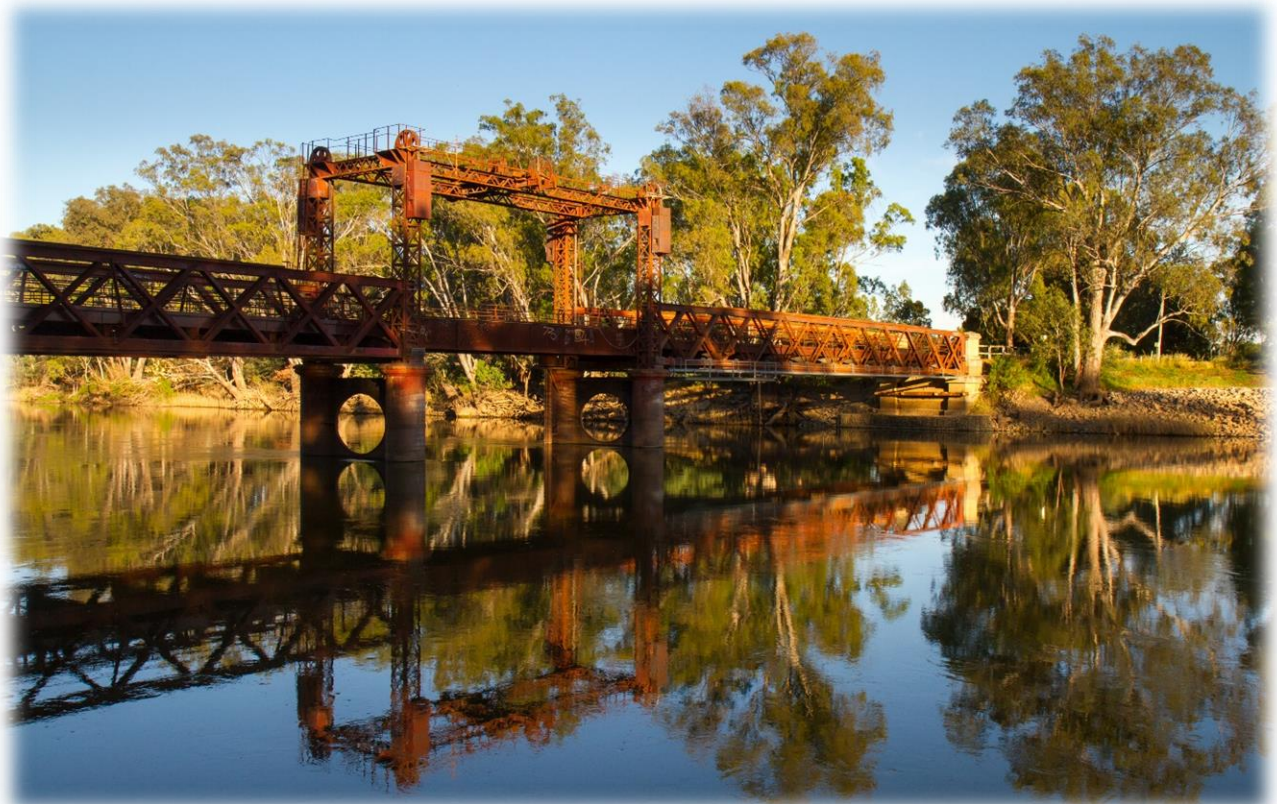
ORDINARY MEETING OF COUNCIL

Wednesday 28 August 2019

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 28th August, 2019** 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 28th August, 2019

BUSINESS PAPER

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

3. VISITORS

10:00am – Citizenship Ceremony
3:00pm - Tara Benney, Strawberry Fields

4. CONFIRMATION OF MINUTES

RECOMMENDATION: that the Minutes of the meeting held in the Council Chambers on Wednesday 17th July, 2019 be confirmed.

5. MAYORAL MINUTES

Nil

6.1 NOTICE OF MOTION – HCS01/18/19 TONGS STREET, FINLEY FOOTPATH CONSTRUCTION (MURRAY STREET TO CEMETERY NORTHSIDE)

At the ordinary meeting held on Wednesday 17th July, 2019 Cr Daryll Morris indicated that he intended to move the following motion:

1. That the Council rescind its decision made on 19 June 2019 as set out below and recorded as minute number 110:

RESOLVED Crs Jones and Bruce that

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

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

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

59 TONG STREET, FINLEY NSW 2713 (LOT 2 DP 418419)	50%	16.75	\$1,809.00	\$905.00	\$91.00	\$996.00	\$904.00
141 COREE STREET, FINLEY NSW 2713 (LOT 175 DP 752283)	25%	40.5	\$4,374.00	\$1,094.00	\$110.00	\$1,204.00	\$3,280.00
5 FOREST COURT, FINLEY NSW 2713 (LOT 16 DP 39698)	25%	22	\$2,376.00	\$594.00	\$60.00	\$654.00	\$1,782.00
1 FOREST COURT, FINLEY NSW 2713 (LOT 20 DP 39698)	25%	20.1	\$2,171.00	\$543.00	\$55.00	\$598.00	\$1,628.00
UNIT 1, 69 TONGS STREET, FINLEY NSW 2713 (LOT 1 SP 39232)	50%	21.6	\$2,333.00	\$1,167.00	\$117.00	\$1,284.00	\$1,166.00
71 TONGS STREET, FINLEY NSW 2713 (LOT 2 DP 720220)	50%	18.6	\$2,009.00	\$1,005.00	\$101.00	\$1,106.00	\$1,004.00
73 TONGS STREET, FINLEY NSW 2713 (LOT 28 DP 720220)	50%	18.6	\$2,009.00	\$1,005.00	\$101.00	\$1,106.00	\$1,004.00
75 TONG STREET, FINLEY NSW 2713 (LOT 29 DP 720220)	50%	43.205	\$4,667.00	\$2,334.00	\$234.00	\$2,568.00	\$2,333.00
79-81 TONG STREET, FINLEY NSW 2713 (LOT 181 DP 43669)	50%	41.5	\$4,482.00	\$2,241.00	\$224.00	\$2,465.00	\$2,241.00
83 TONGS STREET, FINLEY NSW 2713 (LOT 183 DP 43669)	50%	20	\$2,160.00	\$1,080.00	\$108.00	\$1,188.00	\$1,080.00

85 TONGS STREET, FINLEY NSW 2713 (LOT 184 DP 43669)	50%	20	\$2,160.00	\$1,080.00	\$108.00	\$1,188.00	\$1,080.00
87 TONGS STREET, FINLEY NSW 2713 (LOT 185 DP 43669 , LOT 31 DP 720252)	50%	20	\$2,160.00	\$1,080.00	\$108.00	\$1,188.00	\$1,080.00
BERRIGAN SHIRE COUNCIL ROAD RESERVE		76.31	\$8,241.48	\$0.00	\$0.00	\$0.00	\$8,241.48
Total		563.36	\$60,845.48	\$22,721.00	\$2,279.00	\$25,000.00	\$38,124.48

Any Councillor may move a notice of motion.

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(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 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

The 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:

8.1 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 July 2019, be received and that the accounts paid as per Warrant No. 07/19 totaling \$3,671,377.29 be confirmed.

REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 July 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 July 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 July 2019, totaling \$3,671,377.29 and will be submitted for confirmation of payment as per Warrant No. 07/19
- 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) July has seen a slight decrease in total funds held at the end of June. This decrease is in line with last year. It appears the Financial Assistance Grant (FAG) payment previously regularly paid in July now will be paid in August. As a result, the August balance will rise with the receipt of the FAG. Large payments for yearend settlement of creditor balances and accruals reduced the overall balance slightly.
Total funds are also expected to increase over the August period with payment of the first instalment (and in some instance the full year balance) of Council Rates.

Statement of Bank Balances as at 31 JULY 2019

Bank Account Reconciliation

Cash book balance as at 1 JULY 2019	\$ 7,374,731.76
Receipts for JULY 2019	\$ 3,138,512.94
Term Deposits Credited Back	\$ -
	\$ 10,513,244.70
<i>Less Payments Statement No 07/19</i>	
Bank Transfers (NAB to NAB)	\$ 1,000,000.00
Electronic Funds Transfer (EFT) payroll	\$ 544,566.21
Electronic Funds Transfer (EFT) Creditors E032057-E032334	\$ 2,104,070.18
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 22,740.90
Total Payments for JULY 2019	\$ 3,671,377.29
Cash Book Balance as at 31 JULY 2019	\$ 6,841,867.41
<i>Bank Statements as at 31 JULY 2019</i>	\$ 6,836,677.85
Plus Outstanding Deposits	\$ 5,189.56
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 JULY 2019	\$ 6,841,867.41

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	144/19	182	2.75%	23/09/2019	\$ 2,000,000.00
AMP	136/18	365	2.75%	17/10/2019	\$ 2,000,000.00
AMP	133/17	365	2.45%	26/11/2019	\$ 1,000,000.00
AMP	125/16	182	2.45%	4/12/2019	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	365	2.65%	13/05/2020	\$ 2,000,000.00
Bendigo Bank	141/18	365	*2.30%	13/09/2019	\$ 2,000,000.00
Bendigo Bank	142/18	365	*2.30%	26/09/2019	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	2.70%	31/08/2019	\$ 2,000,000.00
Defence Bank Limited	138/18	365	2.85%	10/01/2020	\$ 2,000,000.00
Defence Bank Limited	102/14	364	2.75%	3/04/2020	\$ 2,000,000.00
Defence Bank Limited	106/14	365	2.05%	29/06/2020	\$ 2,000,000.00
ME Bank	132/17	212	2.83%	8/08/2019	\$ 2,000,000.00
ME Bank	140/18	365	2.83%	8/08/2019	\$ 1,000,000.00
G&C Mutual Bank	145/19	364	2.63%	6/04/2020	\$ 2,000,000.00
NAB	143/18	365	2.75%	19/11/2019	\$ 2,000,000.00
					\$ 28,000,000.00

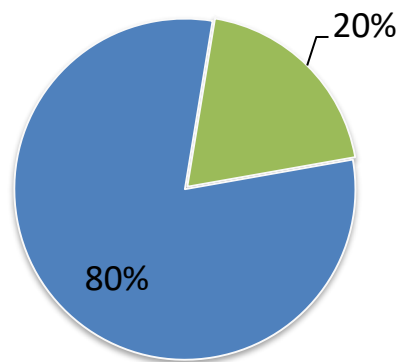
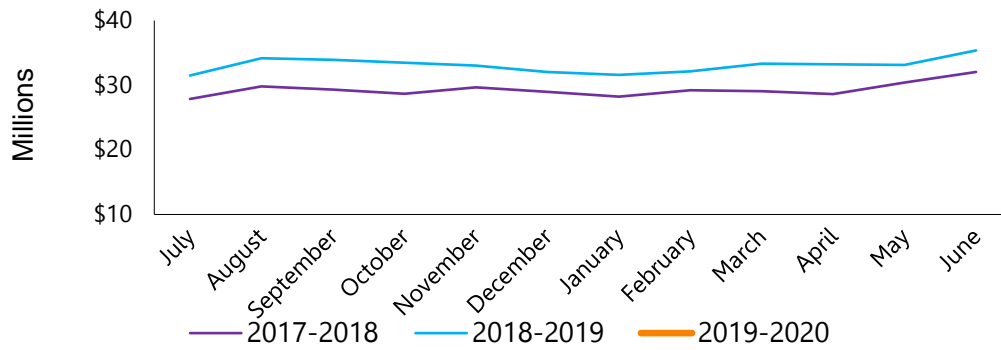
Total Funds Held at 31 JULY 2019

\$34,841,867.41

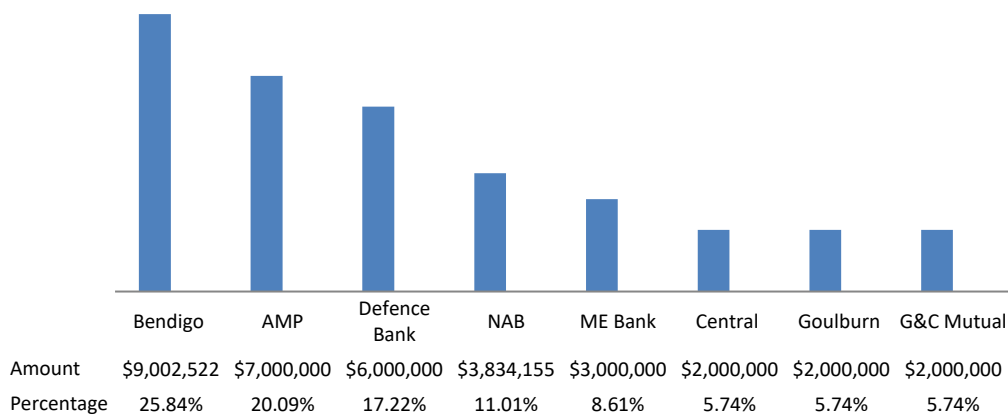
Carla von Brockhusen - Finance Manager

*The Council also receives an additional 0.25% 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 2019				

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES TO TERM DEPOSITS FOR JULY 2019				

8.2 BERRIGAN CONSERVATION GROUP & TIDY TOWN COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: - that the Council:

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

President:	Mark Ryan
Secretary:	Carol Cottam
Treasurer:	Jude Lawrence
Committee:	
Carla von Brockhusen	Cristina von Brockhusen
Clara Way	Tom Pyle
Jiquetta Sloane	John Lane
Jude Lawrence	Judy Chisholm
Kathleen Moulder	Keith & Jan Steel
Lawrie Thomson	Leigh Rogers
Val Head	Robin Cobb
Peter Cobb	Maree Ryan
Sue Cameron	Tracy Dunn
Barbara Dunn	Val Daly
Yvonne Chamberlain	Bev Scott
Diane Hardwidge	John Walker
John O'Dwyer	Fred Cuthbert
Stephen Zellar	Bill McQualter
Roy Edwards	Sue Chisholm

