



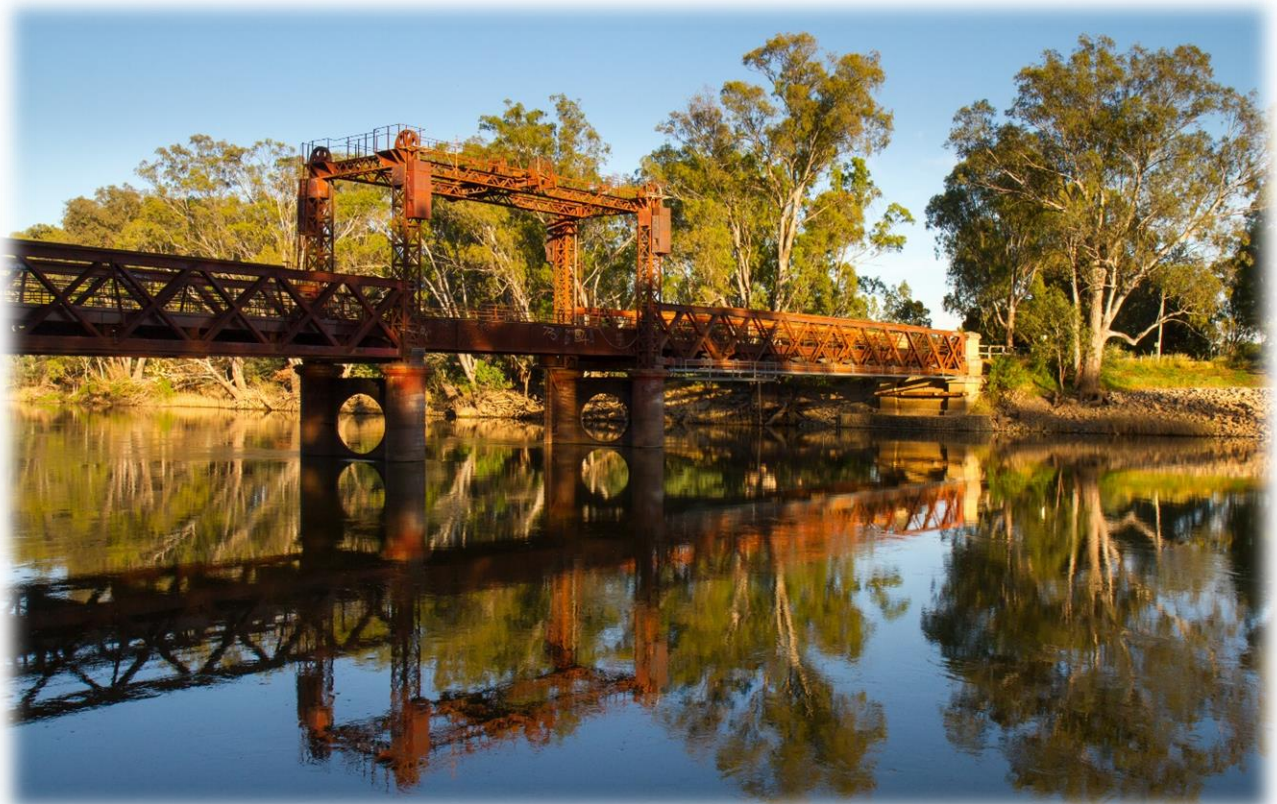
ORDINARY MEETING OF COUNCIL

Wednesday 15 January 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 15th January, 2020** when the following business will be submitted:-

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

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday 15th January, 2020

BUSINESS PAPER

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

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

3. VISITORS

10.15am Kathleen McPhie
(NSW Rural Doctors Network Bush Bursary student)

4. CONFIRMATION OF MINUTES

RECOMMENDATION: that the Minutes of the meeting held in the Council Chambers on Wednesday 18th December, 2019 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

Nil

7.1 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 December 2019, be received and that the accounts paid as per Warrant No. 12/19 totaling \$1,940,116.42 be confirmed.

REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 December 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 December 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 December 2019, totaling \$1,940,116.42 and will be submitted for confirmation of payment as per Warrant No. 12/19
- 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) December has shown a slight decrease in total funds held in comparison to the end of November. The movement in cash holdings is largely comparable with the same period last year and represents the general pattern in cash holdings over the year.
Overall funds however have grown from \$32.021M in December 2018 to \$34.598M in December 2019. Total funds are expected to remain stable in the January period.

Statement of Bank Balances as at 31 DECEMBER 2019

Bank Account Reconciliation

Cash book balance as at 1 DECEMBER 2019	\$ 8,579,570.11
Receipts for DECEMBER 2019	\$ 958,679.37
Term Deposits Credited Back	\$ -
	<u>\$ 9,538,249.48</u>
<i>Less Payments Statement No 12/19</i>	
No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 725,062.32
Electronic Funds Transfer (EFT) Creditors E033316-E033535	\$ 1,193,158.44
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 21,895.66
Total Payments for DECEMBER 2019	<u>\$ 1,940,116.42</u>
Cash Book Balance as at 31 DECEMBER 2019	<u>\$ 7,598,133.06</u>
<i>Bank Statements as at 31 DECEMBER 2019</i>	\$ 7,598,495.78
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ 362.72
Reconciliation Balance as at 31 DECEMBER 2019	<u>\$ 7,598,133.06</u>

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	144/19	182	**1.75%	23/03/2020	\$ 2,000,000.00	BBB+
AMP	133/17	181	**1.90%	26/05/2020	\$ 1,000,000.00	BBB+
AMP	125/16	182	**1.90%	3/06/2020	\$ 2,000,000.00	BBB+
AMP	136/18	365	**1.60%	17/10/2020	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	124/16	365	2.65%	13/05/2020	\$ 2,000,000.00	UNRATED
Bendigo Bank	141/18	364	*1.45%	11/09/2020	\$ 2,000,000.00	BBB+
Bendigo Bank	142/18	365	*1.60%	25/09/2020	\$ 2,000,000.00	BBB+
Central Murray Credit Union	126/16	365	1.85%	30/08/2020	\$ 2,000,000.00	UNRATED
Defence Bank Limited	138/18	365	2.85%	10/01/2020	\$ 2,000,000.00	BBB
Defence Bank Limited	102/14	364	2.75%	3/04/2020	\$ 2,000,000.00	BBB
Defence Bank Limited	106/14	365	2.05%	29/08/2020	\$ 2,000,000.00	BBB
Defence Bank Limited	146/19	365	1.70%	30/08/2020	\$ 2,000,000.00	BBB
G&C Mutual Bank	145/19	364	2.63%	6/04/2020	\$ 2,000,000.00	BBB-
NAB	143/18	365	1.45%	19/11/2020	\$ 2,000,000.00	AA-
					<u>\$ 27,000,000.00</u>	

