



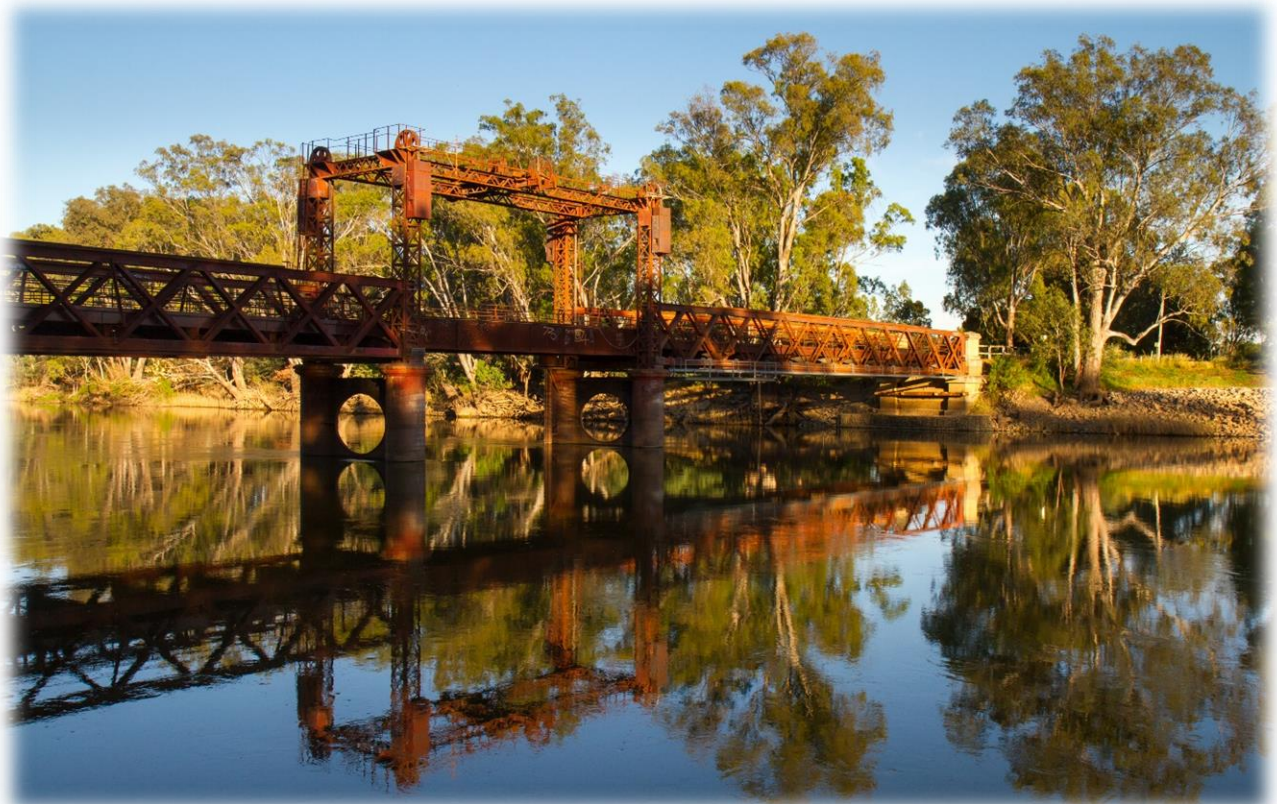
ORDINARY MEETING OF COUNCIL

Wednesday 20 November 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 20th November, 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

Item No.	Description	Nominator
7.1	FINANCE - ACCOUNTS	
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7.12	SOUTH WEST ARTS – STRATEGIC ADVISORY COMMITTEE DELEGATE	
7.13	INTEGRATED PLANNING AND REPORTING TIMETABLE	
7.14	CHRISTMAS FUNCTION	
7.15	DEVELOPMENT APPLICATION 61/20/DA/D5 VERANDAH	
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7.18	AGENCY INFORMATION GUIDE	
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7.20	STATE GOVERNMENT FUNDING FOR NSW PUBLIC LIBRARIES	
7.21	COMPULSORY ACQUISITION OF CROWN LAND	
7.22	SEPTEMBER QUARTERLY REVIEW	

7.23	FINANCIAL REVIEW	
7.24	DROUGHT COMMUNITIES PROGRAMME – EXTENSION: ROUND 2	
7.25	CHRISTMAS DECORATIONS	
7.26	ANNUAL REPORT 2018-2019	
7.27	TOCUMWAL FORESHORE COMMITTEE OF MANAGEMENT	



Council Meeting

Wednesday 20th November, 2019

BUSINESS PAPER

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

3. VISITORS

9.30am Bradley Bohun – Council Auditors (Findex)

4. CONFIRMATION OF MINUTES

RECOMMENDATION: that the Minutes of the ordinary Council meeting held in the Council Chambers on Wednesday 9th October, 2019 and the minutes of the extraordinary Council meeting held in the Council Chambers on Wednesday 30th October, 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 October 2019, be received and that the accounts paid as per Warrant No. 10/19 totaling \$2,857,481.57 be confirmed.

REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 October 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 October 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 October 2019, totaling \$2,857,481.57 and will be submitted for confirmation of payment as per Warrant No. 10/19
- 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) October has seen a slight decrease in total funds held at the end of September. The decrease is roughly comparable with the same period last year and represents the general pattern in cash holdings over a year.

Total funds held are expected to increase over the November period as the second quarterly FAG instalment and rates instalments become due. Council currently has an additional \$1.5 million more in cash and investments than the same time last year, although most are already either for specific capital grants to be undertaken, already committed or restricted funds.