REPORT:

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

8.3 TOCUMWAL SWIMMING POOL COMMITTEE OF MANAGEMENT

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: 04.074.1

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
	Denis Glanville
	Colin Jones
	Maria Merrington
	Leah Nish

REPORT:

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

8.4 BAROOGA RECREATION RESERVE COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Ray Nye
Vice President:	Max Steward
Secretary:	Marcia Nolan
Treasurer:	Mick O'Dwyer
Committee:	
	Natasha Bignell
	Kellie Quinane
	Sheila Keamy
	Ben O'Dwyer
	Wes Sutton
	Stacey Ware
	Paula Kerr

REPORT:

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

8.5 FINLEY SCHOOL OF ARTS & WAR MEMORIAL HALL COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Matthew Hannan
Secretary:	Jan Gray
Treasurer:	Christine Lawlor
Committee:	
	Noel A'Vard
	Sally Bickerton
	Anne Freestone
	Ted Gray
	Robb Hawkins
	Kelly-Anne Lawler
	Jill Orro
	Dean Russell
	Aaron Taylor
	Ross Whittaker

REPORT:

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

8.6 RETREAT HALL FINLEY COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Steven Kydd
Vice President:	John Beer
Secretary:	Rosemary Tilley
Treasurer:	Kerry Anne Kydd
Committee:	
	Stephen Barnes
	Ruth Kydd
	Marg Maxwell
	Gill Taylor
	Col Taylor
	Lorraine Beer
	John Beer
	Dorothy Wright

REPORT:

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

8.7 TOCUMWAL FRIENDS OF THE LIBRARY COMMITTEE OF MANAGEMENT

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: 04.074.1

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:	Kate Folliard
Vice President:	Dianne Stephens
Secretary:	Lois Johnson
Treasurer:	Gayle Blakey
Committee:	
	Anne Way
	Kerryn Edwards
	Esther Bryan
	Jan Whitten

REPORT:

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

8.8 TOCUMWAL HISTORIC AERODROME MUSEUM COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Bob Brown
Vice President:	David Grant
Secretary:	Gina Brown
Treasurer:	Lea Grant
Committee:	Ross Bodey

- c) Agree, in principle, to provide a portion of land in the vicinity of the Tocumwal Aerodrome Terminal Building for the establishment of a permanent facility for the Tocumwal Historic Aerodrome Museum.

REPORT:

Some Councillors and staff met with representatives of the Tocumwal Historic Aerodrome Museum Committee of Management (THAM) on 11th July 2019 to further discuss the future of THAM and how to progress storage and display of its collection.

The discussions centred around three key points.

Firstly, THAM requested that a Councillor be appointed to the Committee of Management to provide for a better communication flow between it and the Council.

At the meeting, Cr Bodey indicated that he was prepared to take on that role and this is represented in the, above, recommendation. It is, however, ultimately the Council's decision as to who it appoints to the Committee of Management.

Secondly, was the request from THAM that the Council provide some land to it to establish a base for its collection.

This request, at the highest level is not considered to be a concern as THAM is a committee of the Council and is effectively only an agreement to use the land.

A potential expansion of the THAM concept by a third party introduces some complexity to the land request and creates some possible outcomes that are unclear at this time.

The involvement of a third party introduces the opportunity for far greater displays to be housed at the site and also for a commercial operation to manage those expanded displays and also the THAM collection.

While that third party involvements allows the THAM display to be more accessible to the public it may also require the land, the subject of the request to be subdivided to create a separate title.

Such a subdivision fundamentally changes the simple option of allowing THAM to use the land and introduces a significant cost of the subdivision itself and the provision of required services.

As stated earlier, it is unclear exactly how this proposal will unfold however it appears that the outcome will be beneficial however it ultimately occurs.

Given the above, it is recommended that the Council agree in principle to the provision of the land with the parties to determine how this actually eventuates at a later date.

The land area requested is approximately 60m x 30m.

Thirdly, was how to attract funding for the THAM facility. It was agreed that THAM would clarify the cost of the facility and then the Council would assist in the preparation of grant applications for the facility and curation of the THAM collection.

8.9 TOCUMWAL RAILWAY PRESERVATION COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Sandra Williams
Secretary:	Gail Bourke
Treasurer:	Sun Lui

REPORT:

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

The Tocumwal Railway Preservation Committee of Management is made up of members of the Tocumwal Lions Club.

8.10 FINLEY SHOWGROUND & SPORTING COMPLEX COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Rodger Sutton
Secretary/Treasurer:	Katy Wallis
Committee:	
	Matthew Mueller
	Trent Royston
	Jake Rees
	Bill Rowlands
	Troy Marshall
	Keith Kennedy
	David Webb
	Stacey Ware
	Tim Price

REPORT:

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

8.11 FINLEY RAILWAY PARK COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Steve Thomas
Vice President:	Robert McCullough
Secretary:	Bec Matheson
Treasurer:	Glenda McCullough
Committee:	
	Craig Matheson
	Allan Matheson
	Todd McCullough
	Denise Thomas
	Tanya Pearce
	John Pearce
	Rodger Sutton
	James Kennedy

REPORT:

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

8.12 BERRIGAN SHIRE YOUTH DEVELOPMENT COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: that the Council:

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

President:	Denis Glanville
Secretary:	Jo Ruffin
Treasurer:	Warwick Douglas
Committee:	
	Penny Jones
	Tracie Doohan
	John Taylor

REPORT:

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

8.13 DELIVERY PROGRAM PROGRESS REPORT

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO: 04.121.4

RECOMMENDATION: That the Council adopt the June 2019 Delivery Program Progress Report.

REPORT:

A requirement of the Integrated Planning and Reporting Framework for NSW Local Government is a 6-monthly Delivery Program progress report. As part of the Council's Operational Plan quarterly review and reporting cycle the December and June Quarterly Reviews have traditionally included a 6-monthly Delivery Program Progress Report.

This year as information for this report was not available in the first two weeks of July the decision was made to present the 2nd Delivery Program Progress Report for the 2018/19 Financial Year as separate report. The detail of which follows.

Delivery Program Monitoring Measures: Sustainable Natural and Built Landscapes

Indicator/s:

Activity Data Development Applications and Construction Certificates

	July 2018 to Dec 2018	Jan to June 2019	Year to Date Value \$
Development Applications (DA)	160	105	9,570,080
Construction Certificates (CC)	110	73	*186,997,544
Complying Development Certificates (CDC)	57	12	2,088,532
Local Activity (s.68)	79	46	1,867,311

* Includes Finley Solar Farm

Monitoring Measure: Heritage

Indicator- Uptake of Heritage Grant Program

Heritage Grants	Number / Total
Number of applications received 2018/19	3
Number of applications funded	3

Total value of grants	\$8,794
Number of grants acquitted	3
Compared with the same period 2018	3

Monitoring Measure: Waste

Indicator: Activity Data Domestic Roadside Waste Collection

Month	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	6-mth Total	YTD %	Target
Volume (m ³)	320	256	256	320	256	256	1664	50%	≤ 3328
Mass (Tonnes)	120	96	96	120	96	96	624	50%	≤1248.5
Month	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	6-mth Total	YTD %	Target
Volume (m ³)	250	200	200	250	200	200	1300	89%	≤ 3328
Mass (Tonnes)	75	60	60	75	60	60	390	81%	≤1248.5

* Variance in % due to change in conversion factor m³ to tonnes. Change also in method of estimating amounts to ensure consistency with EPA Reporting

Delivery Program Monitoring Measures: Good Government

** To be reported in Annual Report when Annual Statements are finalised

Monitoring Measure: Financial Strategy 2016 Key Performance Indicators

	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
1. Operating Performance			
Operating Revenue (excl. Capital) - Operating Expenses	**	**	0.0 %
Operating Revenue (excl. Capital Grants & Contributions)	**		
Indicative Target: An operating performance ratio greater than 0% across any five year period.			
N/A – not available until the end of a Financial Year			

** To be reported in Annual Report when Annual Statements are finalised

2. Unrestricted Current Ratio	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
Current Assets less all External Restrictions	**	**	2
Current Liabilities less Specific Purpose Liabilities			
Indicative Target: An Unrestricted Current Ratio of at least 2x			

3. Rates, Annual Charges, Interest & Extra Charges Outstanding	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
Rates, Annual & Extra Charges Outstanding	**	**	
Rates, Annual & Extra Charges Collectible	**	**	8.0 %
Indicative Target: Outstanding rates, annual and extra charges percentage to remain under 8% as of 30 June each year			

4. Building and Infrastructure Renewals Ratio	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
Asset Renewals (Building, Infrastructure & Other Structures)	**	**	100% +
Depreciation, Amortisation & Impairment	**		
Indicative Target: Building, Infrastructure & other Structure renewals Ratio to remain over 100% on average over the life of the LTFP. When setting this target the Council should consider that asset replacement is often lumpy - with large changes in asset renewals depending on the needs of the time. The Council should consider its performance on this measure over no shorter than a 10 year periods and preferably longer.			

** To be reported in Annual Report when Annual Statements are finalised

5. Infrastructure Backlog Ratio	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
Estimated cost to bring Assets to a satisfactory condition	**	**	0.0 %
Total value of Infrastructure, Building, Other Structures & depreciable Land Improvement Assets	**		
Indicative Target: Infrastructure Backlog Ratio to remain at less than 2% at all times			

6. Capital Expenditure Ratio	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
Annual Capital Expenditure	**	**	1.0
Annual Depreciation	**		
Indicative Target: Target to be set having regard to the relative age and replacement / renewal profile of the Council's asset portfolio. On average should be at least 100% provided the Council wishes to maintain level of service.			

7. Debt Service Cover Ratio	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
Operating Result before Interest & Dep. exp (EBITDA)	**	**	2 x
Principal Repayments + Borrowing Interest Costs	**		

8. Cash Expense Cover Ratio	Amount ,000 2018/19	Performance 2018/19	Financial Strategy Target
Current Year's Cash & Cash Equivalents (incl. Term Deposits)	**	**	3 months
Operating & financing activities Cash Flow payments	**		
Indicative Target: Cash expense cover ratio is to be no less than 3 months			

Delivery Program Monitoring Measures: Supported and Engaged Communities

Indicator: Community Events and Engagement

Activities	July 2018 to Dec 2018	Jan 2019 to June 2019
Community events held in partnership with other services	<ul style="list-style-type: none"> • Childrens Week 4 events • Drought – Farm Management Workshop 2 events 	<ul style="list-style-type: none"> • Youth Week Event • Anti-Bullying Workshops x4 Local Football & Netball Clubs • Drought Project – Meet & Greet Luncheon for Drought Support Worker • Blues on the Beach – Local Service Expo
Community Engagement activities	<ul style="list-style-type: none"> • Street Stalls/ Online Surveys – 2 online polls 	<ul style="list-style-type: none"> • Berrigan Street Tree Poll • Finley Railway Park Consult Commenced

Indicator:

Face Book Analytics: Social Media Engagement

	01/07/18 - 31/12/18	1/01/19 – 30/06/19	Total
The total number of people who engaged with the Council’s Page. Engagement includes any click or story created. (Unique Users)	52,632	60,313	112,945
Organic Reach The number of people who had any content from your Page or about your Page enter their screen through unpaid distribution. This includes posts, check-ins, social information from people who interact with your Page and more. (Unique Users)	436,358	525,345	961,703

Indicators

Life-long Learning June 2018 – June 2019

Library events number of participants	To be advised in Annual Report
Door Count	24,521
Library loans	26,521
Users (Members)	4,484
WIFI (Login / Devices)	Logins: 916 Devices:543
Loans (e-audio and e-books) + e magazines	3,991

Delivery Program Monitoring Measures: Diverse and resilient business

Indicator	Activities
Economic and industry development	<ul style="list-style-type: none"> • Partnership with Moira Shire Council Fruit Fly Project: Tree Removal • Sports Australia Audit of Sporting Facilities • Youth Expo • Attended Murrumbidgee Health Careers Forum Wagga Wagga • Back to Business Week with Edward River Council
Tourism and events	<ul style="list-style-type: none"> • Conference Bids x2 (SEGRA and Water Utilities) • THAM Project • Established Tourism Network Luncheons Moira Shire, Berrigan Shire and Federation Councils • Other Community Events – Non Council • Strawberry Fields
Regional freight infrastructure	<ul style="list-style-type: none"> • Advocacy Tocumwal Intermodal – Transport NSW Planning

8.14 NATIVE VEGETATION REMOVAL – PEPPERTREE ROAD

AUTHOR: Engineering Services Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 09.121.2

RECOMMENDATION: That the Council, having considered the content of the Test of Significance report prepared by DJC Environmental Consulting for The Upgrade Of Peppertree Rd, Tocumwal, authorise native vegetation be removed for road construction to address safety issues pursuant to the authority provided in the *Roads Act 1993 – Section 88* Tree felling and that all works be carried out in accordance with the guidance provided in the Test of Significance report prepared by DJC Environmental Consulting for The Upgrade Of Peppertree Rd, Tocumwal.

REPORT:

The Council is proposing to upgrade a section of Peppertree Road that is currently dangerous to traffic due to its narrow seal width, steep embankments and the encroachment of trees within the clearzone area.

Peppertree Road is classified as a Residential Access Road in the Council's Road Hierarchy and the adopted clearzone for this class of road, as set out in the Council's Roadside Hazard Treatment Policy is 5m from the centreline or the distance required for table drain maintenance.