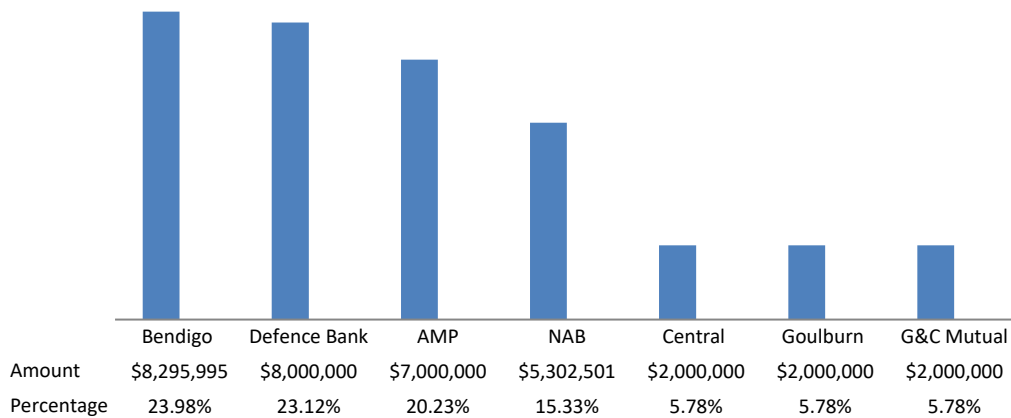
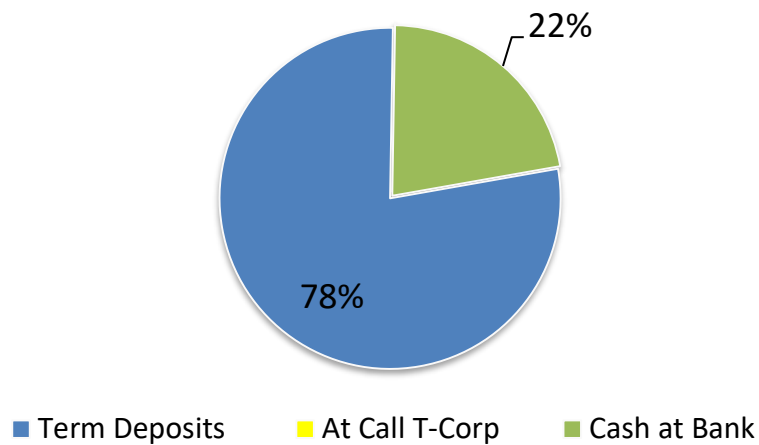
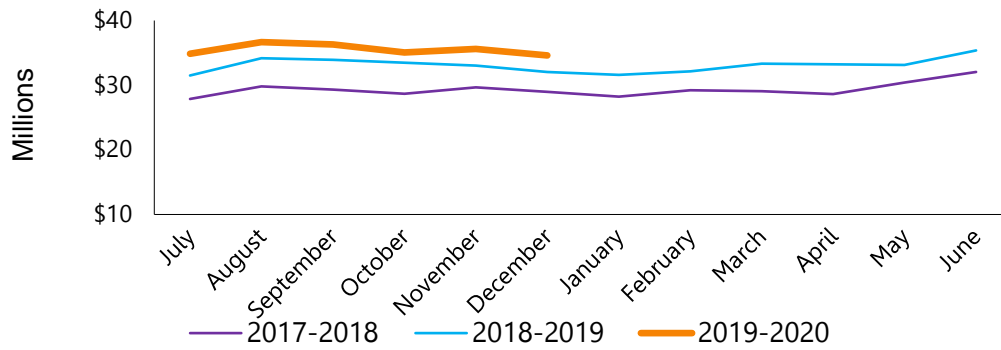
Total Funds Held at 31 DECEMBER 2019

\$34,598,133.06

Carla von Brockhusen - Finance Manager

*The Council also receives an additional 0.25% commission
 **The Council also receives an additional 0.20% commission

Total Cash and Investments



Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date	S&P Rating
AMP (CURVES)	365	\$ 2,000,000.00	2.45%	4/12/2019	BBB+

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date	S&P Rating
AMP (IMPERIUM)	182	\$ 2,000,000.00	**1.90%	3/06/2020	BBB+

**The Council also receives an additional 0.20% commission

7.2 LGNSW TOURISM CONFERENCE

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO: 13.4.4

RECOMMENDATION: that Councillor Bodey be authorised to attend the LGNSW Tourism Conference at Jindabyne from 16th to 18th March, 2020.

REPORT:

The Local Government New South Wales will hold its annual tourism conference at Jindabyne from 16th to 18th March, 2020.

Cr Bodey has expressed interest in attending the conference and is seeking the consent of the Council to attend.

The costs of attendance at the conference is \$1584 if booked by 27th January, 2020 or otherwise \$1804 is the standard rate. Accommodation and sustenance are additional.

The program for the conference is circulate with this agenda as **Appendix "A"**.

7.3 CONDUCT OF QUESTION TIME

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.6.3

RECOMMENDATION: For Discussion

REPORT:

A Councillor, at the last Council meeting, raised concerns with the conduct of the Council's Question Time.

By way of background, Question Time has been a long standing feature of the Council's Council meeting day, although not actually a part of the Council meeting. Its aim has been to facilitate an opportunity for members of the community to openly discuss issues with the Council. This has provided the opportunity for the community to discuss the Council's performance with it directly, to have an opportunity to query decisions of staff, to raise issues of future direction etc. or to simply gain an understanding of Council actions or decisions.

In the main this has been a constructive process for both the Council and the community. Whilst the majority of interactions have been constructive the process has at times been abused and I believe this is what the Councillor concerned wishes to address.

Given the above, the Council has three options for the future conduct of Question Time.

These are:

- Continue as is i.e. maintain the status quo;
- Discontinue Question Time; or
- Implement the provisions of the model Code of Meeting Practice.

Each of these options has issues related to it and these are discussed below.

Maintain the status quo

As stated earlier the operation of Question Time over the years has generally been positive with the exception of a few instances.

The Council has been resolute in maintaining this interaction vehicle despite the aims of the model Code of Meeting Practice to either preclude such interactions or to so severely regulate them so as to eliminate any real free interaction.

While it is apparently the aim of the State to eliminate any free form interaction between the Council and the community the benefit to the community and the Council has been generally worthwhile.

The need to maintain some system of unfettered interaction is exacerbated by the general operation of the model Code of Meeting Practice which greatly reduced the community's ability to hear and understand the Council's decision making process.

Given that the Council has already chosen to conduct the free form Question Time, it may also be able to refine this somewhat by the establishment of some "house" rules or to better enforce conduct at these sessions to maintain relevance, stop duplication and to maintain general courtesy. In the absence of any effective legislative capability it could be argued that while the majority of participants will continue to behave respectfully and with relevance there will still be the few that choose not to and there is potential to be punishing the many because of the sins of the few.