Statement of Bank Balances as at 31 OCTOBER 2019

Bank Account Reconciliation

Cash book balance as at 1 OCTOBER 2019	\$ 9,285,754.92
Receipts for OCTOBER 2019	\$ 1,635,912.61
Term Deposits Credited Back	\$ -
	<u>\$ 10,921,667.53</u>
<i>Less Payments Statement No 10/19</i>	
No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 825,131.40
Electronic Funds Transfer (EFT) Creditors E032818-E033060	\$ 2,011,783.49
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 20,566.68
Total Payments for OCTOBER 2019	<u>\$ 2,857,481.57</u>
Cash Book Balance as at 31 OCTOBER 2019	<u>\$ 8,064,185.96</u>
<i>Bank Statements as at 31 OCTOBER 2019</i>	
Plus Outstanding Deposits	\$ 725.00
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 OCTOBER 2019	<u>\$ 8,064,185.96</u>

INVESTMENT REGISTER

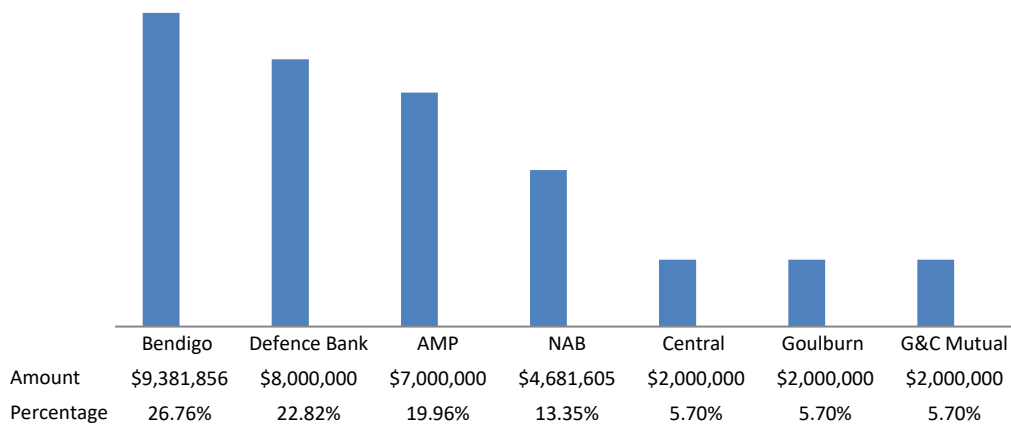
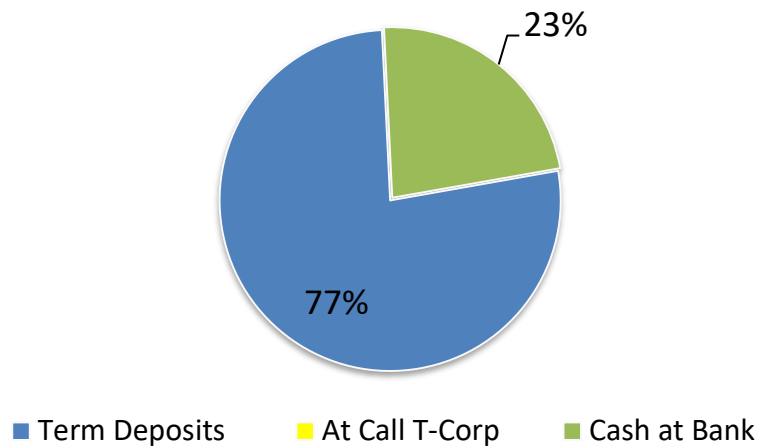
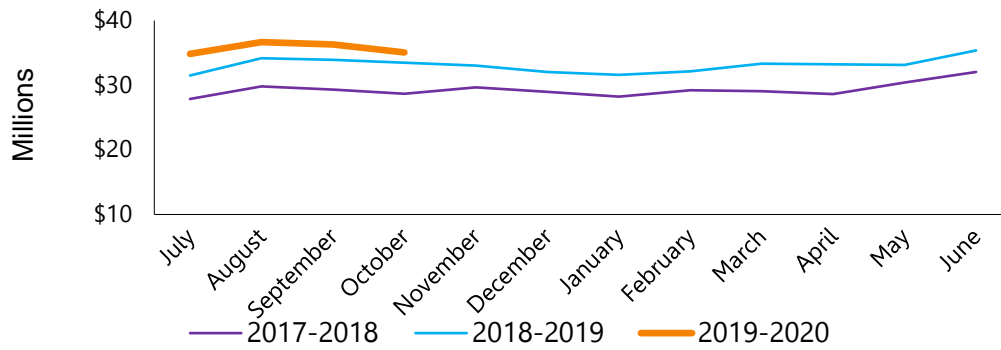
INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	133/17	365	2.45%	26/11/2019	\$ 1,000,000.00
AMP	125/16	182	2.45%	4/12/2019	\$ 2,000,000.00
AMP	144/19	182	**1.75%	23/05/2020	\$ 2,000,000.00
AMP	136/18	365	**1.60%	17/10/2020	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	365	2.65%	13/05/2020	\$ 2,000,000.00
Bendigo Bank	141/18	364	*1.45%	11/09/2020	\$ 2,000,000.00
Bendigo Bank	142/18	365	*1.60%	25/09/2020	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	1.85%	30/08/2020	\$ 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%	29/08/2020	\$ 2,000,000.00
Defence Bank Limited	146/19	365	1.70%	30/08/2020	\$ 2,000,000.00
G&C Mutual Bank	145/19	364	2.63%	6/04/2020	\$ 2,000,000.00
NAB	143/18	365	2.75%	19/11/2019	\$ 2,000,000.00
					<u>\$ 27,000,000.00</u>
Total Funds Held at 31 OCTOBER 2019					<u>\$35,064,185.96</u>

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
AMP (CURVES)	365	\$ 2,000,000.00	2.75%	17/10/2019

Term Deposits Invested / Reinvested				
Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP (IMPERIUM)	365	\$ 2,000,000.00	**1.60%	17/10/2020

**The Council also receives an additional 0.20% commission

7.2 ANNUAL LEAVE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 22.017.1

RECOMMENDATION: that the General Manager be granted annual leave for the period 23rd December 2019 until Wednesday 1st January 2020.

REPORT:

I am requesting the granting of annual for the period Monday 23rd December 2019 until Thursday 2nd January 2020. This period will encompass the Christmas office closure period (which is the subject to a separate report to this meeting) and the Monday and Tuesday prior to Christmas.

There are no Council meetings in the period of leave requested.

7.3 CHRISTMAS OFFICE CLOSURE AND DECEMBER 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: 13.044.1

RECOMMENDATION: that the Council:

- Close the Shire Offices from 4:00pm on Tuesday 24th December, 2019 reopening on Thursday 2nd January, 2020 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- Close the Shire Libraries from close from business on Tuesday 24th December, 2019 Thursday 2nd January, 2020 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- That the Council's December Council meeting be held on Wednesday 18th December, 2019.

REPORT:

The Council often varies the date of its December Council meeting to allow outcomes to be implemented prior to Christmas.

The meeting would normally be held on 18th December, 2019 and as this allows adequate implementation time prior to Christmas office closure, it is suggested that the date remain.

Also the Council has a Policy of closing the Shire Office between Christmas and New Year with those days not being public holidays; weekends etc. being deducted from staff leave entitlement.