The proposed works are designed to comply with these policies and will address many of the existing safety issues.

The *Roads Act 1993* provides provision for tree felling as follows:

88 TREE FELLING

A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard.

While this legislation provides the authority for the Council to fell trees for roadworks without considering the implications of other legislation it is reasonable that the Council consider the environmental effects of the works before deciding if to proceed. This allows the Council to make a balanced decision on the benefits provided by the works compared to the costs to the environment.

In order to satisfy this balance and to ensure the environment of the area is not significantly degraded, the services of a suitably qualified consultant was sought to prepare a 'Test of Significance' report for the proposed works.

DJC Environmental Consulting were engaged for this project and the following excerpt from the report prepared better explains the purpose of the report.

1.1 Purpose

The 'Test of Significance' refers to the factors that must be considered by decision makers to assess whether a proposal is likely to have a significant effect on threatened biodiversity ("5 part test") as per section 7.3 of the Biodiversity Conservation Act 2016 (BC Act). The threatened species test of significance is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. It is applied as part of the Biodiversity Offsets Scheme entry requirements and for Part 4 activities under the Environmental Planning and Assessment Act 1979 (OEH, 2018).

Additionally Under Part 5 of the EP&A Act, it is the responsibility of the Council to ensure no harm to any threatened species therefore an Test of Significance (as required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000) is a measure to be completed when impacts on threatened species or communities are a possibility. As part of this process the determination should be competed to determine if the development exceeds the biodiversity offsets scheme threshold.

In addition to fulfilling this statutory requirement, the aim of undertaking a Test of Significance is to improve the standard of consideration and protection afforded to threatened biodiversity in planning and decision-making processes (DECCW, 2004). The outcome of any threatened biodiversity assessment should be that developments, activities and actions are undertaken in an environmentally sensitive manner and that appropriate measures are adopted to avoid or minimise adverse effects on threatened biodiversity (DECCW, 2004). While the 'Assessment of Significance' has been updated since this information was reflected by then Department of Environment, Climate Change & Water (DECCW), now Office of Environment and Heritage (OEH), it is still relevant.

This report addresses the Factors of Assessment (5 Part Test) and provides a Test of Significance on the proposal to upgrade the Peppertree road from the corner of Tawarra Estate Road and along Peppertree to the east for 1.3km, Tocumwal which will require the removal of some native vegetation.

A copy of the report is attached at **Appendix "D"** for Councillors consideration.

The conclusion of the report is that the activities as proposed will not have a significant effect on any of the identified threatened species and ecological communities and their conservation as noted within the report.

Due to the extensive penalties associated with the *Biodiversity Conservation Act 2016* and other environmental legislation a resolution of the Council authorising these works is sought to protect staff in the unlikely event of prosecution for damaging the environment.

The Council should consider the consequences of the proposed works on the environment and be satisfied that they will not have a significant effect on any of the identified threatened species and ecological communities and their conservation that is not more than balanced by the benefits of constructing a safer road.

8.15 NATIVE VEGETATION REMOVAL – LEVEE 5, SMITHERS ROAD, TOCUMWAL

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 09.121.2

RECOMMENDATION: That the Council, having considered the content of the Test of Significance report prepared by DJC Environmental Consulting for The Maintenance of Levee Smithers Road, Tocumwal, authorise the removal of native vegetation within the levee structure of Levee 5 and that all works be carried out in accordance with the guidance provided in the Test of Significance report prepared by DJC Environmental Consulting for The Maintenance of Levee 5 Smithers Road, Tocumwal.

REPORT:

The Council is proposing levee maintenance works on Levee 5, Smithers Road Tocumwal as there are currently numerous trees growing within the Levee which pose an unacceptable risk for levee failure in a flood event of the Murray River. Levee 5 is situated at the end of Smithers Road on the eastern side and is also known as the Barooga Levee.

Tree root intrusion into the banks allows piping of water through the bank or can create large holes in the side of the levee when a tree falls over. Trees should not generally be allowed within 5m of the toe of the levee on either side.

The proposed works are designed to comply with the recommendations set out in the *Test of Significance for The Maintenance of Levee 5 Smithers Road, Tocumwal* Report. A copy of the report is attached at **Appendix “E”**.

It is reasonable that the Council consider the environmental effects of the works before deciding if to proceed with the works. This allows the Council to make a balanced decision on the benefits provided by the works compared to the costs to the environment.

In order to satisfy this balance and to ensure the environment of the area is not significantly degraded, the services of a suitably qualified consultant was sought to prepare a ‘Test of Significance’ report for the proposed works.

DJC Environmental Consulting were engaged for this project and the following excerpt from the report prepared better explains the purpose of the report.

1.1 Purpose

The 'Test of Significance' refers to the factors that must be considered by decision makers to assess whether a proposal is likely to have a significant effect on threatened biodiversity ("5 part test") as per section 7.3 of the Biodiversity Conservation Act 2016 (BC Act). The threatened species test of significance is used to determine if a development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. It is applied as part of the Biodiversity Offsets Scheme entry requirements and for Part 4 activities under the Environmental Planning and Assessment Act 1979 (OEH, 2018).

Additionally Under Part 5 of the EP&A Act, it is the responsibility of the Council to ensure no harm to any threatened species therefore an Test of Significance (as required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000) is a measure to be completed when impacts on threatened species or communities are a possibility. As part of this process the determination should be completed to determine if the development exceeds the biodiversity offsets scheme threshold.

In addition to fulfilling this statutory requirement, the aim of undertaking a Test of Significance is to improve the standard of consideration and protection afforded to threatened biodiversity in planning and decision-making processes (DECCW, 2004). The outcome of any threatened biodiversity assessment should be that developments, activities and actions are undertaken in an environmentally sensitive manner and that appropriate measures are adopted to avoid or minimise adverse effects on threatened biodiversity (DECCW, 2004). While the 'Assessment of Significance' has been updated since this information was reflected by then Department of Environment, Climate Change & Water (DECCW), now Office of Environment and Heritage (OEH), it is still relevant.

This report addresses the Factors of Assessment (5 Part Test) and provides a Test of Significance on the proposal to complete some maintenance to the levee 5 banks just off Smithers Rd the east of Tocumwal which will require the removal and lopping of some native vegetation.

The conclusion of the report is that the proposed activities will not have a significant effect on any of the identified threatened species and ecological communities and their conservation as noted within the report.

Due to the extensive penalties associated with the *Biodiversity Conservation Act 2016* and other environmental legislation a resolution of the Council authorising these works is sought to protect staff in the unlikely event of prosecution for damaging the environment.

The Council should consider the consequences of the proposed works on the environment and be satisfied that they will not have a significant effect on any of the identified threatened species and ecological communities and their conservation that is not more than balanced by the benefits of constructing a safer levee.

8.16 FINLEY RAILWAY PARK AND LEWIS CRESCENT DRAFT CONCEPT PLAN: COMMUNITY CONSULTATION

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 21.101.16

RECOMMENDATION: The direction of Council is sought.

REPORT:

Established in 2007 Finley's Railway Park has not, despite the efforts of its volunteer committee realised its full potential. The Council recently reviewed a Draft Concept Landscape Master Plan for Railway Park and the Lewis Crescent Residential Subdivision, Finley. The Council resolved at the 15 May 2019 Ordinary Council Meeting that the draft Concept Plan for Finley's Railway Park and Lewis Crescent Residential Development be endorsed for community consultation and feedback from the community sought on this plan.

Based on the submissions received, there is general support for further development of:

- Railway Park;
- The southern detention basin as active recreational space;
- Extension of Lewis Crescent Subdivision; and
- Integration of Railway Park and pedestrianisation of Pinnuck Street at the entry to Railway Park

Of the submissions received, a consistent theme was comment related to the retention of existing trees in Railway Park on the basis that these trees would benefit from additional watering and feeding.

Of note also was concern about the pedestrianisation elements of the concept plan. Respondents expressed a preference for standard footpaths and clear separation of pedestrian traffic.

The location and purpose of an amphitheatre was also the subject of varying opinions. With the common theme being that at a minimum, there needed to be infrastructure in place that would support the conduct of community events requiring staging and power.

The Council should also note that in comparison to similar consultations undertaken in Tocumwal, Barooga and Berrigan, this consultation did not attract a similar number of response. With only 29 on-line submissions received and 75% of street-stall representations were from community members who reported that they were associated with the Railway Park Committee or Finley Chamber of Commerce. On a positive note, of the submissions received these were from Finley community members with a long-standing association and active interest in Railway Park and Lewis Crescent, Finley.

The following table provides a summary of the submissions received by the Council. Submissions received in response to a full-page advertisement in the Southern Riverina News marketing the plan, hard copies of the plan available at local preschools, Finley Library, the Council’s on-line promotion, and main street marketing of the plan in an empty shop window. Attached, also as **Appendix “F”** is the result of the on-line survey and street stall held to gauge the extent of community support for the future-focused concepts described by the Draft Landscape Master Plan.

Submission	Issue	Officer Comment
3 February 2019 Finley Railway Park Committee of Management 30 May 2019	Installation of Shelter and Stage on western side of the park with access to power, lighting and water Connectivity via a link track Railway Park to Mary Lawson Reserve incorporating the Silos with amenities Upgrade existing BBQ, shelter and seating various locations in the park Upgrade entry to the Park – signage or archway or similar east and west entries Connectivity of footpaths Retention of existing trees Installation of shelter on western side of the park for town functions	Submission received by the Council in response to general request to all Committees. This submission sets out a staged plan and vision for connecting Railway Park to Mary Lawson Reserve. Second submission notes that existing trees should not be removed and that children’s playground with musical instruments should not be installed.

Submission	Issue	Officer Comment
3 July 2019 Allan and Maree Matheson	Allan and Maree Matheson Existing trees to be retained – need water and feeding Footpath and improvements to the BBQ area Amphitheatre – size and location are not appropriate due to noise and likelihood that this facility would, after-hours attract unsupervised young people. Would like a sound shell on the western side of the park. The focus of the park should be recreational.	
17 July 2019 Street Stall 11 am to 2 pm Approximately 20 people sought information from street stall	Access from Malone Mews to Wollamai Street This area also collects or attracts rubbish	Land is NSW Rail Reserve – not included in Concept Plan
	Community Garden would be a good addition to concept plan x3	The Council has an existing policy re: Community Garden. If a community garden is included in the plan – there is infrastructure that would need to be installed and this is identified in the Council's current policy
	What permissions are or need to be in place for planting of memorial trees	What permissions are or need to be in place for planting of memorial trees? A clear decision and policy from the Council is required about the planting and maintenance of trees as memorials in the Council and Committee controlled facilities. As informal development of a memorial garden in Railway Park now requires consideration by the Council as part of future planning for and the development of Railway Park.
	Additional trees for shade needed in Malone Mews	There are a limited number of shade trees in Malone Mews and Lewis Crescent. The result in part of existing development where some households have extended their gardens to the kerb – where the minimum set-back for properties on a kerb is 3m

Submission	Issue	Officer Comment
Finley Chamber of Commerce	Existing trees to be retained Permanent stage with supporting infrastructure for community events. Playground equipment if installed should have a railway theme. Redesign car park entry/exit in Endeavour Street adjacent to toilets – make it wider by removing the right angled kerb that forms the boundary between the carpark and the lawn	The Chamber supports the concepts set out in the draft Landscape Master Plan. Discussed also with representatives the option of staging and if permanent staging not an option would like the option of power for events in two locations if mobile staging – available for community hire. If permanent staging the location and siting of would need further discussion – two sites suggested – southern end of Railway Park and western side of Railway Park
Finley Dementia Friends	Pedestrian paths / treatments need to limit transitions from white to black. Paths to lead to a destination	Paths and signage treatments for Dementia to be considered as part of the Council PAMPs – Finley PAMP when reviewed should include Railway Park and Lewis Crescent
Online Survey Results	29 responses based on comments received at the street stall. This also includes street stall participants	Compared to similar consultations conducted in Berrigan, Tocumwal and Barooga there has been limited engagement or participation by the broader Finley Community

8.17 SUSPENSION OF ALCOHOL FREE ZONE – TOCUMWAL FOOD FESTIVAL

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 24.128.1

RECOMMENDATION: That the Council, subject to Police approval and development consent being granted, suspend the Alcohol Free Zone for the area closed to traffic on Deniliquin Street, Tocumwal from 5:00pm Saturday 7 March 2020 to 12:00am Sunday 8 March 2020 in accordance with Section 645 of the *Local Government Act 1993*.

REPORT:

The Tocumwal Chamber of Commerce and Tourism (TCCT) are proposing to hold a Food Festival in Tocumwal on Saturday 7 March 2020. The event will involve the temporary closure of Deniliquin Street for that evening as per the traffic control plan shown in this report.