Discontinue Question Time

This action has the obvious impact of concluding open a free discussion with Councillors as a group.

It would also require individual Councillors to be more open to the wider community and to act as an effective conduit for it. Again, this is in the constrained environment created by the model Code of Meeting Practice.

As stated above it would also see the wider community disadvantaged by the perceived or actual sins of the few.

Implement the provisions of the model Code of Meeting Practice

The entire section relating to Public Forums (i.e. "Question Time") is non-mandatory. However, if the Council wishes to provide a public forum, it **must** incorporate this section into its Code and follow these provisions.

Should the Council decide to include this section in its code, it needs to include some information about the number of speakers it will permit and the time each speaker will have.

4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

4.2 Public forums are to be chaired by the mayor or their nominee.

- 4.3 *To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by [date and time to be specified by the council] before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.*
- 4.4 *A person may apply to speak on no more than [number to be specified by the council] items of business on the agenda of the council meeting.*
- 4.5 *Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.*
- 4.6 *The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.*
- 4.7 *No more than [number to be specified by the council] speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.*
- 4.8 *If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.*
- 4.9 *If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.*
- 4.10 *Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than [number to be specified by the council] days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.*
- 4.11 *The general manager or their delegate is to determine the order of speakers at the public forum.*

- 4.12 Each speaker will be allowed *[number to be specified by the council]* minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to *[number to be specified by the council]* minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to *[number to be specified by the council]* minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.

4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Aside from the sheer bureaucracy of the above provisions items for community input are limited to those related of items of business listed on the Council's agenda for consideration at the Council meeting.

Adoption of these provisions would certainly address the apparent, current concern but would again, severely constrain the Council's conversation with the community. That said it appears that Councils are adopting the above provisions in their respective Codes of Meeting Practice. If the Council chooses to amend its Code of Meeting Practice to incorporate these provisions it is required to advertise the proposal for 28 days and invite submissions for 42 days.

For discussion.

7.4 ROAD NAMING

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.110.1

RECOMMENDATION: That the road extending from Tuppal Road to the Newell Highway along the western side of the rail line in Tocumwal be named 'Sixth Company Road' and the formal road naming process, under the provisions of the *Roads Act 1993* and the *Roads Regulation 2008*, be implemented to achieve this outcome.

REPORT:

Located to the west of the rail line in Tocumwal and adjoining the rear of a number of properties fronting Silo Road, Tocumwal is a road reserve that extends from Tuppal Road through to the Newell Highway. (See **Appendix "B"**)

Previously used sporadically and unconstructed the road has now been upgraded to a gravel standard to enable container traffic from the grain storage and hay facilities to gain access to the container terminal located adjacent to the Tocumwal railway station.

In order for Council to expend funds on further construction and continuing maintenance the road is required to be named and placed on the asset data base.

When the Tocumwal Aerodrome was being constructed during the Second World War there was significant upgrading of the rail infrastructure adjacent to the road reserve to facilitate access to the aerodrome much of which was undertaken by an Army Company.

Given the historical context associated with the locality of the road it has been suggested that the road be named 'Sixth Company Road'.

Should this suggestion be acceptable to Council it is recommended that the formal road naming process be undertaken with a view to naming this road.

7.5 TENDER T09/19/20 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE FINLEY WAR MEMORIAL SWIMMING POOL

AUTHOR: Project Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: T09/19/20

RECOMMENDATION: that the Council:

1. accepts the tender submission from MS Constructions;
2. sign the contract documents on behalf of Council in relation to 1 above; and
3. appoint the Director of Technical Services as the Contract Superintendent

REPORT:

This tender is for T09/19/20 - Design & Construction to Upgrade the Ancillary Facilities at the Finley War Memorial Swimming Pool.

As part of the Drought Communities Programme – Extension – Tranche 1, the upgrade of the facility is scheduled to be completed prior to June 30th 2020.

The contract is a Unit Price Contract.

Tenders closed at 2:00pm Wednesday 18th December, 2019. At the time of closing a total of 2 submissions were received:

MS CONSTRUCTIONS PTY LTD
PRECISE BUILD

Consideration of the Tenders

All tenders were considered by the Tender Evaluation Committee:

Matthew Hansen	Director of Corporate Services
Fred Exton	Engineering Services Manager
Nathan O'Connell	Project Manager

Consideration of Tenders

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

Criteria	Highest Possible Score	Weighting
1. Price	4	4
2. Compliance with Specification	4	3
3. Track Record	4	3
4. Work Health and Safety Systems	4	4
5. Availability of Appropriate Skills & Resources	4	2
6. Quality Systems	4	2
7. Community Economic Benefit	4	2

A summary of each tenderers evaluation by the tender assessment panel is provided below.

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of MS Constructions as the preferred tender.

Supervisor

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

Evaluation

The following commentary outlines the findings of the panel; these comments are to be taken as the review of the panel as a whole and not those of any individual member.

Evaluation Criteria Score

Contractor	Price Score	Aggregate Score	Total Score
MS CONSTRUCTIONS PTY LTD	4	16	68
PRECISE BUILD	3.98	15.92	67.92

As indicated in the above table MS Constructions Pty Ltd received the highest score from the valuation.

The evaluation of the Tenders was conducted by the panel based on the specification.

1. **Price**
2. **Compliance with Specification**

- 3. Track Record**
- 4. WHS systems**
- 5. Availability of Appropriate Skills & Resources**
- 6. Quality Systems**
- 7. Community Economic Benefit**

7.6 CONSTRUCTION OF RESTAURANT BUILDING AND TOWN SQUARE**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:** 04.175.1**RECOMMENDATION:** that the Council:

1. Accept the plans from GPG Architecture and Design as the approved concept plan for the new building at the Tocumwal Foreshore; and
2. Seek expressions of interest for the commercial spaces of the new building at the Tocumwal Foreshore.

REPORT:**Background**

In developing the Tocumwal Masterplan extensive consultation was undertaken over a two year period commencing in 2016. The adopted Masterplan included the splash park, the spine path and levee works, new toilets, new two story building, town square, amphitheater, fishing stations and improvements to Deniliquin Street, Anzac Avenue, and Cowley Street.

This Masterplan represented a long term strategy to both reinvigorate the Foreshore and to revitalize the town economy through the attraction of more visitors and to provide improved facilities for Shire residents.

During 2017 the NSW government through its restart NSW umbrella announced the Regional Growth Environmental and tourism fund and the Council developed an application to fund the “dry side” elements of the Masterplan.

Through this application the Council was encouraged to apply jointly for funding with Albury City and Federation Councils to create one single larger project that would be more attractive to the state.

Therefore it is of the highest priority for the Berrigan Shire Council to comply with all the milestones, reporting and budgeting requirements put forward as part of the joint Council agreement.