This year, if implemented as per the Policy the Shire Office will close on Tuesday 24th December, 2019 at 4:00pm and reopen on Thursday 2nd January, 2020.

In relation to the Libraries these generally follow the Council's adopted office closure, though closing at normal close of business. It is therefore suggested that Libraries also close after normal business on Tuesday 24th December, 2019 and reopen on Thursday 2nd January 2020.

The outdoor staff will maintain a skeleton staff to attend to essential maintenance and emergencies. Normal on-call arrangements will apply through contact with the general office telephone number.

7.4 BAROOGA BOTANICAL GARDENS 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 Botanical Gardens Committee of Management.
- b) pursuant to Section 355 of the *Local Government Act 1993*, appoint the following persons to the Barooga Botanical Gardens Committee of Management:

President:	Lynn Knight
Vice President:	Marlene Manning
Secretary:	Jan Cullen
Treasurer:	Vanessa Ranken
Committee:	
	Louise Ryan
	Maureen Baxter
	Graham Baxter
	Irene Twigg
	Sandra Harris
	Gavan Cullen

REPORT:

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

7.5 BERRIGAN SPORTSGROUND 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 Sportsground Committee of Management.
- b) pursuant to Section 355 of the *Local Government Act 1993*, appoint the following persons to the Berrigan Sportsground Committee of Management:

President:	Ian Dickins
Secretary:	Bruce Rendell
Treasurer:	Andrew Parr
Committee:	
	Brendon Haintz
	Stu Schifferle
	Damien Taylor
	Rachael Arnold
	Jane Schifferle
	Nev Dalgliesh
	John Dickins

REPORT:

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

7.6 BERRIGAN 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 Berrigan War Memorial Hall Committee of Management.
- b) pursuant to Section 355 of the *Local Government Act 1993*, appoint the following persons to the Berrigan War Memorial Hall Committee of Management:

President:	Neville Dalgliesh
Secretary:	Ian Rendell
Treasurer:	Bruce Rendell

REPORT:

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

7.7 BERRIGAN WAR MEMORIAL 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 Berrigan War Memorial Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the *Local Government Act 1993*, appoint the following persons to the Berrigan War Memorial Swimming Pool Committee of Management:

President:	Sue Chisholm
Vice President:	Gary Lehre
Secretary:	Cristina von Brockhusen
Treasurer:	Jude Lawrence
Committee:	
	Barbara Fox
	Carla von Brockhusen

REPORT:

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

7.8 COMMUNITY PARTICIPATION PLAN

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 04.121.5

RECOMMENDATION: That the Council adopt the following *Community Engagement Framework & Community Participation Plan* prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and, upon adoption, publish the plan on the NSW planning portal:



Policy

COMMUNITY ENGAGEMENT FRAMEWORK & COMMUNITY PARTICIPATION PLAN

Version 01

File Reference No: 04.121.5

Strategic Outcome: Supported and engaged communities

Date of Adoption: 20/11/2019

Date for Review: 17/11/2021

Responsible Officer: Strategic and Social Planning Coordinator

BACKGROUND

The development of the a *Community Engagement Framework and Community Participation Plan* by the Berrigan Shire Council strengthens its commitment to supporting the participation of individuals, groups and communities in Council planning and decision making.

The Shire recognises that residents, rate payers and frequent visitors to the Shire have diverse opinions, ideas and extensive life experience. Community engagement allows the Shire to facilitate:

- The sharing of this resource; and
- The sharing of the best available information so that better decisions are made about the issues, and challenges, that affect our community.

PURPOSE

The purpose of this framework is to broadly define the Berrigan Shire Council's commitment to Community Engagement and its application to:

- Council's Planning System;
- Council's Delivery Program and Operational Plan activities; and
- The development of the Shire's Community Strategic Plan, other Council Plans, and the Strategies that may from time to time be developed by the Council.



Policy

SCOPE

This framework applies to Councillors, Council employees, and contractors engaged on behalf of the Shire, and who are during the course of their role are engaged in and have responsibility for the planning and delivery of Council activities.

PRINCIPLES

The following principles¹ will be used by the Shire to guide its engagement with our community: the people, who live, work, study in, and visit the Shire.

- **Information:** To provide the community and key stakeholders with accessible, balanced and objective information on decisions, policies, plans and strategies.
- **Consultation:** To obtain feedback from the community and key stakeholders on analysis and alternatives to inform a decision.
- **Involvement:** To work directly with the community and key stakeholders throughout a project to ensure that community concerns and aspirations are understood and considered.
- **Collaboration:** To partner with the community and key stakeholders in each aspect of the decision process – including the development of alternatives and identification of a solution. Responsibility for the final decision rests with Council but may, in some instances as in the development of the *Community Strategic Plan* be shared with the community and key stakeholders.

LEGISLATIVE REQUIREMENTS

This Framework and Community Participation Plan reflects the legislative requirements of the Local Government Act 1993 and NSW Environmental Planning and Assessment Act 1979 (EP&A Act)

Specific provisions from each Act provide the framework and guidance to the Council and our communities on the purpose of our engagement. These provisions describe the Council functions that are subject to Council's Community Engagement Framework and Participation Plan. Moreover, these provisions set out also, how and when our community can participate in the Council's:

- Land Use and Development Planning System; and
- Corporate Planning System.

¹ Adapted from: International Association for Public Participation (2008) *IAP2 Public Participation Spectrum*



Policy

Environmental Planning and Assessment Act 1979 (EP&A Act)

The NSW *Environmental Planning and Assessment Act 1979* controls and regulates the use of and the development of land in New South Wales. Councils are required to develop a Community Participation Plan (CPP) per Division 2.6 of the EP&A Act and in doing so detail how and when a planning authority (the Council) will undertake community participation as part of the exercise of the relevant planning functions described by section 2.21 (2) of the EP&A Act.

Local Government Act 1993

Councils are required 'to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government' pursuant to Section 7 (d) of the Local Government Act 1993.

This requirement is further reinforced with respect to the Guiding Principles for NSW Councils Section 8a (3) Community Participation. Specifically 'councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures'. Requiring also that a Community Engagement Strategy pursuant to Section 402 (4) of the Local Government Act 1993 guide and inform a council's engagement with its community as part of the development of a Community Strategic Plan, and a Council's suite of Integrated Plans and Council Strategies.

DEFINITIONS

Community: The people who live, work, study in, and visit the Shire. This includes and is not limited to: residents, ratepayers, local business – employees, suppliers, consumers and markets; utility providers; community and environmental agencies that outreach and or undertake activities in the Shire; state, health and education providers; regional, state and federal government agencies and or authorities.