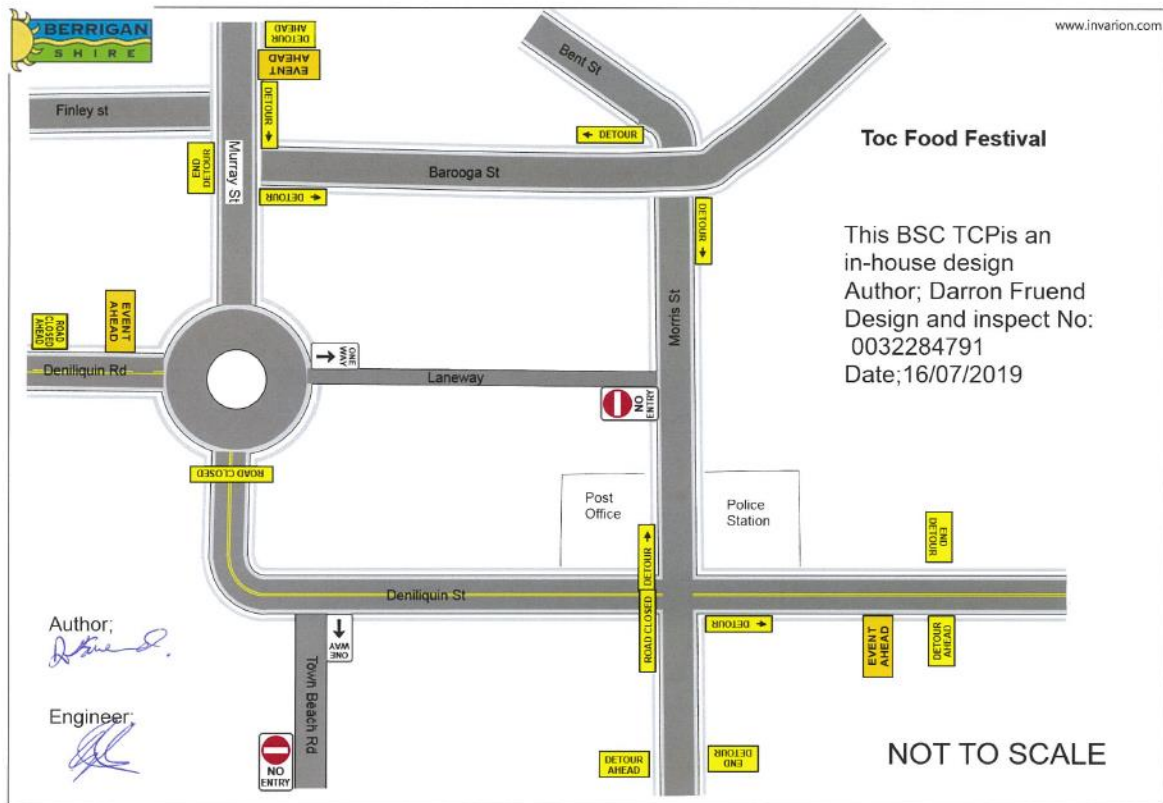
Elements of the event will require Development Consent and this will take place through the existing Council procedures.

TCCT have requested the restrictions on alcohol consumption in the area closed to traffic be lifted during this period and for a short period following.

The area in question is covered by the Alcohol Free Zone restrictions established under s644B of the *Local Government Act 1993* (the Act). These restrictions prohibit the consumption of alcohol at all times.

The Council has no set policy on the lifting of alcohol restrictions but it has lifted the restriction on alcohol consumption for similar events in the past. Previous events conducted in this area have not created any public disturbance issues and the event is expected to attract a significant number of visitors to the town.

Under s645 of the Act, the Council may suspend the operation of an Alcohol Free Zone if desired. If so, the Council must publish notice of the suspension in a newspaper circulating in the area concerned. In addition, the Alcohol-Free Zone guidelines advise that the Council must liaise with the police.



8.18 BERRIGAN CARAVAN PARK LEASE

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO: 21.101.5

RECOMMENDATION: That the Council delegate the General Manager the authority to sign the leases for Lot 32 DP 1189220 being the Berrigan Caravan Park.

REPORT:

The initial lease for the Berrigan Caravan Park in Hayes Park expired on 11 January 2018. While there was an option to renew for further two years and then two further five year options, these were not exercised until 2019.

Once the options were exercised, Council staff have worked with the lessee to prepare new leases:

- one for the initial two year extension with a terminating date of 11 January 2020; and
- one for a further five years with a terminating date of 11 January 2025.

The lease terminating in January 2025 contains two further five year options – which would extend the lease to 2035 if exercised.

The terms of the lease are consistent with the initial lease with annual rental charged at the rate set by Crown Lands NSW.

The arrangement with the current lessees at Berrigan Caravan Park has been both beneficial to the lessees and to the Council and has been supported by the Berrigan community.

8.19 INTERIM AUDIT MANAGEMENT LETTER

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.019.1

RECOMMENDATION: that the Council note the Interim Management Letter, including the response from management, for the year ended 30 June 2019 and

1. assign responsibility for implementing the recommendations in the Management Letter as per the management response; and
2. that the General Manager or his delegate will present to the next Council meeting an action plan, including a timetable, to implement the recommendations – consistent with the management response;
3. that the Council monitor progress against the action plan via regular reports to the Council from the General Manager or his delegate.

REPORT:

The NSW Audit Office (NSWAO) has issued its Interim Audit Management Letter for the 2018/19 financial year.












The letter is attached as **Appendix “G”**

A Management Letter is written by the Auditors after each audit is performed. The letter raises:

- matters of governance interest identified during the current audit
- unresolved matters identified during previous audits
- matters required to be communicated under Australian Auditing Standards.

For each matter in this letter, NSWAO has included its observations, risk assessment and recommendations. Responses from Council management to each matter raised are also included in the letter.

The table below is a summary of the issues raised in the letter.

Issue	Detail	Likelihood	Consequence	Risk assessment
Current year issues				
1	Enterprise risk register	Possible	Medium	 Moderate
2	Fraud control framework	Likely	Medium	 Moderate
3	Review of credit card statements	Likely	Medium	 Moderate
4	Password configuration management	Possible	Medium	 Moderate
5	Cyber security framework	Likely	Medium	 Moderate
6	Review of changes to the payroll masterfile	Likely	Medium	 Moderate
7	New accounting standards not yet effective	Likely	Medium	 Moderate
8	Review of daily bank deposit reconciliations	Likely	Low	 Low
9	Payroll record management	Possible	Low	 Low
Prior year repeat issues				
10	Disaster recovery plan (repeat issue)	Likely	Medium	 Moderate
11	Variance in Crown Land (repeat issue)	Almost certain	Low	 Moderate

No high risk issues were raised in this Audit.

The issues raised by the NSWAO in the management letter are mainly a mix between:

- minor matters of procedure – mainly minor errors or oversight by finance staff.
- matters of Council policy, where the Council has set priorities and allocated resources in a direction that meets the outcomes sought by the Council.

Instances of minor matters include missing signatures on reports. These missing signatures are oversights by Council staff and shouldn't happen but this is not a fundamental problem with the Council's control systems. The signatures are only to confirm the document has been sighted by a Council officer and not anything more. In all cases raised, the documents were sighted.

8.20 FINLEY RECREATION RESERVE COMMITTEE OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: - that the Council:

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

President:	Barry Dawe
Vice President:	Russell Anderson
Secretary:	Matt Whitty
Treasurer:	Paul Evans
Committee:	
	Kirsty Clark
	Sasha Wood
	Lindsay Donkin
	Ashley Haynes
	Rick Gardiner
	Pat Kelly
	Michael Archer
	Jenny Isedale
	Phil Leatham

REPORT:

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

8.21 OFFICE OF RESPONSIBLE GAMBLING INFRASTRUCTURE GRANTS

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: 15.128.30

RECOMMENDATION: The direction of the Council is sought

REPORT:

The Office of Responsible Gambling has announced its [2019/20 Infrastructure Grants program](#).

For 2019/20, three grant rounds are available – in August, November and March.

The program funds projects in three categories:

- **Arts & Culture:** \$50,000 to \$200,000 available per project
- **Disaster Readiness & Community Infrastructure:** \$10,000 to \$200,000 available per project
- **Sport & Recreation:** \$100,000 to \$300,000 available per project

Councils are required to match any grant dollar for dollar.

The timeframe to lodge an application in the August round was very tight with applications closing on 26 August 2019, before the August ordinary meeting of Council.

Council staff had started to prepare an application for funding under the Disaster Readiness and Community Infrastructure category for sheet piling 380m of the Tocumwal town levee west of Jersey Street based on an estimate provided by its consulting engineer.

On review of this estimate, it was clear that the grant would not be sufficient to complete the project as it stood, even with matching funding. Council staff are reviewing the options for that section of the levee and may make a further application in a future funding round.

The Council may wish to consider submitting other projects in future funding rounds, noting the requirement for matching funding. This could include:

1. Finley War Memorial Swimming Pool amenities building
2. Barooga and Finley netball facilities
3. Collie Park shelter and amenities
4. Arts trail in Finley
5. WAAAF creek walks
6. Tocumwal Historic Aerodrome Museum
7. Tocumwal Foreshore amphitheatre

Councillors may have other projects for consideration.

8.22 2018/19 RATES AND CHARGES AND INTEREST WRITTEN OFF

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

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

FILE NO: 25.138.1

RECOMMENDATION: that the Council 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, 2018, to 30th June, 2019:

Ordinary/General Rates/Interest	\$ 2,677.15
Annual Water Charges/Interest	\$ 4,254.93
Water Consumption/Charges/Interest	\$ 5,962.22
Annual Sewer/Pedestal Charges/Interest	\$ 4,386.25
Garbage/Domestic Waste Charges/Interest	\$ 47.98
Storm Water/Drainage Charges/Interest	\$ 117.91
Legal Fees	\$ 6,701.48
Total	\$ 24,147.92

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 the Council can endorse the writing off of rates and charges, either by written order (General Manager) and/or resolution (of the 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 are increases in the below listed categories for the following reasons:

Ordinary/General Rates/Interest Due to written off General Rate incorrectly levied on Department of Industry – Crownland property since 2014.

Annual Water Charges/Interest The water access charge was levied on 33 new assessments and subsequently removed due to grant of developer concession by the Council.

Water Consumption/Charges/Interest With the introduction of the Undetected/Significant Leak Policy. The Revenue Department have received and approved a number of applications for relief under this policy. This is evident in the increase in Water Consumption charges written off.

Annual Sewer/Pedestal Charges/Interest The sewer access charge was levied on 33 new assessments and subsequently removed due to grant of developer concession by the Council.

Legal Fees Largely resulted from written off Legal Fees levied through Bankruptcy action, which was abandoned in favour of Selling of Property for Unpaid rates.

8.23 TOCUMWAL WAR MEMORIAL HALL COMMITTEE OF MANAGEMENT

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: 04.074.1

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
	Kerry Davies
	Anne Jones
	Betsy Bird
	Claire Wileman
	Mark Wileman

REPORT:

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

8.24 SNOWY HYDRO LEGACY FUND

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: 14.165.3

RECOMMENDATION: that the Council advise The Hon. John Barilaro MP that it supports the creation of the Snowy Hydro Legacy Fund, however it believes that the fund should be more focused on those NSW irrigation areas that actually sustained the Snowy Hydro system as a principally irrigation scheme.

REPORT:

The NSW Deputy Premier, The Hon. John Barilaro MP has written to the Council outlining the establishment of the Snowy Hydro Legacy fund that will see the funds generated from the sale of the NSW share of the Snowy Hydro scheme sold to the federal government.

The Funds will dedicate all of the sale proceeds of \$4.2b to regional NSW.

Priority areas established by the state for expenditure of the funds are:

1. Water security for regional NSW;
2. Banishing mobile blackspots and boosting internet connectivity;
3. Faster and better rail;
4. Improving regional freight networks; and
5. Creating new business and industry precincts to drive jobs and investment.

The letter from the Deputy Premier and accompanying FAQ's are circulated with this agenda as **Appendix "H"** and better detail the proposed expenditure of the funds.

While the commitment to expenditure of the sale funds entirely in regional NSW is laudable, the priority target areas will provide little if any investment in this area. This is despite the Murrumbidgee and Murray valleys being the primary components of the original irrigation scheme and are those communities most likely to be impacted by the sale to the federal government.

The Council has no position in relation to this matter and some discussion is obviously required, however, it is believed that the Council should be strongly advocating for increased expenditure of the legacy funds in those areas most likely to be impacted by the sale.

8.25 DOCUMENTS FOR SIGNING AND SEALING

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

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

FILE NO: 05.005.9

RECOMMENDATION: that the Council sign and seal all documents related to the sale of Lot 297 DP 720267, Newell Hwy Tocumwal.

REPORT:

The Council, at its meeting held on 15th May 2019 resolved:

'that the Council accept the offer from John Thurtell for the purchase of Lot 297 Newell Highway, Finley and delegate the General Manager to negotiate terms of sale'

The Council did not resolve to sign and seal the contract and transfer documents when it considered the matter at its May 2019 meeting and it would now be appropriate to do so.

The negotiated conditions for the sale which have now been agreed are:

1. Construct & operate a 24hr café restaurant with quality menu & fit-out, that focuses on quality foods that benefit the drivers under the fitness/nutritional regimes suggested in the National Heavy Vehicle Accreditation Scheme (NHVAS).
2. Construct & operate approx. an 8 bay b-double truck apron with Ultra-low-sulphur (ULS) hi-flow diesel, Super diesel & Adblue™ bowsers with a 24hr bower trade (to be serviced by above ground, self-bunded, double-skinned fuel containers).
3. Construct & operate approx. a separated 4 bay passenger & light vehicle apron with E10, Unleaded 91, ron 95 & ron 98 & ULS Lo-flow diesel with Adblue™ bowsers (to be serviced by above ground, self-bunded, double-skinned fuel containers).
4. Construct a fully enclosed concrete apron with an ISO & AS Standards environmental spill trap to prevent hydrocarbons escaping into the subsoil structure or outside the boundaries of the apron's confines.

5. Install picnic tables & bench seats shaded with fast growing natives along with turfed & landscaped areas. This will cater for out vehicle rest areas & outdoor meal areas. This will compliment as an official NHVAS driver fatigue & work diary rest stop & an official “driver revivor” site in the nominated holidays.
6. Construct & operate a 6 bay men & women’s free shower & change block for the drivers & travelling public, with an approx. 12-20 b-double parking & rest bay, depending on on-going negotiations with Roads and Maritime Services (RMS) over their rest stop funding allocations

The works are required to be completed within eighteen months of the date of the contract.