The Council has had a long term interest in redeveloping the Visitor Information site at Tocumwal Foreshore to realize the opportunity at the site.

The Council previously attempted to progress private redevelopment of the site however this failed because of the requirement to include the public toilets within the development, the requirement for housing the Visitor Information Centre and some commercial space for the Council. The developer was also pessimistic about available market rent.

Whilst not actually in a heritage conservation area, the concept design of the building has taken into account the impact of and upon the heritage architecture in the area.

The Council has previously considered a number of heritage based design options and themes but ultimately felt that attempting to replicate the heritage of the area produced an undesirable outcome.

Building Design

The Council has received concept plans from GPG Architecture of the ground floor layout (**Appendix "C"**) and level 1 layout (**Appendix "D"**) and elevations (**Appendix "E"**) for the development of the Restaurant Building to be located on the Tocumwal Foreshore, as part of the Murray River Experience joint venture project.

Note: that the concept design does not include or recommend any exterior cladding materials, this is open for further investigation and consultation.

The ground floor layout comprises of two commercial spaces separated by a shared public circulation space, a lift space, a space for the Visitor Information Centre and two public toilets. The public circulation space could also be used for outdoor dining in times of bad weather, winter rains and/or summer heat.

Each of the ground floor space comprises of its own facilities and amenities for the shop tenancy only.

The level 1 layout comprises of the Restaurant component combining the internal tenancy shop floor/dining, lift, services/amenities including patrons use and accessible facilities, outdoor dining, mechanical and waste storage, and public circulation space totaling 754m².

The Council should consider the consequences, not only for the Berrigan Shire Council but jointly with the Albury City Council and Federation Councils of not moving forward with the proposed works in line with the requirements of the joint Regional Growth Environmental and Tourism fund.

The conclusion of the report is that the concept plans be considered for acceptance by the Council so to move forward with the Development and Construction plans of the project and sought expressions of interest for the commercial spaces.

RECOMMENDATION that Items for Noting numbered 8.1 to 8.9 inclusive be received and noted.

8.1 RIVERINA ENVIRONMENTAL HEALTH AND BUILDING PROFESSIONALS GROUP

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: 06.135.1

REPORT:

The President of the Riverina Environmental Health and Building Professionals Group has written to thank the Council for hosting the Group's 2019 conference which was held at Tocumwal.

8.2 LETTER OF THANKS

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: 06.135.1

REPORT:

The Principal of Sacred Heart Primary School has written to the Council thanking it for making the 2019 Student Leadership Award available to the school and thanking Cr Jones for presenting it.

8.3 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – NATIONAL GENERAL ASSEMBLY

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: 14.064.1

REPORT:

The Council has been invited by the Australian Local Government Association to submit any motions that it may have for the 2019 National General Assembly that will be held 14th – 17th June 2020 at Canberra.

The Council has only very rarely attended the National General Assembly and in submitting a motion would either need to attend to support it or to arrange for another Council attending to support it.

If a motion is to be submitted it must meet the following criteria:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the NGA
3. complement or build on the policy objectives of your state and territory local government association
4. be submitted by a council which is a financial member of their state or territory local government association
5. propose a clear action and outcome
6. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: That this National General Assembly call on the Federal Government to restore funding for local government financial assistance grants to a level equal to at least 1% of Commonwealth taxation revenue.

The aim of the National General Assembly this year is to focus on working together for our communities and how local governments can achieve success through

partnerships. It will consider how strategic partnerships can assist councils to address the challenges and opportunities we are facing today and tomorrow.

The above is seen as the focus of Council motions by the ALGA.

Registration for the Assembly is \$989 with transport, accommodation and sustenance additional.

Any Councillor wishing to attend should obtain an appropriate resolution from the Council.

Staff have no suggested motions for the Assembly.

A copy of the conference discussion paper can be found at:

<https://az659834.vo.msecnd.net/eventsairauetprod/production-conferenceco-public/9d54c2a9f7b446aab1933a83b590c30a>

8.4 TOCUMWAL WAAAF CREEK WALK – PUBLIC ART INSTALLATION

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 21.180.2

REPORT:

Berrigan Shire Council, in partnership with Tocumwal Rotary Club and South West Arts, were successful in obtaining a \$60,000 grant from Create NSW under the Arts and Cultural Funding Program 2019/20 to develop the Tocumwal WAAAF Creek Walk interpretive trail.

The Council committed to a \$30,000 contribution in its application, as required under the program.

The project will design, create and install a public art installation in Tocumwal telling the nationally significant story of the women who lived and worked at Australia's largest Women's Auxiliary Australian Air Force (WAAAF) base during World War II.

This project was identified as a priority in Tocumwal WAAAF Creek Walk masterplan developed in 2018. A copy of the concept plan can be found [on the Council's website at this link](#).

The Council will call for expressions of interest from artists in early 2020 to design, create and install interpretive art that will preserve and tell the cultural legacy of the experience of the WAAAF servicewomen in Tocumwal.

The grant and the Council contribution do not quite cover the Council's initial proposal so either the project will need to be scaled back slightly or additional funding found. Work can start after 31 January 2020 once a funding agreement has been signed.

8.5 DROUGHT COMMUNITIES PROGRAMME- EXTENSION: TRANCHE 2

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: 15.128.36

REPORT:

Last month the Australian Department of Industry, Innovation and Science informed the Council that it had amended the Programme Guidelines for the Drought Communities Programme, specifically regarding the project commencement date.

For Berrigan Shire Council, the earliest start date for projects to be funded under its second tranche of funding is now **7 November 2019**.

In effect the result of this amendment is that the Council can start work on projects immediately rather than waiting until a funding agreement has been signed. If the project is later approved, then expenditure from the announcement date (i.e. 7 November 2019) can be used to acquit the grant.

It means that the Council can start on delivering DCP-E projects before it submits its application subject to the projects meeting the funding criteria. These criteria are fairly broad. Given that all projects funded under Tranche 2 must be complete by 31 December 2020, this earlier start date is very welcome.

There are two risks to the Council with starting work immediately on its projects

1. The Federal Government decides the project doesn't meet the funding criteria. As mentioned above, the criteria are fairly broad and the Council's proposed projects would all appear to meet the criteria. That said, if the Federal Government doesn't agree the Council would need to wear that cost.
2. The Council has determined to seek submissions from the community regarding other projects that may be funded under this program. If the Council was to start work on its proposed projects, the community may consider the process of seeking submissions has been done in bad faith.

As it stands, the Council will not make a determination on the projects to be funded under this program until its meeting on 19 February 2020. This delay will obviously have an impact on the ability of the Council to meet the program deadline for completion.

8.6 POPULATION PROJECTIONS

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: 07.143.1

REPORT:

The Department of Planning, Industry and the Environment (DoPIE) released its 2019 NSW Population Projections last month. These replace the Population Projections released in 2016.