Community Engagement: Community engagement is a process that is best described as an approach to developing and sustaining a working relationship between the Berrigan Shire Council and the wider community.

Community Participation Plan: This Plan describes how the community can participate in the Council's Planning System. Consistent with the objectives of the EP&A Act the Council's CPP aims to increase community participation in environmental planning and assessment and is the Council's tool to deliver this aim.



Policy

Community Strategic Plan: The highest level plan that the Shire will prepare pursuant to the Local Government Act 1993. The planning process considers the issues and pressures that may affect the community and the level of resources that will realistically be available to achieve its aims and aspirations. The Shire Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area. It is not wholly responsible for its implementation. Other partners may also be engaged in delivering the long-term objectives of the plan. (Planning and Reporting Guidelines for local government in NSW 2010)

Council Activities: Shire Council activities are those described in the Council's Annual Operation Plan and 4-year Delivery Program.

IMPLEMENTATION

The trigger for the implementation of this policy is guided by:

1. Legislative requirements
2. The assessed impact on our community:
 - i. Upon how we plan and deliver Council activities.
 - ii. Of a proposal or community issue.

Legislative requirements include and are not limited to Integrated Planning and Reporting *Community Strategic Plan* and Council Strategy development, Asset Management Plan development and review, Local Environment Planning, and Development Applications.

For Council Planning System activities (Local Environment Planning and Development Applications) the CPP and the Council's Community Engagement Framework guides Council decision-making on when and how our community can participate in the process of a Council's determination of a project or Application assessed in accordance with the EP&A Act.

For non-planning system, that is Council Integrated Planning and Reporting activities the Council's Community Engagement Framework is used.

COMMUNITY PARTICIPATION PLAN (CPP)

Objectives

The objectives of this participation plan are the principles developed and set out in Section 2.23 (2) of the EP&A Act.

Application



Policy

The Council's CPP applies to the following EP&A Act (Council) Planning System Functions also to the determination roles undertaken by any district, regional or local planning panel. Functions include:

1. **Planning:** activities undertaken by the Council that set the strategic direction, vision or context for the Council's planning system. This includes the development by the Council of planning proposals; the Council's Local Strategic Planning Statements, Local Environment Plan, Community Participation Plans, Development Control Plans and Contributions Plans.
2. **Assessment and Determination of Development Applications & Other Matters:** activities undertaken by the Council where consideration and determinations made under the EP&A Act 1993.

The following table provides an at-a-glance summary of the Council's minimum exhibition requirements. The Council will always exhibit a proposal for the mandated minimum timeframe.

Planning and Development Function	Public Exhibition Time Frames – mandatory unless otherwise indicated
Community participation and public exhibition requirements	Refer to Schedule 1 EP&A Act
Council Function: Planning	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans	28 days
Draft contribution plans	28 days
Council Function: Assessment of Development Applications & Other Matters	
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.



Policy

Planning and Development Function	Public Exhibition Time Frames – mandatory unless otherwise indicated
Community participation and public exhibition requirements	Refer to Schedule 1 EP&A Act
Council Function: Planning	
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Up to 14 days based on the scale and nature of the proposal
Environmental impact statement obtained under Division 5.1	28 days

* Public Exhibition timeframes are calendar days and include weekends

**The Public Exhibition timeframes exclude the calendar days 20 December to 10 January (inclusive).

The Council in exercising its planning and assessment functions per the Objectives of this CPP will apply these objectives as principles to the application of its Community Engagement Framework and in doing so identify how the community can participate in the Council's Planning System.

Community Participation Principles

- (a) *The community has a right to be informed about planning matters that affect it.*
- (b) *Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.*
- (c) *Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.*
- (d) *The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.*
- (e) *Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.*
- (f) *Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.*
- (g) *Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).*
- (h) *Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development. (Section 2.23 (2) of the EP&A Act)*



Policy

CPP and Council Community Engagement Framework

CPP	Extent of Community Engagement	Indicative Tools for Engagement	Risk Assessment: Impact Local / Whole of Shire	Steps for Community Engagement
We will notify the community (affected parties) of planning activities; development proposals and provide relevant and accurate information.	Inform: Sharing the best available information	Correspondence to adjoining property holders, Briefings, Fact Sheets, Council Website, Media campaigns, Displays in Shop fronts, libraries etc.	Level A: High Impact: Whole of Shire	<ol style="list-style-type: none"> 1. Identify likely stakeholders 2. Plan and gather best available information and resources 3. Share information with stakeholders via newspaper, website, correspondence to affected parties. 4. Work effectively together. 5. Feedback the results of engagement as is appropriate and relevant via Council website, social media platforms, and Council Bulletin published in local newspaper 6. Monitor and evaluate the process
For proposals released as draft on exhibition we will invite community comment.	Consult: Exploring options and preferences	Web based consultation, Interviews, Surveys, Public meetings, Focus Groups	Level B High impact: Local area or specific community / user group	
We will respond to community views by conducting targeted engagement to seek input reflecting the scale, nature and likely impact.	Involve: Inclusion of ideas in the decision making	Workshops 'Community Conversations' Interviews with Stakeholders	Level C Lower Impact: Whole of Shire	
	Collaborate: Sharing responsibility either for decision making or service delivery	Community Advisory Groups Participative Decision-making Forums Inter-agency partnerships / consortiums	Level D Lower Impact: Local area or specific community / user group	
CPP Determination				
We will notify the community of decisions and Council Reports will outline the consideration given to community feedback	In its decision-making the Council and its Officers will consider the views expressed and ensure that the reasons for the decision and how community views were considered are reported	Updates to website and the publication of Council Reports		



Policy

RELATED LEGISLATION, POLICIES AND STRATEGIES

- Social Justice Framework 2016
- Policy Asset Management Policy 2016
- Development Control Plan 2014
- Local Policy For Relocation Of Previously Used Residences 2015
- Risk Management Policy And Framework 2017
- Policy For Volunteering In Berrigan Shire
- Naming Of Community Facilities And Open Space Policy 2014
- Legislative Compliance Policy 2014

REPORT:

Pursuant to Division 2.6 of the *Environmental Planning and Assessment Act 1979* Council is required to prepare a Community Participation Plan with respect to the exercise of relevant planning functions.

Section 2.23 (4) of the *Environmental Planning and Assessment Act 1979* states that a council need not prepare a separate community participation plan if it includes all the matters required in this section in its plan and strategies under section 402 of the *Local Government Act 1993*.