If the works have not progressed satisfactorily the Council may, in effect, resume the land for the original purchase price via a “Deed of Call” option.

8.26 LOCAL TRAFFIC COMMITTEE

AUTHOR: Assets & Operations 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: 30.106.1

RECOMMENDATION: that the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 15th August, 2019:

That the Council:

1. Approve the application for the temporary traffic alterations on Tuppal Road, Tocumwal from Jersey Street to Lower River Road for the Strawberry Fields Festival to be held on Thursday 28th November, 2019 to Monday 2nd December, 2019.
2. Amend the School Bus Zone times at Finley High School from 3:00pm – 4:00pm to 2:30pm – 4:00pm and approve the extension of the Bus Zone Signage to the west side of Finley High School by 50 meters to allow another 2 buses to enter the lane.
3. Approve the application from Tocumwal Chamber of Commerce for the temporary street closure of Deniliquin Street, Tocumwal from Murray Street to Morris Street to hold its Food Festival event on 7th March, 2019. The Food Festival is to commence at 5:00pm with an estimated finish time of 10:00pm.
4. Subject to Transport for New South Wales approval, alter the speed limit on Strathvale Road, Berrigan from the current speed limit of 100km/hr to the new speed limit of 80km/hr and approve to extend the 80km/hr speed limit on the Berrigan Oaklands Road to the intersection of Spring Road, Berrigan and install 'Heavy Vehicle Route' signage at both intersections of Strathvale Road.

REPORT:

All items referred to the Local Traffic Committee have been fully investigated, consulted and proposed actions identified in the recommendations listed above.

A copy of the minutes is attached as **Appendix "I"**

The next meeting is scheduled for Tuesday 22nd October, 2019.

8.27 T14/18/19 CONSTRUCTION AND REFURBISHMENT OF THE FINLEY SCHOOL OF ARTS

AUTHOR: Project Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: T14/18/19

RECOMMENDATION: that the Council:

1. Accept **Option 2**
To noggin out and board up both sides of all damaged windows with 9mm FC sheet and paint, repair the damaged window frames and make good the timber paneling at an estimated cost of \$4,500 plus builders margin & GST.
2. Accept the quotation of \$8,250 excluding GST for the additional termite treatment works to the War Memorial Hall and the School of Arts to reduce the risk of termite damage.

REPORT:

An investigation was undertaken by the Councils Project Manager and Ultra Project Services (contractor) in regard to some damaged windows and timber paneling adjacent to the Finley School of Arts, located on the southern wall of the War Memorial Hall.

The windows and paneling in question have previously been hidden due to a structure previously in that vicinity and therefore the damage to the windows, timber paneling and window frames was not assessed or included as part of the contract for the Finley School of Arts.

The investigation revealed that there is substantial damage to the windows, timber paneling and windows frames. The damage was caused by a number of factors:

- General basketball activities,
- Termites, and
- Weather.

Given the Finley School of Arts is undertaking the extension and restoration the Council is presented with the following options to make good the windows, timber paneling and window frames.

Option 1.

1. To scaffold out remove & dispose of the existing windows, allow for finding termite damages framing and replace where necessary.
= \$ 2,500.00
2. To replace with powder coated aluminum frames with toughened glass and 135mm timber reveals
= \$ 4,930.00
3. To refit, re-flash, install architraves, beads and replace sub sill
= \$ 1,850.00
4. To paint caulk, reveals, architraves and beads and make good where necessary
= \$ 1,100.00

A total of \$10,380.00 plus builders margin & GST.

Option 2.

To noggin out and board up both sides of all damaged windows with 9mm FC sheet and paint. Repair the damaged window frames and make good the timber paneling. This option would still allow natural light through the undamaged windows. The estimated cost for option 2 is \$4,500 plus builders margin & GST.

Furthermore the Council has received additional quotations for additional termite treatment to the subfloor of the War Memorial Hall and School of Arts. Both Halls have endured significant termite damage in the past and the additional termite treatment will reduce the risk of any further damage to both halls in the foreseeable future.

The estimated cost for the termite treatment is \$8250.00 excluding GST.

Another option for the pest control and termite treatment would be to treat the School of Arts subfloor only, which would half the costings above, however this is not recommended as it negates the treatment significantly.

8.28 ANNUAL RETURNS – VOLUNTEER COMMITTEES OF MANAGEMENT

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 04.074.4

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

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 2019 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 Swimming Pool	52,725	45,755	79,205
Retreat Hall	2,489	1855	15,895
Barooga Recreation Reserve	78,048	64,392	25,018
Finley War Memorial Hall and School of Arts	15,427	6,904	29,012
Berrigan Conservation Group	11,224	15,118	9,691
Tocumwal Historic Aerodrome Museum	12,577	5,518	118,246
Railway Park	0	382	458
Finley Showgrounds	31,436	26,122	61,037
Tocumwal Friends of the Library	449	0	2,817

Committee	Income \$	Expenditure \$	Cash and Investments \$
Youth Development	0	0	0
Tocumwal Rail Preservation	375	478	0
Tocumwal War Memorial Hall	11,554	14,199	29,630
Finley Recreation Reserve	54,711	55,206	17,505
TOTALS	\$271,015	\$235,929	\$388,514

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

- Barooga Advancement Group
- Barooga Community Botanical Gardens
- Berrigan War Memorial Hall
- Berrigan Sportsground
- Berrigan War Memorial Swimming Pool
- Finley Recreation Reserve
- Finley War Memorial Swimming Pool
- Mary Lawson Wayside Rest and Finley Log Cabin Museum
- Tocumwal Foreshore
- Boomanoomana Landcare
- Fullers Road Landcare

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.

8.29 MEETINGS

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:

RECOMMENDATION: For discussion

REPORT:

As Councillors may be aware, the implementation of the largely prescribed Code of Meeting Practice has seen the abolition of Committee meetings. This has, in effect reduced meetings of Councillors and also staff to one meeting per month.

The Committee meetings were abolished because they would have simply being conducted in exactly the same formal manner as the Council meetings themselves. While formality and good meeting practice has a place at all official meetings I believe that both Councillors and staff enjoyed the ability to have somewhat less formal discussions and have some more open ended discuss around strategic issues. This was important when developing initial policy positions for new areas of interest or where new options to old problems needed to be considered.

While the Code of Meeting Practice has impacted upon these meetings I equally don't believe that it precludes the Council conducting alternative meetings to workshop strategic or policy positions or to share information.

I believe that if structured and conducted properly such meetings could occur as workshops or sounding grounds for appropriate Council business or initiatives.

A suggested format could be to have staff and Councillors bring forward items for discussion and workshoping which could then inform staff for future reports to a Council meeting. Decisions could not be made at these workshops but equally they could not at Committee meetings either.

This workshop like process would also allow staff and Councillors to bring forward ideas that may ultimately have or have not any support of the Council and particularly where not supported would not be seen as a potential position of the Council.

Similarly to the former Committee meetings strategy or business to be discussed would require presentation of appropriate background reports.

If the Council supports such a concept, workshops could be held two weeks before the scheduled Council meeting.

For discussion.

8.30 MURRAY DARLING ASSOCIATION NATIONAL CONFERENCE AND ANNUAL GENERAL MEETING

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 11.106.2

RECOMMENDATION: that Councillors Bodey and Jones be authorized to attend the Murray Darling Association National Conference and Annual General Meeting at Toowoomba from 22nd to 24th October 2019.

REPORT:

The Murray Darling Association will hold its National Conference and Annual General meeting at Toowoomba from 22nd to 24th October 2019.

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

Cr's Bodey and Jones are seeking the consent of the Council to attend the Conference and AGM. Cr Reynoldson has indicated that he is unable to attend.

Cost of attendance at the Conference etc. is \$699 if booked by 31st August 2019 or otherwise \$790 per delegate. Air travel is approximately \$400 per delegate return. Accommodation and sustenance are additional.

The Council is usually represented at the National Conference.

Program for the conference is circulated with this agenda as **Appendix "J"**.

8.31 TREE REMOVAL

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 11.151.1

RECOMMENDATION:

1. The direction of the Council is sought in relation to the proposed tree works on the corner of Hannah and Hennessey Streets, Tocumwal;
2. That Council approve the tree works identified in other storm damaged areas of Tocumwal as listed in the Arborist report and included as **Appendix "K"**

REPORT:

On Saturday, 29th June, 2019 Tocumwal experienced a significant storm event, described as "tornado-like" which resulted in damage to property and trees. Following the event and the subsequent clean-up, Council staff identified 21 trees that had suffered substantial damage.

A storm event of this calibre requires us to assess the trees and decide upon their future sustainability. Trees, when damaged in a storm event, may be able to be restored through formative pruning; may require substantial habitat pruning; or may be damaged to an extent that they pose a serious risk and leaving them will result in future risks, and therefore need to be removed.

The Council enlisted the services of an arborist through Corowa Tree Care to assess the 21 trees damaged during the storm event. The arborist report is included with this report as **Appendix "K"**.

In summary, eight trees have been identified for removal, five trees have been identified for habitat pruning, five trees have been identified for formative pruning, and three trees have been identified as not requiring any works.

The most difficult area for the Council to assess and decide upon tree removal is the designated island area on the corner of Hannah Street and Hennessey Street.



In this area, four trees have been recommended for removal, and two trees have been identified for habitat pruning. These works will result in that area being reduced to two five metre high stumps.

This section of road has been the subject of a lot of discussion, criticism and support for the way the island has been retained and vehicles are directed. The recommended tree removal and pruning works has given the Council an opportunity to consider several options.

Option 1:

Remove the trees identified, prune those identified trees to habitat level and leave the island in situ;

Option 2:

Remove four trees, habitat prune those identified and replant trees and shrubs in the island area to compensate for those removed;

Option 3:

Remove all trees in the island, habitat prune the tree identified with inhabitants (which sits to the side of the island), remove the island and reform the road. Estimated cost of this work would be in the vicinity of \$35,000.

Additional Tree Removal

The remainder of the trees identified for removal and listed in the arborist report are:

- Cnr Hannah Street and Hutsons Road
- Deniliquin Street
- Cnr Emily Street and Deniliquin Street (2)

- Denison Street (near Charlotte Street) (2)

All trees were badly damaged in the storm. They have been subjected to large branch failure, trunk damage, splitting and other wounds. Retaining these trees will present issues into the future in the form of epicormic growth, and are now no longer viable to retain. It is recommended that the Council remove them.

Pruning

Wherever possible, trees will be retained and pruned on the recommendation of the arborist. Some of the trees require substantial pruning whilst others have escaped damage, requiring the removal of deadwood and ongoing monitoring. Where this option has been recommended, this action will be taken rather than removed.

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

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

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

FILE NO:

RECOMMENDATION: that the Council endorse the writing off the following debts:

1. Write off Actual Costs of \$8,514.45 HCS 06-15/16 Murray Street, Finley due to sale of properties with Half Cost Scheme costs not listed on s603 Certificates and paid on settlement:

295-301 Murray Street, Finley	Lots 6-8 DP27248, Lot 12 DP546361	\$2,488.63
263 Murray Street, Finley	Lot 7 Sec 23 DP758412	\$1,006.54
271 Murray Street, Finley	Lot 3 Sec 23 DP758412	\$1,006.54
293 Murray Street, Finley	Lot 10 DP29248	\$893.70
285-287 Murray Street, Finley	Lots B & D DP370594	\$2,113.00
317 Murray Street, Finley	Lot 13 DP24073	\$1,006.04

2. Write off Actual Costs of \$1,543.80 HCS 02-17/18 Nangunia Street Barooga due to sale of properties with HCS costs not listed on s603 Certificates and paid on settlement

28 Nangunia Street, Barooga	Lot 20 DP42493	\$1,543.80
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REPORT:

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

The Revenue Department recently received the final costs for work carried out two "Half Cost Schemes" (HCS) where landowners were required to contribute as per the

Council's [Contributory Footpath and Kerb and Gutter Schemes policy](#) and the *Roads Act 1993*

These were:

- Murray Street Finley HCS 05-15/16 and
- Phase 2 Nangunia Street Barooga HCS 02-17/18.

It was identified that the following properties have sold with the costings for the HCS works not included on the s.603 certificates settlement amounts.

The Council cannot collect these outstanding monies and as a result, the following amounts are required to be written off.

HCS 06-15/16 Murray Street, Finley

295-301 Murray Street, Finley	Lots 6-8 DP27248, Lot 12 DP546361	\$2,488.63
263 Murray Street, Finley	Lot 7 Sec 23 DP758412	\$1,006.54
271 Murray Street, Finley	Lot 3 Sec 23 DP758412	\$1,006.54
293 Murray Street, Finley	Lot 10 DP29248	\$893.70
285-287 Murray Street, Finley	Lots B & D DP370594	\$2,113.00
317 Murray Street, Finley	Lot 13 DP24073	\$1,006.04

HCS 02-17/18 Nangunia Street, Barooga

28 Nangunia Street, Barooga	Lot 20 DP42493	\$1,543.80
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The total amount of \$10,058.25 is required to be written off.

8.33 REQUEST FOR ASSISTANCE

AUTHOR: Director Corporate Services and Revenue Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO: 25.138.1

RECOMMENDATION: the direction of the Council is sought

REPORT:

Cenekew Pty Ltd has written to Berrigan Shire Council seeking an exemption from annual sewer and water access charges on their newly subdivided lots in Finley until each lot is sold. A copy of their request is attached as **Appendix "L"**

Cenekew acknowledge that the Council is entitled to these rates and charges. The request relates is Stage 1 of a 2 Stage Subdivision development. The proposed total number of Lots to be sold is 10.