The projections work on providing a population projection for the state as a whole, then distributing that projection across the various regions in the state and then finally distributing those projections across each local government area in each region.

DoPIE describe the NSW Population Projections as follows.

The NSW Population Projections estimate the future NSW population based on assumptions for fertility, life expectancy and migration. They represent possible demographic futures based on the best assessment of how the NSW population may change over time, including population size, age profile and residential location. These projections are based on assumptions known at the time of publication.

These projections are a tool used by the Government in the planning of services and infrastructure such as schools, hospitals, transport and community services.

Future decisions, such as infrastructure investments and land use plans, will change future population patterns including growth and distribution. These projections do not change the vision set out in Regional Plans or affect local plans and strategies such as the Local Strategic Planning Statements and Local Housing Strategies.

A report showing the NSW Population Projection for Berrigan Shire is attached as **Appendix "F"**

The projection shows Berrigan Shire growing slowly until 2036 and then slowly declining.

Year	2016	2021	2026	2031	2036	2041
Projected population	8,609	8,617	8,681	8,723	8,728	8,706

DoPIE explain this result as follows:

The 2019 Population Projections indicate that the population of Berrigan is estimated to remain stable, changing by 100 people between 2016 and 2041, from 8,600 to 8,700.

Berrigan's population is estimated to remain stable as retirees move there from Victoria and other parts of NSW.

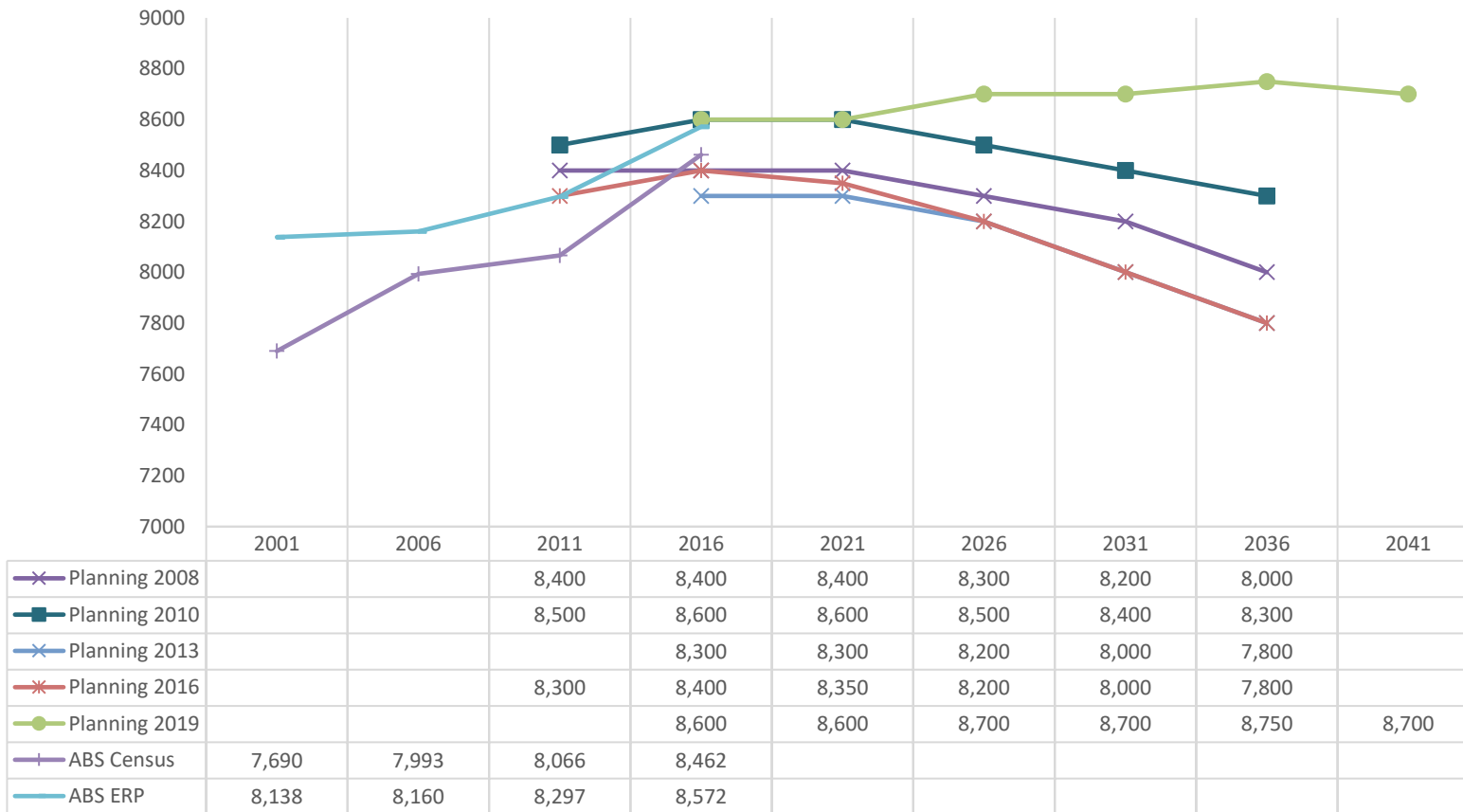
There is scope to dispute the projections – in particular the small scale of the projected population increase and the projected decline post-2036. Australian Bureau of Statistics (ABS) population estimates and census counts have all shown Berrigan Shire growing at a much quicker rate than the NSW projections over the past 15 years and there is no reason as to why this growth would suddenly come to a stop.

On the other hand, this is the first set of population projections issued by the NSW government in 15 years that doesn't show the population of Berrigan Shire in rapid decline – contrary to common sense and recent experience.

The chart below shows past NSW population projections issues by DoPIE alongside ABS census figures. As can be seen, the NSW population projections (other than this most recent one) have shown rapid population decline for Berrigan Shire while ABS census results show moderate population growth.

Given the inherent unreliability of the DoPIE figures, the Council for its own purposes uses population projections it purchases from a specialist demographic firm. These can be found at <https://forecast.id.com.au/berrigan/home> and show Berrigan Shire with an estimated population of 9,818 in 2036.