The Council's Community Strategic Plan created under the Local Government Act contains a Community Engagement Framework and this has been updated to include the additional matters relating to planning functions as required under the provisions of the Environmental Planning and Assessment Act.

The draft plan was exhibited for the mandatory 28 day period in two local newspapers, local libraries and on Council's website. No submissions regarding the draft plan were received by Council.

It is recommended that the Community Engagement Framework & Community Participation Plan now be adopted and be published on the NSW planning portal.

7.9 TFNSW BLOCK GRANT

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 28.128.1

RECOMMENDATION: that the Council enter into the Regional Roads Block Grant Agreement 2019/20 with Transport for NSW (TfNSW)

REPORT:

Transport for NSW (TfNSW) has forwarded the Regional Roads Block Grant Agreement 2019/20 to be signed on behalf of the Council and returned, attached as **Appendix "A"**).

The total funding available for 2019/20 is \$1,040,000 and this compares to \$1,019,000 for last financial year and represents a 2.1% increase.

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

7.10 MURRAY IRRIGATION LTD – SUPPORT FOR FIXING COUNTRY ROADS APPLICATION

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 32.159.1

RECOMMENDATION: That Berrigan Shire Council:

1. issue a letter of support to Murray Irrigation Ltd for their application for Fixing Country Roads funding to carry out loads assessments on bridges in our region owned by Murray Irrigation and Berrigan Shire Council and
2. support Murray Irrigation Ltd with the application process

REPORT:

Murray Irrigation Ltd (MIL) has approached all of the NSW Councils that it operates in seeking support for an application under Fixing Country Roads to have the majority of the Bridge Network load assessed:

- Federation Shire Council
- Berrigan Shire Council
- Murrumbidgee Shire Council
- Edward River Shire Council
- Murray River Shire Council

Fixing Country Roads is a \$543 million NSW Government program providing targeted infrastructure funding from Restart NSW for regional freight projects. The current road for applications closes on the 31st December, 2019.

Under the rules of the Fixing Country Roads grant, MIL is unable to apply for funding as it is not a Council and how MIL can apply for the grant funds is currently being investigated, however, it is assumed that a Council may apply on behalf of MIL.

After initial discussions with MIL and neighbouring Technical Directors, 4 out of the 5 Directors are in favor of MIL seeking funds through the Fixing Country Roads grant (Federation Shire had not indicated).

It is estimated that each bridge assessment will cost in the region of \$8,000 which will allow for concrete strength sampling, although may not be required for every site (a 10-20% sample size could be adequate) and the intention will be to carry out a \$4

million project across the region on 416 bridges of which 137 are located within the Berrigan Shire LGA.

(Please note that there are more than 137 MIL bridges located within the Berrigan Shire Local Government Area (LGA), however, the 137 have been flagged as those of concern to MIL.)

In addition to MIL carrying out load assessments on their Bridges it has been requested that if successful Council have its own bridges load assessed within the LGA (11) through the grant funding.

It is important that this project progresses as heavy goods vehicles HGVs become more efficient, carrying heavier loads. The safe load rating has not been determined on any of the bridges in our LGA, which makes it difficult to open the network to HGVs thus potentially putting unnecessary expense on local transport operators, as they will unnecessarily need to do more trips with lighter loads.

Although, Berrigan Shire Council would be potentially competing with this application for its own projects should it seek Fixing Country Roads grant funding it is still highly recommended that Berrigan Shire Council support MIL in their application to securing funds.

Should Murray Irrigation Ltd not secure the funds through Fixing Country Roads funding, the project will need to be funded either directly by MIL or the Road Authority (Councils), which would result in cost increases burdened by people in our local communities.

7.11 T07/19/20 DESIGN AND CONSTRUCTION OF THE TOCUMWAL NETBALL CHANGE ROOMS

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: T07/19/20

RECOMMENDATION: that the Council:

1. note the tender submission from Precise Build Pty Ltd for the Design and Construction of the Tocumwal Netball Change Rooms for a contact sum of \$435,830.70 including options and GST as accepted by the General Manager under delegation;

REPORT:

This tender is for T07/19/20 - Design and Construction of the Tocumwal Netball Change Rooms.

The tender is a quality assured, lump sum contract.

The total value of the contract based on tender price is \$435,830.70 inclusive of GST.

Tenders closed at 2:00pm Wednesday 9th October, 2019 and at the time of closing a total of 4 submissions were received.

The four submissions received were from the following organisations in the order of opening:

**KENNEDY BUILDERS
MS CONSTRUCTIONS
PRECISE BUILD PTY LTD
THE TRUSTEE FOR THE ADAPTIVE TRUST TA DEZIGN INTERIORS**

Panel Membership

The submissions were evaluated by the following staff in accordance with the Councils adopted Tender Evaluation policy:

Matthew Clarke Director of Technical Services
Matthew Hansen Director of Corporate Services
Nathan O'Connell Project Manager

Consideration of the Tenders

Each tender was evaluated in accordance with the evaluation criteria set out below:

Criteria	Highest Possible Score	Weighting
1. Price	4	5
2. Compliance with Specification	4	5
3. Track Record	4	2
4. Quality Systems	4	2
5. Availability of Appropriate Skills & Resources	4	2
6. Work Health & Safety Considerations	4	3
7. Contract completion date	4	3

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

Summary

Based on the evaluation criteria, this contract was accepted by the General Manager under his delegation.

The tender assessment panel has selected the tender submission of Precise Build Pty Ltd as the preferred tender.

Supervisor

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

7.12 SOUTH WEST ARTS – STRATEGIC ADVISORY COMMITTEE DELEGATE

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: 26.128.3

RECOMMENDATION: That the Council appoint Cr as its delegate to the South West Arts Strategic Advisory Committee and advise South West Arts accordingly.

REPORT:

In June 2019, South West Arts (SWA) wrote to the Council seeking a delegate from this Council to sit on their Strategic Advisory Committee. A copy of this letter is attached as **Appendix “B”**.

In an oversight on my behalf, this request was not sent to the Council at the time.

This committee provides a voice for Council at SWA and an avenue for the Council to consider and develop ways in which local government and SWA can work together to deliver on their shared objectives. A copy of the Terms of Reference for the committee is attached as **Appendix “C”**.

Delegates or an alternate will be expected to attend two (2) meetings per year.