The **maximum** cost to the Council to meet this request approximately \$4,364.00 for 2019/20 and approximately \$13,092.00 – provided none of the lots are sold in the 3 year exemption period. The actual cost would be less. In either case, this amount would need to be funded inside the rate peg – i.e. the Council cannot collect the revenue foregone from other ratepayers in the Shire.

When considering this request, the Council may wish to consider the benefit of any goodwill generated from allowing the exemption against the potential risk of creating a precedent.

8.34 REQUEST FOR CONTRIBUTION - SPORTIES HEALTH AND FITNESS CENTRE

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 02.163.1

RECOMMENDATION: that the Council pursuant to s356 of the Local Government Act give notice of its intention to grant \$8,850 to Sporties to prepare a compliance condition assessment of its health and fitness centre and also invite submissions from interested parties in relation to its intention for a period of 28 days with any submission received being considered by the Council at its meeting to be held in October 2019.

REPORT:

The Council has received a request from Sporties for financial assistance with the preparation of a compliance condition assessment of its health and fitness centre.

The Club is requesting \$8,850 to prepare an independent report that will assess compliance and develop 5 and 10 year and capital and maintenance programs.

The Club sees this independent assessment is a critical component of assess to future grant funding.

Whilst the Club is asking the Council to meet the cost of this report, it advises that it too is investing in its growth and efficiency through development of a Precinct Master Plan, Golf Course planning and reviews of electricity and water use.

Traditionally, if the Council received such a request it would likely decline it however there are some features of this request that somewhat mitigate that negative stance.

Firstly, is that the Council already recognises the contribution that the Club makes in proving the indoor pool for the wider area and particularly Barooga by making an annual contribution to the Club of an amount equivalent to the facilities annual rates. Importantly, this contribution is significantly less than it would cost the Council to develop and operate any sort of swimming pool for the Barooga community.

Secondly, is that the facility provides a higher level of service than any of the Council's own pools in that it operates all year and has the capacity to provide a range of programs that would otherwise not be available to the community.

The Club estimates that of its NSW enrolments, 38% come from Barooga, 24% are from Finley, 22% from Tocumwal and 16% are from Berrigan.

Thirdly, the facility is the only operation within that provides a range of health and fitness activities under one roof.

The Club subsidizes the operation by approximately \$800k pa.

The concern with making the requested contribution is that the Council may open itself to similar requests, however on balance it is believed that the above, three factors differentiate from similar requests.

If the Council supports the requested contribution it would need to make this decision only after completing the process required by s356 of the Local Government Act, which is set out below:

356 Can a council financially assist others?

1. A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
2. A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
3. However, public notice is not required if:
 - a. the financial assistance is part of a specific program, and
 - b. the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - c. the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - d. the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
 - e. Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

With the delay of this Council meeting, compliance with the 28 day public notice provision means that a final decision would not be able to be made until the October 2019 Council meeting.

This delay in making a decision is compounded by the fact that I overlooked this request which should have been presented to the July 2019 Council meeting.

This report also needs to be considered in light of a separate report, elsewhere in this agenda regarding the October 2019 Council meeting date.

8.35 OCTOBER COUNCIL MEETING

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:

RECOMMENDATION: the direction of the Council is sought

REPORT:

As the Council may be aware the LGNSW Annual Conference will be held on 14th – 16th October 2019 with the Mayor, Deputy Mayor and General Manager attending.

The scheduled meeting date for the October Council meeting is for 16th October 2019 which obviously clashes with the Conference date.

In terms of resolving this clash, the Council has three options, which are:

1. Hold the meeting regardless in the absence of Mayor, Deputy Mayor and General Manager;
2. Bring the meeting forward one week to the 9th October 2019;
3. Hold the meeting on Thursday 17th October 2019.

Each of these options has its issues, some of which are:

1. The Council would need to be comfortable with this arrangement and be able to maintain a quorum
2. a) In terms of preparing for the meeting there is only a short period between the September meeting and agenda preparation for an earlier October date.
b) This option reduces the time to consider the request from Sporties for financial assistance.
3. This option moves away from the regular meeting day being Wednesday and may not suit all.

8.36 EMERGENCY SERVICES LEVY CONTRIBUTION

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 09.160.1, 09.160.2, 09.160.3

REPORT:

At its ordinary meeting held on 15 May 2019, the Council adopted the following Mayoral Minute:

that the Council:

A. Notes:

- a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers;*
- b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme;*
- c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation;*
- d. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets; and*
- e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.*

B. That this Council supports Local Government NSW's calls for:

- a. the NSW Government to cover the initial additional \$19m increase to local governments for the first year; and*
- b. the NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.*

C. Requests that the General Manager liaise with Local Government NSW to provide information on:

a. The impact on council budgets; and

b. Council advocacy actions undertaken

D. Requests that the Mayor:

a. write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:

i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated;

ii. explain how this sudden increase will impact council services / the local community;

iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018;

iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector; and

vi. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.

b. Copy the above letter to Local Government NSW.

Following from this the NSW government has advised that the increase in the emergency services levy for NSW councils this financial year to meet the cost of new workers' compensation for firefighters.

Attached as **Appendix "M"** is a media release from the Acting Premier and the Minister for Local Government explaining this decision and a letter from Helen Dalton MP who advocated on this matter on behalf of the Council.

8.37 FINLEY SALEYARDS

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: 01.145.1

RECOMMENDATION: The direction of the Council is sought

REPORT:

In response to concerns raised by transport operators, the Council commissioned a report into the condition of the Finley saleyards in 2018. This report, and its associated recommendations, was received by the Council in February 2019.

The Council put aside \$213,000 in funding in its 2019/20 budget to put in place some of these recommendations – in the main addressing safety concerns with the cattle and sheep ramps.

The Council has also consulted with livestock transport operators and the Finley Associated Agents on its plans and been provided with feedback. The feedback has been broadly supportive of the Council's plans while requesting some changes. This includes additional lighting, 24 hour toilets with AvData access and reorienting the proposed cattle ramps to the south west. This will all require additional funding.

The proposed plans would extend the ramps outside the property boundary and onto the road reserve. This isn't a concern in its own right as the Council has effective control of both the property and the road reserve.

The proposed ramps however will extend to underneath the overhead power lines on Hamilton St. In informal discussions with Essential Energy staff, they have indicated that they would require the Council to move the lines – in effect, put them underground.

The Council is seeking a quote for these works. At the time of writing this has not been received. An initial estimate from Council staff is that this is likely to cost over \$100,000 if not more. The Council has not allocated funding for this work.

Overall, the estimated cost of the required and requested works is now approximately \$500,000.

8.38 BERRIGAN SHIRE COUNCIL SUBMISSION – PLANNING FOR AGRICULTURE IN THE RIVERINA MURRAY DRAFT JUNE 2019

AUTHOR: Town Planner

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO:

RECOMMENDATION: that the Council

1. Make a submission to the draft '*Planning for Agriculture in the Riverina Murray*' June 2019 as contained in **Appendix "N"** attached to this agenda.
2. Make a submission to RAMJO meeting to be held on 28 August 2019 for RAMJO to the draft '*Planning for Agriculture in the Riverina Murray*' June 2019.

REPORT:

Introduction

The Berrigan Shire Council has the opportunity to provide comment on the NSW Department of Planning, Industry and Environment's draft strategy for *Planning for Agriculture in the Riverina Murray Draft June 2019* (The Plan). The strategy has been prepared for the Department of Planning, Industry and Environment by RMCG-Victoria. The Council notes that the strategy has been prepared in accordance with the NSW strategic planning principles and that the objective of *the Plan* is to:

1. Identify and map the region's agricultural land;
2. Identify emerging opportunities for agriculture and guide; and
3. Direct local planning for the region and NSW

Berrigan Shire Council and RAMJO Submission

Council staff have compiled a Berrigan Shire Council Submission on *Planning for Agriculture in the Riverina Murray Draft June 2019* that generally addresses the strategic outcomes of the Berrigan Shire 2027, Our Community Strategic Plan (CSP). The Berrigan Shire Council submission has been composed under the three objectives of *the Plan*, as listed above, and is attached as **Appendix "N"**

The Riverina and Murray Joint Organisation (RAMJO) have requested that all member Councils' submissions on *the Plan* be tabled at the RAMJO meeting to be held on 28 August 2019. RAMJO's intent is to compile a regional submission on *the Plan* compiling the consistent regional objectives and issues. This will provide additional strength to a Berrigan Shire Council Submission on *the Plan*.

Conclusion

This report tables the Berrigan Shire Council Submission on the NSW Department of Planning, Industry and Environment *Planning for Agriculture in the Riverina Murray Draft June 2019*. The Berrigan Shire Council Submission will be tabled at the RAMJO meeting 28 August 2019. RAMJO will compile a regional submission on *the Plan*.

8.39 DROUGHT COMMUNITIES PROGRAM

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO:

RECOMMENDATION: The direction of the Council is sought

REPORT:

Since the last meeting, the Council has received official advice about its eligibility for funding under the Drought Communities Program and a link to the portal where it can lodge its application.

The key point for noting is that under this program **all projects must be completed by 30 June 2020**.

At its ordinary meeting on 15 May 2019, the Council made the following resolution.

RESOLVED *Crs Bodey and Taylor that the Council prioritise Drought Communities Programme projects as:*

<i>Upgrade Apex and Hayes Parks</i>	<i>\$525k</i>
<i>Scoullar Street construction</i>	<i>\$150k</i>
<i>Coree Street median</i>	<i>\$400k</i>
<i>Total</i>	<i>\$1.075m</i>

Council staff have been working on developing these projects for funding under this program. There will need to be some changes to the above list of projects and the Council may wish to make other changes.

Scoullar Street construction

The estimate for Scoullar St has been confirmed with the scope of works being upgrade of the gravel section and put in sufficient drainage to drain said section and pipe the drain on the south.

Coree St median strip

Estimates for the works at Coree St medians have come in a little under expectation at \$380,000 – this includes installing the medians as well as planting and landscaping.

However, preliminary survey work indicates that the new medians cannot be installed without reconstructing the kerb and gutter and stormwater infrastructure associated. Including this would take the cost of the project out to over \$1m and make the project non-feasible – unless another source of income is available to fill the gap.

There may be another funding option for the kerb and gutter works but discussions are at a very preliminary stage. Council staff may have more information available by the meeting date.

The Council may need to consider other projects if additional funding is not forthcoming.

Hayes and Apex Parks

At its ordinary meeting on 17 July 2019, the Council made the following resolution.

RESOLVED *Crs Hannan and Bodey that the Council:*

- 1. adopt the concept plans for Hayes Park and Apex Park attached as Appendix “B” and “C” as a draft;*
- 2. conduct a community consultation program for a period of 21 days;*
- 3. use the finally adopted plans to prepare an application for funding under the Drought Communities Program for the works identified as “Stage 1”.*

In line with this resolution, the concept plans were placed on public display at the Council administration office and Berrigan library. The concept plans were also placed on the Council website and feedback sought via the Council’s social media channels. In addition, letter requesting feedback were sent to key interest groups in Berrigan associated with each of the parks.

A copy of the feedback provided is attached as **Appendix “O”**

Common themes that arose from the consultation included:

1. The Hayes Park toilets are felt to be too close to the road
2. The use of native trees at Hayes Park is supported (in general)
3. The rock crusher is an important part of Berrigan’s history and should be retained.

Other suggestions are more specific but include the location of the proposed war memorial, the Apex Park playground and the Bills water trough.

There was also the informal suggestion made to Council staff that the Berrigan community needed more time to consider these changes and that the consultation period had been rushed. This has some merit – while the Council has consulted on the Berrigan town landscape plan, this is the first specific plans for these parks seen by the public.

This short timeframe has been forced on the Council by the funders. Projects needs to be delivered by 30 June 2020 which does not allow a longer consultation period. The choice for the Berrigan community – and the Council on their behalf is this.

1. Refine the Hayes and Apex Park plans based on the feedback supplies and include in the Drought Communities Program works to be completed on 30 June 2020.
2. Undertake further consultation with the Berrigan community on the proposals for Hayes and Apex Parks – understanding that this will mean they will not be able to be completed by 30 June 2020 and as such works will be contingent on future funding opportunities.

Other projects

If after consideration the Council wishes to remove one or more of the above projects from the Drought Communities Program bundle, the following table was presented to the May council meeting

Project	Identified Council Priority	Meets Guidelines Grant & Council	Other
Rotary Park Finley upgrade	No	No	
Finley Lake beautification	No	Maybe	Land not controlled by the Council Future maintenance responsibility
Purchase irrigation water for gifting or providing on a subsidy basis to irrigators	No	Maybe	Difficult to develop a criteria and an efficient methodology to equitably distribute water
Finish Finley Walking Track	No	Unlikely	Council can achieve this on a recurrent basis
Finish Berrigan Walking Track	No	Unlikely	Council can achieve this on a recurrent basis
Provide solar/battery system for farms	No	Yes	Difficult to develop a criteria and an efficient methodology to equitably distribute systems. Demand requirements unknown.

Project	Identified Council Priority	Meets Guidelines Grant & Council	Other
Reconstruct Hamilton Street Finley from Riverina Hwy to truckwash	No	Yes	Good project but outweighed by superior project. Other funding sources potentially available.
Redevelop Finley War Memorial Swimming Pool amenities building and reconstruct/beautify car park and entrances	Yes	Maybe	Identified at Corporate Workshop as a priority to enhance Finley Town Centre Plan
Further develop and connection Finley Memorial Park and link Loco Dam	No	Maybe	Enhances Town Centre Plan and expands potential use at Memorial Park

From the above staff identified priority project which are expanded upon below.

Redevelop Finley War Memorial Swimming Pool amenities building and reconstruct/beautify car park and entrances

Replacement of amenities building with something like the Berrigan amenities building and reconstruct carpark and accessways.