TIME-SERIES OF DEPARTMENT OF PLANNING POPULATION FORECASTS BERRIGAN SHIRE COUNCIL 2004-2019



8.7 RATES AND CHARGES - 2019/2020 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 2ND QUARTER

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

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

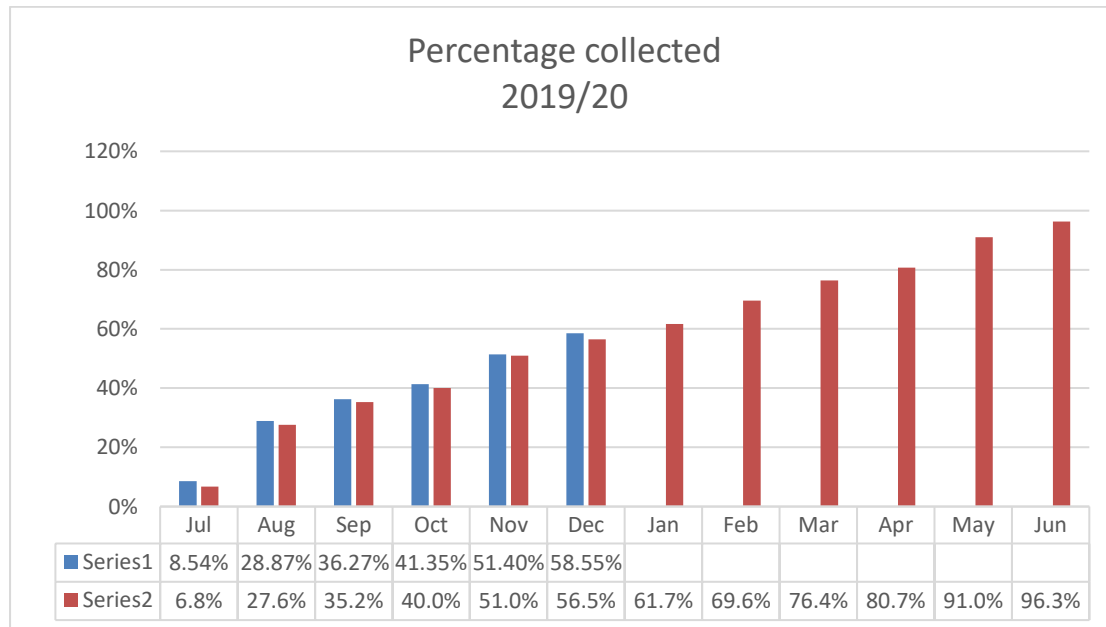
FILE NO: 25.138.1

REPORT:

1. Rates & Charges

At 1 January 2020, the Council has collected 58.55% of the total rates, service charges, arrears and water consumption charges raised in 2019/20 to date. This a 2.05% increase on the same time last year.

Council has had continued success with the collection of some large outstanding rates in the first quarter, using a more hands on approach; therefore, I am confident that Council will continue to meet the rates collection benchmarks it has set.



2. Debtors

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

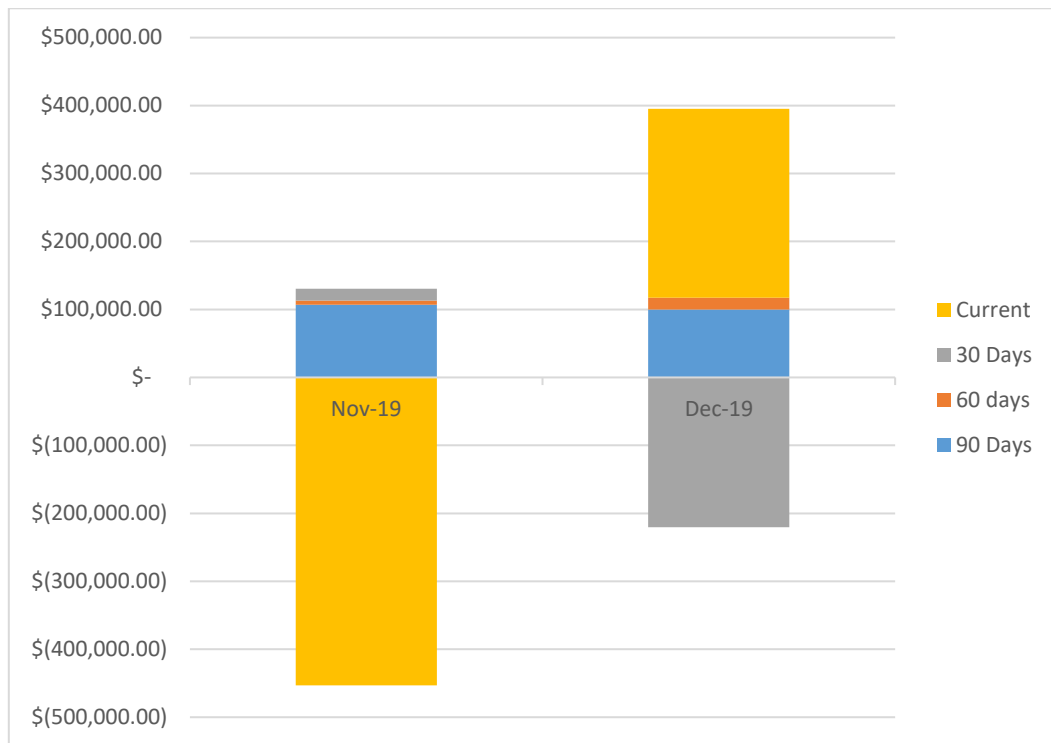
DEBTORS	2019/20	
	END NOVEMBER	END DECEMBER
GENERAL/SUNDRY/OTHER DEBTORS	-\$226,291	\$302,828
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	\$218	\$218
HALF COST K&G/FOOTPATH DEBTORS	\$81,171	\$70,884
SEC 355 COMMITTEE LOANS	\$10,000	\$10,000
SWIMMING POOLS	\$0	\$0
CEMETERY DEBTORS	\$397	\$842
GOVERNMENT DEPT GRANTS & SUBSIDIES	-\$175,471	-\$191,815
STAFF DEBTORS	\$308	\$308
STAFF SUPERANNUATION	-\$23,488	-\$27,593
SHIRE LAND SALE DEBTORS	\$9,415	\$9,415
TOCUMWAL AERODROME	\$1,269	-\$255
TOTAL	-\$322,475	\$174,830

In the table above the only major difference between November and December is the General/Sundry/Other Debtors amounts associated with the ATO and contributions made to ongoing projects.

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

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

The large amount is the yearly Pensioner Subsidy Claim which has been lodged with the Office of Local Government and will be paid sometime in January 2020.



3. Activity

There has been no applications for Hardship this quarter.

Over the past quarter, Council has continued to work closely with our Debt Collection Agency to reduce outstanding Rates owed with great success.

8.8 GENERAL MANAGER'S HALF YEARLY PERFORMANCE REVIEW

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 22.118.1

REPORT:

As early advice, the mid-year performance review of the General Manager will be conducted at the next Council meeting.

Normally this matter is dealt with as the first item of business at the meeting.

For Councillors' information, circulated with this agenda as **Appendix "G"** is a copy of the agreed performance assessment model.