7.13 INTEGRATED PLANNING AND REPORTING TIMETABLE

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 following timetable to complete its review of the Community Strategic Plan and the development of its suite of Integrated Plans for implementation in the 2020 - 2021 financial year:

1. Week beginning 2 December 2019 Capital Works inspection tour conducted.
2. 4 January 2020 Council Officers commence a review of the base case for the Long Term Financial Plan which will include a working draft of the Capital Works Program.
3. Week beginning 3 February 2020 2-day Corporate Workshop which will include:
 - a. Overview of Resourcing Strategy (Long-term Financial Plan, reviewed Asset Management Strategy, and reviewed Workforce Development Plan).
 - b. Councillor comment on Council Officers' review of the Resourcing Strategy and base case scenario assumptions used for internal review of the Long Term Financial Plan,
 - c. Identification of priority projects for further scoping and consideration and inclusion in Annual Operational Plan 2020 – 2021.
4. 19 February 2020 the Council to adopt its draft Capital Works Program.
5. 18 March 2020 Ordinary Council Meeting:
 - a. Reviewed Delivery Program 2017 – 2021 presented to the Council for initial comment.
6. 15 April 2020 Council to:
 - a. Review Draft Operational Plan 2020 - 2021
 - b. Review Draft Rating and Revenue Policy 2020 – 2021; and
 - c. Review Draft Fees and Charges 2020 – 2021.
7. 20 May 2020 endorse for public exhibition and comment the reviewed:
 - a. Resourcing Strategy 2017 – 2027 inclusive of:

- i. Long Term Financial Plan 2020 – 2030;
 - ii. Workforce Development Plan 2017 – 2021; and
 - iii. Asset Management Strategy 2020 – 2030
 - b. Reviewed Delivery Program 2017 – 2021.
 - c. Draft Annual Operational Plan 2020 – 2021.
 - d. Draft Rating and Revenue Policy 2020 – 2021.
 - e. Draft Fees and Charges 2020 – 2021.
8. 17 June, 2020 adopt all of the above as:
- a. Its final suite of Integrated Plans inclusive of the Community Strategic Plan; and
 - b. Set 2020 - 2021 rates and charges by resolution.
-

REPORT:

Historically, at the November Council meeting the Council considers the process and parameters to progress and finalise for the upcoming financial year the review of its Integrated Plans.

Set out in the above recommendation is what appears to be a logical process that draws together all of the components in this process. The development of these dates ensures that Council Officers have clear timeframes for the completion of the many elements required by the Integrated Planning and Reporting process and which are reflected on a day to day basis by Council's commitment to its Capital Works Program and Recurrent Operations.

Whilst the above has been suggested there may be a need to vary the suggested timeframes as the process unfolds. For immediate Council consideration is agreement on a date for the Capital Works tour and scheduling of the Corporate Workshop. The Capital Works tour provides the Council with an overview of works scheduled in its current Program of works and to highlight projects identified by Council Officers as needing consideration by the Council for subsequent inclusion a draft Capital Works Program.

Council Officers would also benefit from some guidance from the Council on likely projects and topics in addition to the aforementioned program and agreement on the Corporate Workshop date.

7.14 CHRISTMAS FUNCTION

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 22.017.1

RECOMMENDATION: that the Council:

- Hold an informal Christmas function at the Barooga Bowls Club on Friday 6th December, 2019 for Councillors, Council Staff and their families.
- Pursuant to the provisions of its Drug and Alcohol Free Workplace Policy, designate the following event as an “approved event” at which alcohol may be provided and consumed in accordance with the Policy.

REPORT:

The Council's past practise has been to hold an annual Christmas event for Councillors, Council staff and their partners.

These events have ranged from formal sit down dinners, stand up catered informal functions, marquee at Berrigan Gold Cup or family BBQ's.

In a previous discussion with the Council it was favoured to hold this year's event at the Barooga Bowls Club and to organise a bowling tournament involving the councillors and staff. Finger food and alcohol will be provided to those attending.

7.15 DEVELOPMENT APPLICATION 61/20/DA/D5 VERANDAH

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: 61/20/DA/D5

RECOMMENDATION: that Development Application 61/20/DA/D5 for the construction of a Verandah be approved subject to the following conditions:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plan Bruce Mactier Building Designers Job Number 20423 Sheet Number A2, A3 and A5 of 5, on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Construction Certificate

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

3. Appointment of PCA and Notice of Commencement

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

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

4. Critical Stage Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

5. Occupation

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

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 109C(1)(c) and 109H EP&A Act 1979)

6. Compliance with Building Code

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

7. Permitted hours for building work

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

8. Excavations and Backfilling

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

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

9. Signs Erected on Building and Demolition Sites

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

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

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

10. Waste

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

11. Stormwater

Roofwater from the structure must be disposed of appropriately either by being connected to the existing dwelling stormwater drainage system or piped underground directly to the Council's stormwater drainage system located in Berrigan Street in accordance with the Building Code of Australia and relevant Australian Standards. This is to ensure that runoff does not cause damage to neighbouring properties.

12. Works on road reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the “public place”.

An “Application for Works, Structures on a Council Road” must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

13. Protection of Public Places

Building material, rubble, waste containers, plant and the like are NOT permitted to be stored on the road reserve including the footpath. The footpath is to be kept clean, tidy and in a safe condition during building operations.

Division

In Favour:

Against:

REPORT:

Background

In April 2019 a development application for a proposed carport on the subject site was submitted to Council. The proposed carport had a nil setback to Berrigan Street, had the majority of the structure located in front of an existing dwelling and required vehicle access from Berrigan Street. Given potential jeopardy of infrastructure in the road reserve from accessing the proposed carport and that the proposal was assessed as generally not meeting the objectives of the *Berrigan Development Control Plan 2014* (DCP), the proposal was not supported by the Council on 19 June 2019.

The applicant has subsequently discussed a revised proposal with Council that will be for a verandah structure with a 655mm setback to Berrigan Street. The applicant stated that a verandah structure will suit the majority of their needs for an outdoor area and provide protection for the existing dwelling from the western sun.

Proposed Verandah

The proposed verandah will be 5.845 metres by 5.98 metres, a total area 34.95m². It will have a 655mm setback to Berrigan Street and will be slightly lower than the existing dwelling roofline. It will utilise colorbond sheeting for the roof. See *figure 1 and 2 below for an artist's impression of the proposal.*

Subject Site and Locality

The subject site is 16 Berrigan Street, Tocumwal (Lot 112 DP 1108924) and has a total area of 386m². The subject site was subdivided and the dwelling approved in 2006 with the dwelling having a reduced front building setback of 3 metres to Berrigan

Street (approval under the previous *Berrigan Local Environmental Plan 1992*) given the setback of the existing dwelling on the parent allotment. There is also an existing carport on the subject site with an approximate 2.3 metres setback to Berrigan Street.