Estimated cost \$500k

Further develop and connection Finley Memorial Park and link Loco Dam

Includes extension of Memorial Park fencing to incorporate Loco Dam site and tree removal, tree planting and irrigation.

Estimated cost \$47k.

RECOMMENDATION – that Items for Noting numbered 9.1 to 9.8 inclusive be received and noted.

9.1 TENDER T01/19/20 ANNUAL PLANT HIRE

AUTHOR: Engineering Services Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: T01/19/20

REPORT:

The Council wish to compile a list of available specific items of Plant for hire to supplement its own Plant and Fleet. This list is to enable the Council to select suitable Plant on a 'Best Value' basis to support the delivery of works and services to the community as required.

The Annual Plant Hire contract is a schedule of rates contract.

Tenders closed at 2:00pm, Wednesday 19th June, 2019. At the time of closing a total of thirty-one submissions were received.

Submissions were received from the following organisations:

1. **Advance Sweepers Pty Ltd**
2. **Goldmans Excavations Pty Ltd**
3. **Austin Robinson Excavations Pty Ltd**
4. **Bell / Kearney Excavation Pty Ltd**
5. **Becon Civil Construction Pty Ltd**
6. **Berrigan Water Cartage**
7. **Conxhire**
8. **Curry Power Pty Ltd**
9. **Drainflow Solutions Pty Ltd**
10. **Ezyquip Hire**
11. **Fenhill Pty Ltd**
12. **Foxy's Backhoe Service**
13. **John Nolan Pty Ltd**
14. **Luxton Plant Pty Ltd**
15. **Miller Pipe & Civil Pty Ltd**
16. **Millers Civil Contractors & Plant Hire Pty Ltd**
17. **Muzzaslash and Labour Hire**
18. **Necam Pty Ltd**
19. **O'Loughlin Excavations**
20. **Orange Hire**
21. **Peterworth Pty T/A 359 Transport**

22. Porter Excavations Pty Ltd
23. Riverina Stabilisers Pty Ltd
24. Rollers Australia Pty Ltd
25. RSP Environmental Services
26. SE & ST Little Pty Ltd
27. Stabilco Pty Ltd
28. Stephen Haynes Pty Ltd
29. Tribuzi Transport and Plant Hire Pty Ltd
30. Toxfree
31. Yellow Hire

CONSIDERATION OF THE TENDERS

All Tenders were considered by the Tender Evaluation Committee consisting of Fred Exton, Gary George and Dean Loats.

All Tenders submitted were deemed compliant with the specification.

SUPERVISOR

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

ACCEPTANCE OF TENDERS

All Tenders were accepted by the General Manager under delegation and Contract Documents have been signed.

9.2 TENDER T02/19/20 SUPPLY OF QUARRY PRODUCTS

AUTHOR: Engineering Services Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: T02/19/20

REPORT:

The Council wish to compile a list of suppliers of Quarry Products. This list is to enable the Council to select suitable materials on a 'Best Value' basis to support the delivery of works and services to the community as required.

The Supply of Quarry Products contract is a schedule of rates contract.

Tenders closed at 2:00pm, Wednesday 19th of June, 2019. At the time of closing a total of five submissions were received.

Submissions were received from the following Tenderers:

1. **Goldmans Excavations Pty Ltd**
2. **Burgees Earthmoving**
3. **CJ & BB Lawrence Pty Ltd**
4. **E.B Mawson & Sons Pty Ltd**
5. **Stephen Haynes Pty Ltd**

CONSIDERATION OF THE TENDERS

All Tenders were considered by the Tender Evaluation Committee consisting of Fred Exton, Gary George and Dean Loats.

All Tenders submitted were deemed compliant with the specification.

SUPERVISOR

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

ACCEPTANCE OF TENDERS

All Tenders were accepted by the General Manager under delegation and Contract Documents have been signed.

9.3 TENDER T03/19/20 SUPPLY OF ELECTRICAL SERVICES

AUTHOR: Engineering Services Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: T03/19/20

REPORT:

The Council wish to compile a list of available electrical contractors to carry out electrical works on Council Assets. The list is to enable the Council to select electrical contractors on a 'Best Value' basis to support the delivery of works and services to the community as required.

The Supply of Electrical Services contract is a schedule of rates contract.

Tenders closed at 2:00pm, Wednesday 19th of June, 2019. At the time of closing a total of six submissions were received.

Submissions were received from the following organisations:

1. Cobram Electrical & Data
2. Ian Wastle Pace Electrics Pty Ltd
3. Murray River Electrical
4. Murray Valley Locating & Electrical
5. PA & JL Scott
6. RW Purtle Pty Ltd

CONSIDERATION OF THE TENDERS

All Tenders were considered by the Tender Evaluation Committee consisting of Fred Exton, Gary George and Dean Loats.

All Tenders submitted were deemed compliant with the specification.

SUPERVISOR

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

ACCEPTANCE OF TENDERS

All Tenders were accepted by the General Manager under delegation and Contract Documents have been signed.

9.4 LOCAL STRATEGIC PLANNING STATEMENT (LSPS)

AUTHOR: Town Planner

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO:

REPORT:

Background

It is a gazetted change to the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)* that each NSW Council prepare a Local Strategic Planning Statement (LSPS) by 1 July 2020. This report will outline the purpose of an LSPS in the NSW planning systems, describe the process for development of an LSPS and outline how the Council will work collaboratively with the NSW Department of Planning, Industry and Environment and Riverina and Murray Joint Organisations (RAMJO) to produce the Berrigan Shire Council LSPS.

LSPS

The NSW Department of Planning, Industry and Environment describes an LSPS as a pivotal tool for local strategic planning in NSW. They will inform local statutory plans and development controls, and give effect to regional and district plans. An LSPS delivers the local context of a Council and their strategic relationship within the broader district and regional scales.

It is a document that draws together and summarises planning priorities identified within state, regional and local strategic work. It is envisaged that an LSPS will permit a Council, in consultation with their communities and surrounding regional Councils, to translate strategic planning work into local priorities and actions. The development of these actions will respond to and build on the place, a community's strengths and potential and their context within a regional setting.

The LSPS will provide a bridging point to ensure that regional and district priorities are placed within a clear local context and tailored to the unique economic, social and environmental characteristics of the local government area.

The LSPS will have a 20-year planning vision for the LGA, emphasising strategic land use, transport and environmental planning, clearing demonstrating how the area will change to meet the community's and regional needs in 20 years' time.

Section 3.9 of the EPA Act 1979 contains the legal requirements for an LSPS which is provided below:

- a. **Context** – the basis for strategic planning in the area, having regard to economic, social and environmental matters;
- b. **Planning Priorities** – for the area that are consistent with any strategic plan applying strategic plan under Section 402 of the *Local Government Act 1993*;
- c. **Action** – the actions required for achieving those planning priorities;
- d. **Implementation** – the basis on which the Council is to monitor and report on the implementation of those actions.

The LSPS is to extend on the 10 year vision in the Berrigan Shire 2027 Our Community Strategic Plan (CSP) prepared under the *Local Government Act 1993*. The CSP is based around the following Strategic Outcomes:

- Sustainable natural and built landscapes,
- Good government,
- Supported and engaged communities,
- Diverse and resilient business.

The NSW Department of Planning, Industry and Environment has volunteered that they have capacity to provide support to the Berrigan Shire Council to assist in the drafting of the LSPS including mentoring, peer review and scoping. The Berrigan Shire has initiated forming a RAMJO group to assist in drafting the LSPS through capacity building and aligning regional actions to address issues within the RAMJO area. Damien Pfeiffer, Director Western Region and Gary White, Chief Planner Western Region from NSW Department of Planning, Industry and Environment visited the Berrigan Shire on Wednesday 14 August 2019 to provide advice on the drafting of the LSPS, to discuss regional issues and to offer support to the Council in drafting the LSPS. The NSW Department of Planning, Industry and Environment committed to attend and provide support in the RAMJO group meeting.

A guideline for preparing an LSPS has been prepared by the NSW Department of Planning, Industry and Environment which is attached as **Appendix “O”** and they have partnered with University of Technology Sydney (UTS) to deliver a short course on the strategic planning focus of the LSPS tailored specifically for NSW Councils. These workshops were held in Wagga Wagga at the end of June 2019 and attended by Berrigan Shire Council staff.

Budgetary Implications

The preparation of the LSPS will have budgetary implications that is unknown at this stage. The bulk of the scoping, testing and drafting will occur internally which will increase staff workload.

Conclusion

This report advises the Council of the need to produce an LSPS, the role of an LSPS in the NSW planning system, the process for development of a LSPS and how the Council will work collaboratively with the NSW Department of Planning, Industry and Environment and RAMJO to produce the Berrigan Shire Council LSPS.

9.5 SALE OF LAND FOR UNPAID RATES

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.049.1

REPORT:

At its meeting held on Wednesday 19th June 2019, the Council resolved to sell properties located at 105 Cobram Road and 24 Budd Street Berrigan for unpaid Rates.

Recommendation five stated:

Council agree that as from the date of this meeting no property shall be withdrawn from sale unless and until all amounts due at the date of the proposed settlements, including current rates and charges including extra charges, are paid in full by close of business Tuesday 15th of October 2019, or an arrangement satisfactory to the Council for payment of all such rates and charges being entered into by the rate able person(s)

Following productive negotiations with the Revenue Department. The owner/ratepayer of 105 Cobram Road, Berrigan paid out in full, all outstanding balances on 2nd August 2019. This property will no longer be sold with the sale of 24 Budd Street, Berrigan still proposed to go ahead on 19th October 2019.

9.6 FIXING COUNTRY ROADS

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Diverse and resilient business

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

FILE NO: 09.160.1, 09.160.2, 09.160.3

REPORT:

The NSW government has announced the 2019 funding round of the [Fixing Country Roads program](#).

Councils can apply for the following Fixing Country Roads application streams:

1. Road and Bridges Construction
2. Bridge and Load Assessments
3. Truck Washes

While applications can be made at any time, submissions made before 10 October, 2019 will be assessed for announcements in December 2019. Two further rounds will follow.

This program has previously funded Silo Road, Strathvale Road and Finley Truck Wash.

Council staff will come forward with options for application at a future meeting.

9.7 FINANCIAL ASSISTANCE GRANT

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: 15.128.5

REPORT:

The NSW Local Government Grants Commission have advised the Council regarding its estimated 2019-20 Financial Assistance Grants (FAG). A copy of this advice is attached as **Appendix “P”**

Year	General Purpose	Local Roads	Total
2018-19 (final)	\$3,285,165	\$1,379,940	\$4,665,105
2019-20 (estimated)	\$3,488,747	\$1,437,807	\$4,926,554

This is 5.6% increase from 2018-19, which is welcome. Note that is an estimate and may change slightly as the year progresses.

The amount the Council will receive for 2019-20 and how it compares to the Council’s adopted budget is shown in the table below.

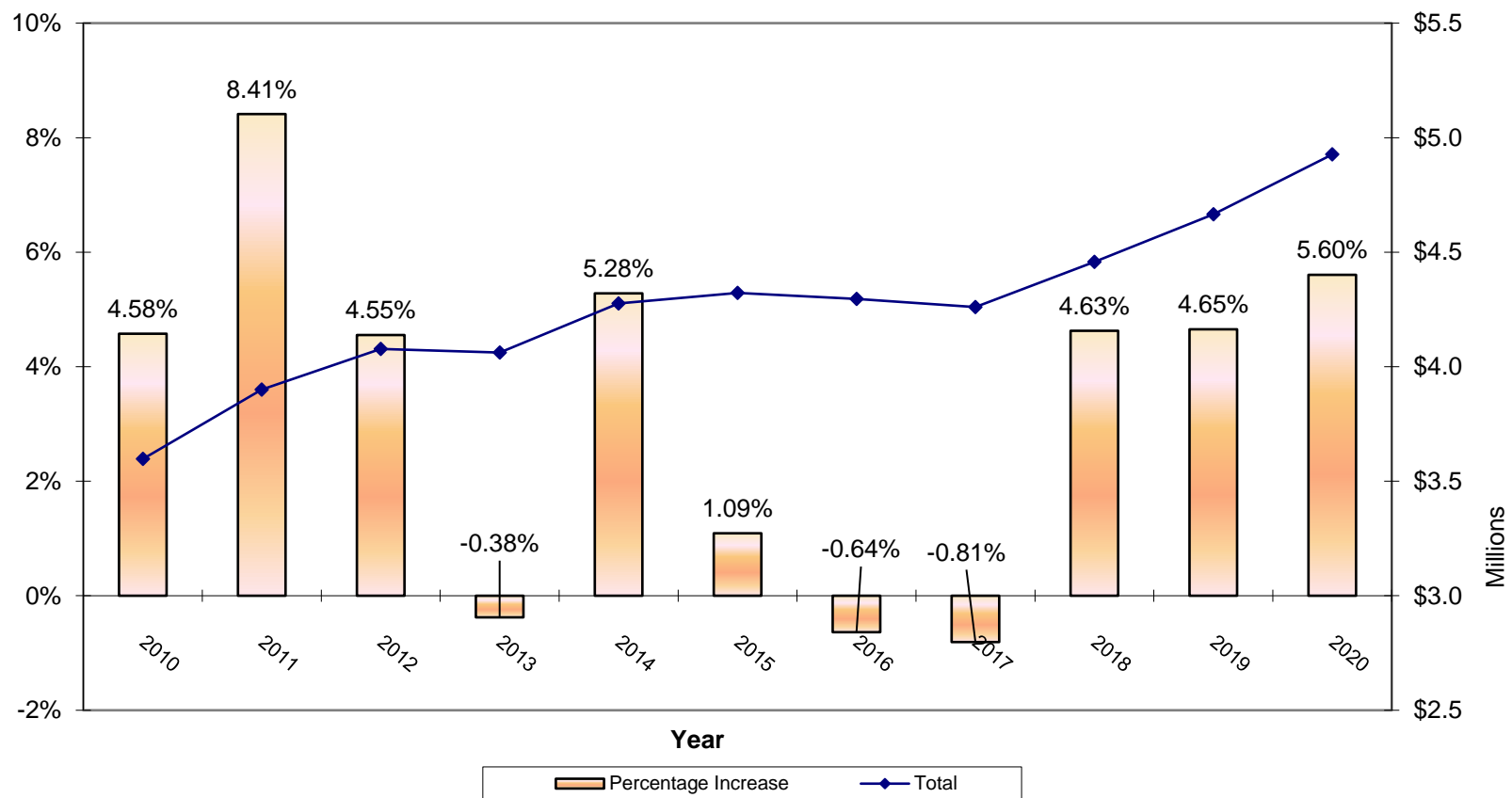
	Budget	Actual	Difference
General Purpose	\$3,167,156	\$3,488,747	\$321,591
Local Roads	\$1,336,106	\$1,437,807	\$101,701
Total	\$4,503,262	\$4,926,554	\$423,292

While these are funds over and above what the Council had budgeted, the Council does not normally make a decision on their use until after the adoption of the Council’s annual financial statements. Note also that the Council has made several unfunded commitments in 2019-20 that require funding.