8.9 DEVELOPMENT DETERMINATIONS FOR MONTH OF DECEMBER 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 DECEMBER 2019

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	Active	Total
52/20/DA/D2	MODIFICATION OF EXISTING DWELLING TO COMMERCIAL PREMISES & CONSTRUCTION OF 2 SHOPS & NEW DWELLING	42-48 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot1//DP972176)	Bruce Mactier	MS H M RUIGROK	Approved 09-12-2019	\$ 250000.00	26	26	32
57/20/DAD9	BOUNDARY REALIGNMENT	670 STOCK ROUTE ROAD, BOOMANOOMANA NSW 3644 (Lot2//DP801180)	John & Wendy Mitchell	MR JW MITCHELL & MRS WA MITCHELL	Approved 04-12-2019	\$ 0.00	28	28	28
68/20/DA/D5	RESIDENTIAL STORAGE SHED	56 HANNAH STREET, TOCUMWAL NSW 2714 (Lot6//DP790166)	Aaron Coulson	MR AR COULSON AND MS KL PARSLOW	Approved 09-12-2019	\$ 9500.00	4	4	17
69/20/DA/D1	DWELLING & ATTACHED GARAGE	1A RIVERVIEW COURT, BAROOGA NSW 3644 (Lot3//DP1172277)	MS Constructi on Pty Ltd	SHACKBROOK PTY LIMITED	Approved 18-12-2019	\$ 526574.00	24	24	24
72/20/DA/DO	RURAL SHED	134 BRUNKER STREET, BERRIGAN NSW 2712 (Lot134//DP752284)	Ms Jodi Hawes	MS JM HAWES	Approved 13-12-2019	\$ 8300.00	0	0	18
73/20/DA/D5	PATIO	8 RIVERVIEW COURT, BAROOGA NSW 3644 (Lot8//DP1150036)	Bps Welding	MS E L DUNN	Approved 09-12-2019	\$ 20000.00	12	12	12
75/20/DA/D5	RESIDENTIAL STORAGE SHED	5 MALONE MEWS, FINLEY NSW 2713 (Lot6//DP1097289)	O'Halloran Property Service	MR MJ LITTLEJOHN & MS KE LITTLEJOHN	Approved 18-12-2019	\$ 19765.00	2	2	19
76/20/DA/DO	RURAL SHED	HUGHES STREET, BAROOGA NSW 3644 (Lot101//DP1138899)	Scott Bamford & Shami Marks	MS SA MACHEDA	Approved 18-12-2019	\$ 50000.00	10	10	19
77/20/DA/D1	BV DWELLING & ATTACHED GARAGE	4 BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot541//DP1107605)	Dennis Family Homes	MR C L ROSS & MS J L BALDWIN	Approved 13-12-2019	\$ 286031.00	14	14	14
78/20/DA/D5	RESIDENTIAL STORAGE SHED	20 FINLEY STREET, TOCUMWAL NSW 2714 (Lot A//DP363604)	Leigh Elgar	MR D J ELGAR AND MRS L ELGAR	Approved 13-12-2019	\$ 350.00	13	13	13
80/20/DA/D1	DEMOLITION OF EXISTING DWELLING & CONSTRUCTION OF NEW DWELLING	2577 WARMATTA ROAD, SAVERNAKE NSW 2646 (Lot21//DP809089)	RICHES HOME IMPROVE MENTS	WARMATTA PTY LTD	Approved 09-12-2019	\$ 450000.00	9	9	9
79/20/DA/D8	DESIGN & CONSTRUCTION OF TOCUMWAL NETBALL CHANGE ROOMS	1-3 ADAMS STREET, TOCUMWAL NSW 2714 (Lot3//DP257591)	Precise Build	BERRIGAN SHIRE COUNCIL	Approved 12-12-2019	\$ 416011.00	9	9	9
83/20/DA/DM	CHANGE OF USE GYMNASIUM	8-14 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot6//SP33658)	Leisa Desailly	ALTOLA NOMINEES PTY LTD	Approved 09-12-2019	\$ 0.00	3	3	3
84/20/DA/D5	RESIDENTIAL STORAGE	86 BRUTON STREET,	Mark	MR MA WHILEY	Approved	\$ 9500.00		Active	Total

	SHED	TOCUMWAL NSW 2714 (Lot3//DP1250358)	Whiley		13-12-2019		6	6
22/20/CD/M5	INGROUND SWIMMING POOL	25 PEPPERTREE ROAD, LALALTY NSW 3644 (Lot85//DP752287)	Poolside Cobram	MR J P SOCHA & MRS M E SOCHA	Approved 11-12-2019	\$ 63713.00	Active 3	Total 3
23/20/CD/M4	PERGOLA	7 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot4//DP1224006)	MS Construction Pty Ltd	MR M A DUNN, MS SM DAVIDSON-DUNN	Approved 12-12-2019	\$ 15800.00	Active 2	Total 2

APPLICATIONS PENDING DETERMINATION AS AT 31/12/2019

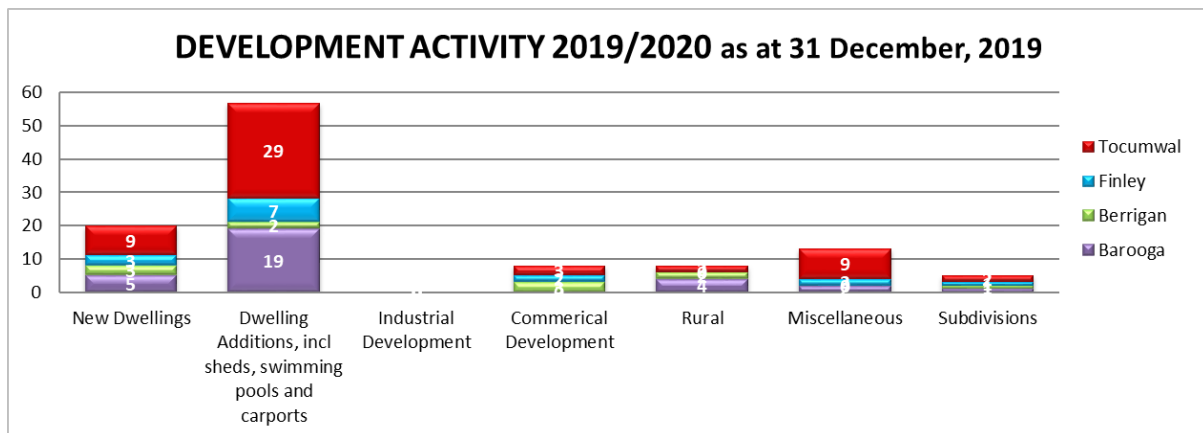
Application No.	Date Lodged	Description	Property Location
70/20/DA/D5	14-11-2019	RESIDENTIAL STORAGE SHED	36 TUPPAL STREET, FINLEY NSW 2713 (LotD//DP411357)
71/20/DA/D1	15-11-2019	DWELLING	BUSHLANDS ROAD TOCUMWAL, NSW 2714 (Lot9//DP286078)
74/20/DA/D5	21-11-2019	RESIDENTIAL STORAGE SHED	22 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot59//DP1131677)
81/20/DA/D5	29-11-2019	ALFRESCO	17 BAROOGA STREET, TOCUMWAL NSW 2714 (Lot14//DP523758)
82/20/DA/D2	28-11-2019	EXTEND EXISTING CHILD CARE CENTRE	239-241 MURRAY STREET, FINLEY NSW 2713 (Lot15//DP260805)
85/20/DA/D5	05-12-2019	CARPORT	4 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot117//DP1070311)
86/20/DA/D7	06-12-2019	ABOVEGROUND SWIMMING POOL	17-19 ANZAC AVENUE, TOCUMWAL NSW 2714 (LotB//DP361991)
87/20/DA/D2	11-12-2019	SHELTERED GOLF DRIVING RANGE	134 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot242//DP42534)
88/20/DA/DM	16-12-2019	GENERATOR	51-53 DAVIS STREET, BERRIGAN NSW 2712 (Lot13//DP739679)
89/20/DA/D1	19-12-2019	BV DWELLING & ATTACHED GARAGE	57 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot142//DP1157449)
90/20/DA/D5	20-12-2019	VERANDAH	15-17 FLYNN STREET, BERRIGAN NSW 2712 (Lot12//DP235273)
91/20/DA/D1	20-12-2019	BV DWELLING & ATTACHED GARAGE	49 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot43//DP1250358)
93/20/DA/D9	23-12-2019	13 LOT SUBDIVISION	100 BURMA ROAD, TOCUMWAL NSW 2714 (Lot4//DP802330)
92/20/DA/D9	20-12-2019	BOUNDARY REALIGNMENT	74 RACECOURSE ROAD, BERRIGAN NSW 2712 (Lot73//DP854762)
94/20/DA/D5	23-12-2019	RESIDENTIAL STORAGE SHED	53 MURRAY STREET, TOCUMWAL NSW 2714 (Lot12//DP841714)
95/20/DA/D5	23-12-2019	CARPORT	110 BAROOGA STREET, BERRIGAN NSW 2712 (Lot57//DP758097)
96/20/DA/D5	24-12-2019	RESIDENTIAL STORAGE SHED	5 QUIRK STREET, FINLEY NSW 2713 (Lot4/32//DP242120)