In the neighbouring environment, the two allotments to the north and south have a residential storage shed with an approximate nil setback to Berrigan Street. Facing Berrigan Street, there are two other existing dwellings. Directly in front of the subject site, the Berrigan Street naturestrip is approximately 11 metres wide.

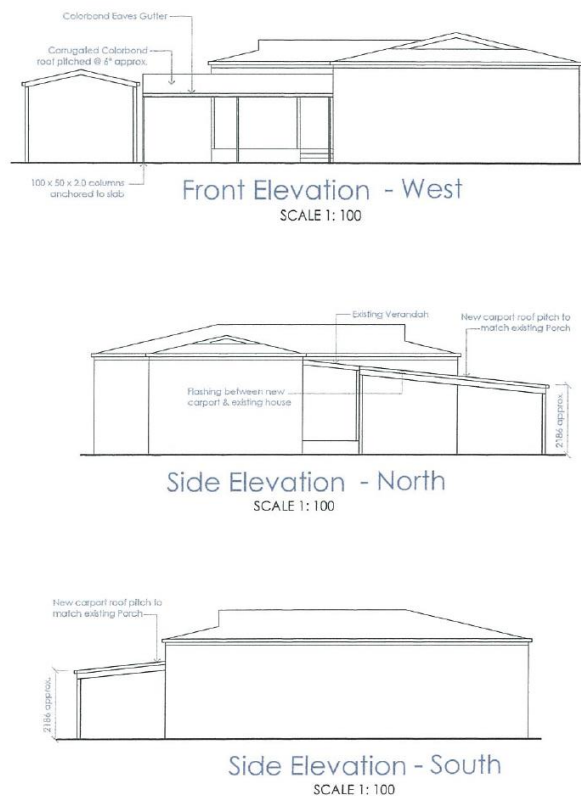


Figure 1 – Artist impression of the proposed verandah

Assessment

- **Berrigan DCP - Chapter 2 Residential Development**

In assessing the proposal, the following development controls within Chapter 2 Residential Development under the *Berrigan Development Control Plan 2014* (DCP) have been considered. The objectives of each section and an assessment of the proposal is detailed under the headings below.

2.3 Landscaping

The main objective of this section is to have front landscaping that contributes to an attractive streetscape. The proposed verandah will have a 655 mm setback which will

allow an area in front of the structure for landscaping that will assist the proposal to contribute to an attractive streetscape.

2.4 Private Open Space

The main objective of this section is for a practical and useable outdoor area for residents that will enhance residential amenity. Given that there is a 3 metre wide easement to the rear of the existing dwelling, there is minimal space to the rear of the dwelling for an undercover outdoor area. The applicant has volunteered that they request an undercover outdoor area to enhance the residential amenity of their site. The verandah will therefore provide an outdoor area that given it is on the western side of the existing dwelling, will enhance the outdoor area and make it a more practical and useable space.

2.5 Building Setbacks

The main objective of this section is to maintain an attractive streetscape through consistency in the front building setbacks. The development controls allow an articulation zone 1 metre in front of a dwelling whereby building elements such as porticos, awnings and the like are permissible where they are necessary, where they enhance the quality of the building or they contribute to the visual quality of the streetscape.

The proposed verandah has been assessed as a building element that is necessary to provide amenity to the existing dwelling. As discussed above, the proposal is located on the western side of the dwelling and therefore will provide a valuable shaded area and increase the residential amenity. The proposed verandah has been assessed as enhancing the quality of the building and therefore will add to the visual quality of the streetscape.

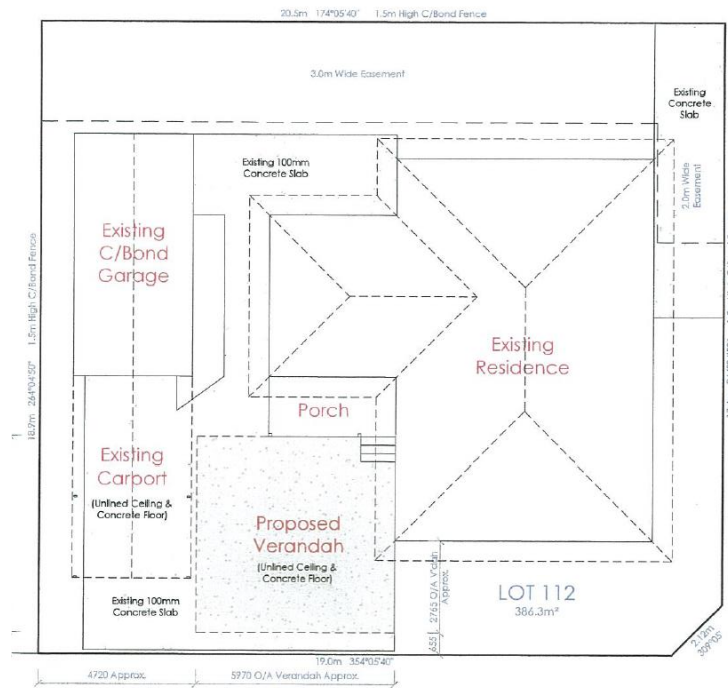


Figure 2 – Site Plan for proposed verandah

The proposed verandah will extend 2.7 metres in front of the existing building line.

Whilst this is more than the development control of 1 metre, given the approximate 11 metre wide road reserve, the proposal is assessed as still meeting the objectives of this section.

2.2 Streetscape

The main objective of this section is that residential design makes a positive contribution to the streetscape and provision of passive surveillance to the street. As discussed above, the proposal has been assessed as a necessary building element that will contribute to a quality streetscape and therefore will make a positive contribution to the streetscape. Furthermore, given the proposal is for a verandah structure, it will allow for the continued passive surveillance to the street from the existing dwelling.



Figure 3 – Aerial image of subject site



Figure 4 – Streetview of subject site

The proposal has therefore been assessed as generally complying with the objectives and development controls of Chapter 2 Residential Development under the Berrigan DCP within the sections - building setbacks, streetscape, landscaping and private open space. The proposal has been assessed as having a minimal impact on the existing character and residential amenity of the existing streetscape in the neighbouring environment along Berrigan Street.

As the proposal generally complies with the development controls of Chapter 2 Residential Development of the Berrigan DCP, it is therefore recommended that the development application for a verandah be approved.

Conclusion / Legislation

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

Recommendation

That Development Application Number 61/20/DA/D5 for a Verandah be approved as the proposal generally complies with the development controls of Chapter 2 Residential Development of the *Berrigan Development Control Plan 2014*.