The Council should note that approximately 50% (\$2,512,632) of the 2019-20 FAG was paid in June 2019. The balance will be paid in four instalments this financial year.

The chart on the following page provides a history of the Council’s FAG allocation.

Berrigan Shire Council Financial Assistance Grant 2010-2020



9.8 DEVELOPMENT DETERMINATIONS FOR MONTH OF JULY 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 JULY 2019

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
139/19/DA/DM	CAFE	221 NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot 307//DP820153)	Ms S & Mr G Priestley	MS TE CASSAR	Approved 19-07-2019	\$ 3000.00	Active 7	Total 72
168/19/DA/D9	2 LOT SUBDIVISION	82 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot B//DP368649)	Donald & Deslee Young	DA & DA YOUNG SUPERANNUATION FUND	Approved 02-07-2019	\$ 0.00	Active 15	Total 15
170/19/DA/DM	EXTEND VERANDAH	42-48 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot 1//DP972176)	Helen Ruigrok	MS H M RUIGROK	Approved 29-07-2019	\$ 10000.00	Active 34	Total 34
171/19/DA/D5	PATIO	34 EMILY STREET, TOCUMWAL NSW 2714 (Lot 2//DP1078380)	Apollo Patios	MR ML HULETT	Approved 05-07-2019	\$ 9346.00	Active 17	Total 17
172/19/DA/D5	PERGOLA & EXTENSION OF CARPORT	5 HOYLE STREET, TOCUMWAL NSW 2714 (Lot 1//DP434732)	Mark Whelan	MR M J WHELAN & MRS J WHELAN	Approved 25-07-2019	\$ 8000.00	Active 29	Total 29
40/19/CD/M1	BV DWELLING & ATTACHED GARAGE	2 BEVERLEY PLACE, BAROOGA NSW 3644 (Lot 53//DP1123204)	Hadar Homes	RUTH BURNETT	Approved 02-07-2019	\$ 404165.00	Active 5	Total 5
180/19/DA/D5	RESIDENTIAL STORAGE SHED	21 HADLEY STREET, TOCUMWAL NSW 2714 (Lot 18//DP1250358)	Graham Broomhall	MR GJ BROOMHALL AND MRS RJ BROOMHALL	Approved 05-07-2019	\$ 12500.00	Active 7	Total 7
181/19/DA/D5	RESIDENTIAL STORAGE SHED	23 HADLEY STREET, TOCUMWAL NSW 2714 (Lot 17//DP1250358)	David Broomhall	MR D J BROOMHALL	Approved 05-07-2019	\$ 12500.00	Active 7	Total 7
182/19/DA/D1	BV DWELLING & ATTACHED GARAGE	8 MALONE MEWS, FINLEY NSW 2713 (Lot 9//DP1097289)	KENNEDY BUILDERS	MS L M HAYES	Approved 05-07-2019	\$ 250000.00	Active 7	Total 7
183/19/DA/D8	AMENITIES BUILDING	13-19 MOMALONG STREET, BERRIGAN NSW 2712 (Lot 31//DP1189220)	MS Construction Pty Ltd	BERRIGAN SHIRE COUNCIL	Approved 05-07-2019	\$ 434074.00	Active 7	Total 7
184/19/DA/D1	BV DWELLING & ATTACHED CARPORT	24-26 BAROOGA STREET, BERRIGAN NSW 2712 (Lot 4/11//DP758097)	Lekeal Pty Ltd	MS VL GEEVES	Approved 17-07-2019	\$ 407300.00	Active 14	Total 14
185/19/DA/D5	RESIDENTIAL STORAGE SHED	10 BRUTON STREET, TOCUMWAL NSW 2714 (Lot 12//DP1067902)	O'Halloran Property Service	MS N E WEAIRE	Approved 19-07-2019	\$ 15840.00	Active 15	Total 15

1/20/CD/M1	BV DWELLING & ATTACHED GARAGE	26 HADLEY STREET, TOCUMWAL NSW 2714 (Lot 21//DP1250358)	Stoneway Constructions	MR GF OWEN AND MRS DN OWEN	Approved 11-07-2019	\$ 339870.00	Active 1	Total 1
1/20/DA/D5	RESIDENTIAL STORAGE SHED	13 COBRAM STREET, TOCUMWAL NSW 2714 (Lot 4/20/DP758981)	Peter & Rhonda Pether	MR PJA PETHER AND MRS RM PETHER	Approved 22-07-2019	\$ 19800.00	Active 7	Total 7
2/20/DA/D1	BV DWELLING & ATTACHED GARAGE	13 COBRAM STREET, TOCUMWAL NSW 2714 (Lot 4/20/DP758981)	Elite Building Pty Ltd	MR PJA PETHER AND MRS RM PETHER	Approved 22-07-2019	\$ 450832.00	Active 7	Total 7
2/20/CD/M1	BV DWELLING & ATTACHED GARAGE	14 LEWIS CRESCENT, FINLEY NSW 2713 (Lot 22//DP1245044)	Elite Building Pty Ltd T/A GJ Gardner Homes Albury	MR FJ BRUWER AND MRS AA BRUWER	Approved 17-07-2019	\$ 339274.00	Active 2	Total 2
3/20/DA/DO	EXTENSION TO RURAL SHED	96 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot 4//DP270154)	Fortitude Frames	MR C T BALDWIN AND MRS D K BALDWIN	Approved 23-07-2019	\$ 6500.00	Active 5	Total 5
3/20/CD/M1	BV DWELLING & ATTACHED GARAGE	9 IVIE AVENUE, BAROOGA NSW 3644 (Lot 30//DP1093869)	Metricon Homes	MR S T BARBETTI	Approved 24-07-2019	\$ 248980.00	Active 5	Total 5
7/20/DA/D1	BV DWELLING & ATTACHED GARAGE & STORAGE SHED	NGAWE ROAD, BAROOGA NSW 3644 (Lot 7//DP111681)	MS Construction Pty Ltd	MR FA & MRS DL MACHEDA	Approved 29-07-2019	\$ 579758.00	Active 6	Total 6
9/20/DA/DO	RURAL SHED	60 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot 29//DP270154)	Paul & Donna Boaden	MR P R BOADEN & MRS D S BOADEN	Approved 31-07-2019	\$ 19900.00	Active 6	Total 6
10/20/DA/D5	CARPORT	2/23 HOWE STREET, FINLEY NSW 2713 (Lot 3//DP285167)	Norman Wilson	MR NJ WILSON	Approved 31-07-2019	\$ 5000.00	Active 6	Total 6

APPLICATIONS PENDING DETERMINATION AS AT 31/07/2019

Application No.	Date Lodged	Description	Property Location
173/19/DA/D9	14-06-2019	5 LOT SUBDIVISION	10 Centurion Track, TOCUMWAL NSW 2714 (Lot 294//DP1115502)
186/19/DA/D5	28-06-2019	RURAL SHED	59 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot 30//DP270154)
12/20/DA/D1	31-07-2019	CONTAINER DWELLING	11 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot 13//DP1194758)

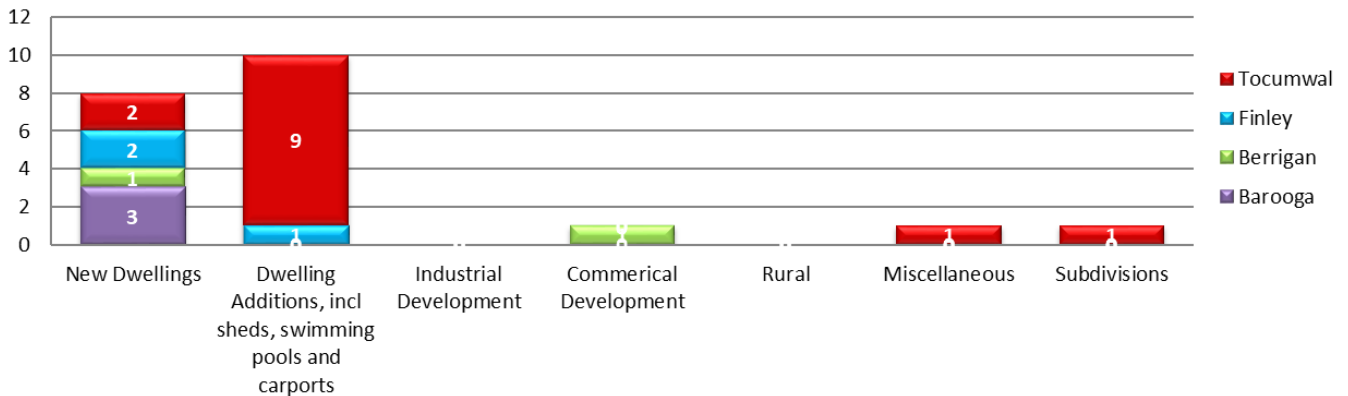
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (July)	Year to Date	This Month's Value (July)	Year to Date Value
Development Applications (DA)	17	17	\$2,244,350	\$2,244,350
Construction Certificates (CC)	16	16	\$2,355,374	\$2,355,374
Complying Development Certificates (CDC)	4	4	\$1,332,289	\$1,332,289
Local Activity (s.68)	8	8		

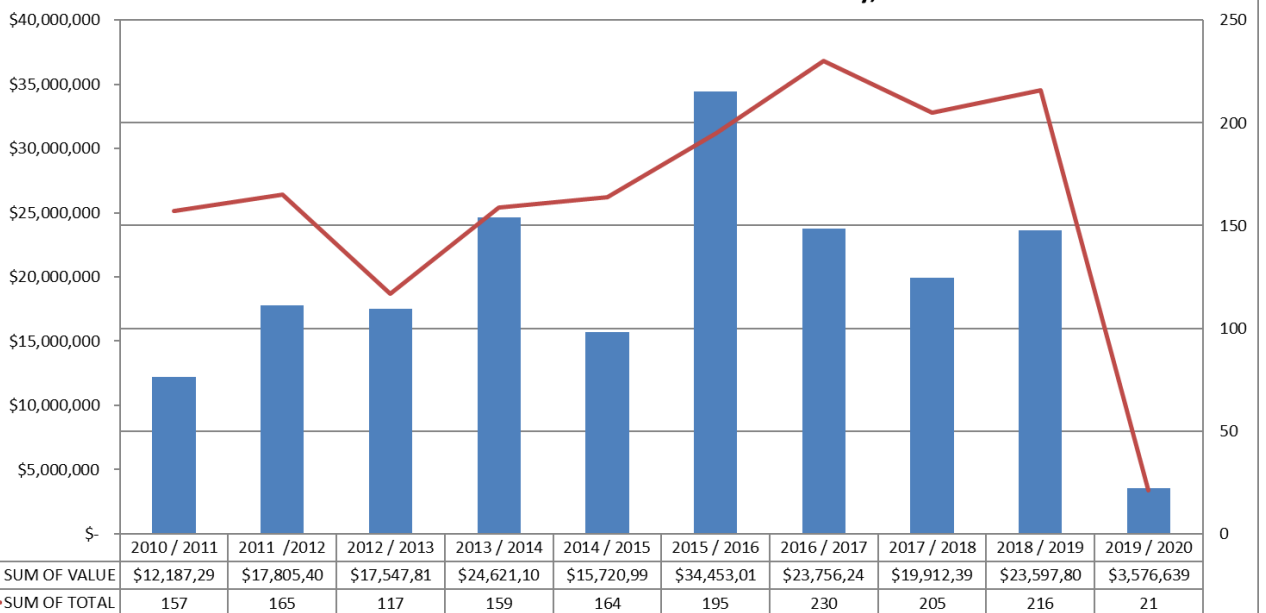
OTHER CERTIFICATES ISSUED FOR JULY 2019

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	July	Year Total	July	Year Total	July	1	July	Year Total	July	Year Total	July	Year Total
BAROOGA	7	7										
BERRIGAN	7	7			1	1						
FINLEY	10	10										
TOCUMWAL	17	17	1	1					3	3		
TOTAL	41	41	1	1	1	1	0	0	3	3	0	0

DEVELOPMENT ACTIVITY 2019/2020 as at 31 July, 2019



DEVELOPMENT ACTIVITY as at 31 July, 2019



10. MAYOR'S REPORT

RECOMMENDATION – that the Mayor's Report be received.

11. DELEGATES REPORT

12. BUSINESS ARISING