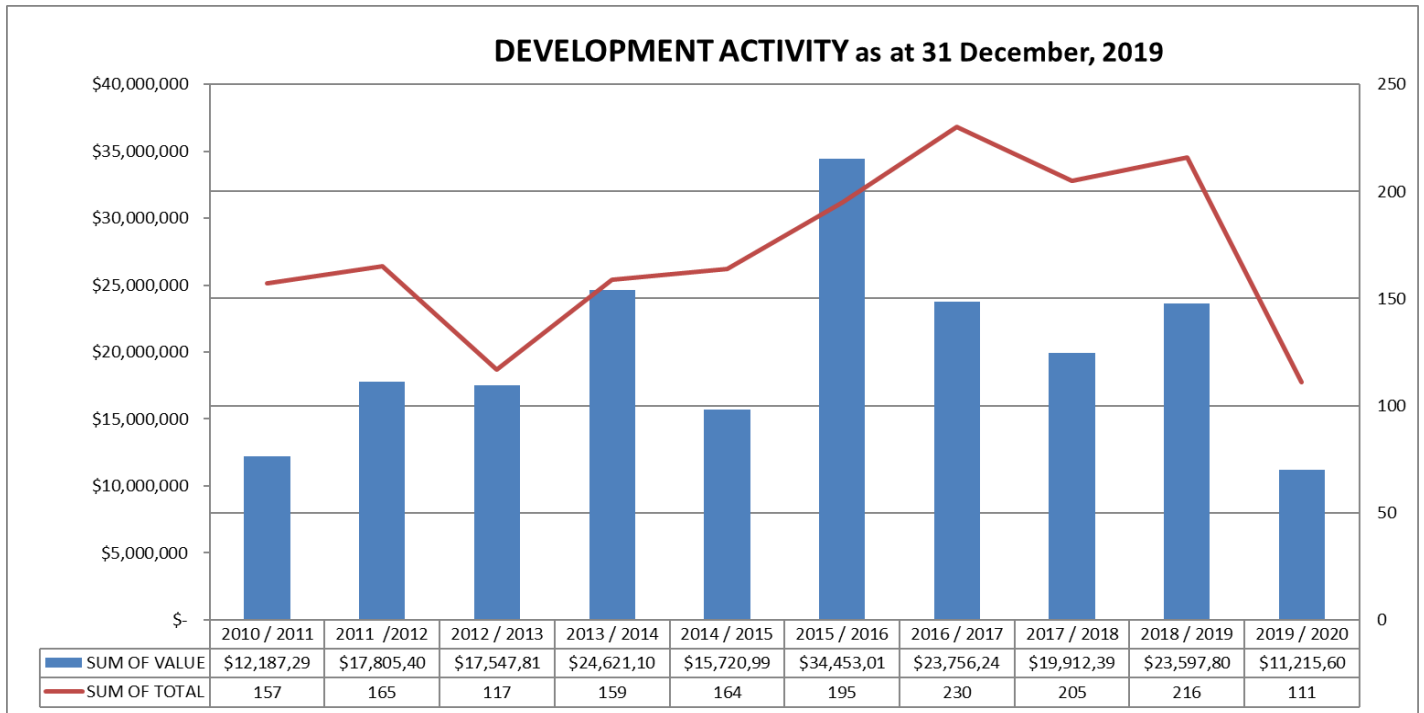
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (December)	Year to Date	This Month's Value (December)	Year to Date Value
<i>Development Applications (DA)</i>	14	88	\$2,046,031	\$8,651,926
<i>Construction Certificates (CC)</i>	8	82	\$1,017,746	\$9,532,999
<i>Complying Development Certificates (CDC)</i>	2	23	\$79,513	\$2,563,677
<i>Local Activity (s.68)</i>	2	43		

OTHER CERTIFICATES ISSUED FOR DECEMBER 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	
	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total
BAROOGA	9	51	1	5	0	2	0	0	0	1	1	4
BERRIGAN	4	28	0	3	0	5	0	2	0	0	0	7
FINLEY	7	60	3	7	3	5	0	1	3	3	2	6
TOCUMWAL	3	80	0	3	1	2	0	0	0	5	1	2
TOTAL	23	219	4	18	4	14	0	3	0	9	4	19





9. 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.

9.1 TENDER T09/19/20 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE FINLEY WAR MEMORIAL SWIMMING POOL

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

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

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

RECOMMENDATION: that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

9.1 TENDER T09/19/20 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE FINLEY WAR MEMORIAL SWIMMING POOL

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:

10. COMMITTEES

11. MAYOR'S REPORT

RECOMMENDATION that the Mayor's Report be received.

12. DELEGATES REPORT

13. BUSINESS ARISING