7.16 2019 - 2023 BERRIGAN SHIRE COUNCIL TOURISM STRATEGY

AUTHOR: Economic & Industry Development Liaison

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Diversify and promote local tourism

FILE NO: 08.078.1

RECOMMENDATION: That Council adopts the 2019 – 2023 Berrigan Shire Council Tourism Strategy

REPORT:

Council adopted the first Tourism Strategy in 2014. The purpose behind the original strategy document was to clarify Councils role as a facilitator, provider, partner or leader in the many functions that come under the single heading of tourism. This was best illustrated in following table that has since guided decision making and has proven Councils role in delivering (providing) all the elements of the Tocumwal and Barooga Foreshore Masterplans.

	State and Federal government	Murray Regional Tourism Board	Berrigan Shire Council	Local Tourism Association/ Chambers	Tourism Business
Industry Policy setting and strategy	Lead		Facilitate		
Transport communications and Infrastructure	Lead	Facilitate	Provide		
Advertising and Promotions		Lead	Facilitate	Partner	Partner
Websites or Digital Platform			Provide	Partner	Partner
Product development and investment	Regulate	Lead	Facilitate	Provide	Provide
Industry education and development	Facilitate	Lead	Facilitate	Provide	Provide
Research and data provision	Facilitate	Lead	Inform/Facilitate		Provide
Tourism-related infrastructure provision			Lead/Partner/Provide		Partner/Provide
Visitor Information Centre – Infrastructure			Provide		

Visitor Information Centre – Services				Provide	
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The review of the 2014 – 2018 Strategy is positive in noting other achievements including:

- The development of the local tourism industry network. A collaboration of businesses from the Berrigan, Federation and Moira LGA’s that meets quarterly.
- The partnership with Moira Shire and Cobram Barooga Business and Tourism with the Sport Tourism program.
- Collaboration with Murray Regional Tourism
- The development of the Digital Platform with Moira Shire.
- Increased visitation

The 2019 – 2023 Tourism Strategy (*attached as “Appendix “D”*) has been aligned with Murray Regional Tourism and Destination Riverina Murray Destination Management Plans, using similar sectional headings and layout. All the visitor data was supplied by Murray Regional Tourism.

The role of Council in tourism is unchanged with the emphasis remaining on the provision of quality infrastructure that enhances the visitor experience and promote the visitor economy.

Visitation to the region has been steadily increasing since 2015 with the *Holiday Maker* market overtaking *Visiting Friends and Relatives* as the dominant visitor profile over the past four years. This trend emphasizes the need for quality infrastructure and highlights the importance of continually looking to the future investment needs and opportunities.

The 2019 – 2023 Tourism Strategy recommendations include:

- A continued pursuit of second tier sporting events
- Continued support of Strawberry Fields and similar festivals
- Continued maintenance of, and investment in, infrastructure that enhances the tourism experience
- Continued investment in welcoming streetscapes
- Long term planning for future infrastructure requirements
- Assessing opportunities for the Tocumwal Historic Aerodrome Museum
- Continued support for the local tourism network functions.
- Review of the current Official Visitor Guide.

7.17 INVESTMENT POLICY

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: 12.024.2

RECOMMENDATION: that the Council:

- Revoke its Investment Policy adopted on 21 November 2018; and
- Adopt the Investment Policy set out below:



Policy

14 INVESTMENT POLICY

File Reference No: 12.024.2

Strategic Outcome: Good government

Date of Adoption: 20/11/2019

Date for Review: 18/11/2020

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

In order to meet future financial commitments, Berrigan Shire Council retains cash that it has no plans to spend in the immediate future. To make better use of this cash and to retain its future value, the Council will invest these spare funds – in line with legislation and other legal requirements.

This policy is made under section 625 of the *Local Government Act 1993* (the Act) and in accordance with the Ministerial Investment Order published in the Government Gazette of 12 February 2011 and Office of Local Government Circular 17-29.

2. PURPOSE

The purpose of this policy is to provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

The Council's Financial Strategy 2016 commits the Council to the following action:

Maintain the existing Investment Policy settings prioritising preservation of capital over investment return.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.



Policy

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

3. SCOPE

This policy applies to all Council officers with responsibility for the investment of Council's funds.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.1.3.1:

Coordinate Council investments, financial management, financial operations and processing

5. DEFINITIONS

Credit risk – the risk that an institution or a product the Council has invested in fails to pay the interest and/or repay the principal of an investment;

Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;

Liquidity risk – the risk the Council is unable to redeem the investment at a fair price within a timely period; and

Maturity risk – the risk relating to the length of term to maturity of the investment – the longer the term, the greater the length of exposure and risk to market volatilities;

Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);

Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;

Liquidity – ensuring that funds are available in a timely manner to meet the Council's cash flow requirements without the unanticipated, and potentially disadvantageous, sale of investment products.



Policy

6. POLICY IMPLEMENTATION

6.1 Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer, or to other Officers. This is subject to regular review.

Officers' delegated authority to manage Council's investments shall be recorded in line with the Council's standard procedures regarding delegations.

Officers with delegated authority under this policy will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

6.2 Prudent person standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

6.3 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

Councillors and Officers are obliged to act in accordance with the Council's Code of Conduct and comply with the Council's procedures for declaring gifts and actual or perceived conflicts of interest.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. Dealings between the Council and an independent advisor will be in line with the Council's Statement of Business Ethics.

6.4 Approved investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.



Policy

6.5 Prohibited investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Collateralised Debt Obligations (CDOs);
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

6.6 Local economic benefit

The Council will give consideration to investment products from institutions that provide a direct economic benefit to the Berrigan Shire community. This may include:

- Institutions that operate a retail branch in the Shire
- Institutions specifically established for the purpose of investing in the local area including the Berrigan Shire, such as local credit unions.

This is conditional upon the Council complying with its other obligations under this policy and the achievement of comparable investment security and rates of return. Any such consideration will be in line with the Council's obligations under legislation and its purchasing policies and procedures.

6.7 Risk management

In accordance with the Council's Risk Management Policy and Framework, the Council should minimise risks and encourage and promote transparency and good governance.

Risks will be assessed with resultant investment decisions authorised by the General Manager, or in accordance with Delegated Authority.

Controls will be integrated into investment management strategies which recognise these risks:

- Credit risk
- Market risk
- Liquidity risk
- Maturity risk



Policy

When addressing these risks, the Council and its officers will consider the following key principles:

- Preservation of Capital
- Diversification
- Liquidity

In addition to employing controls to reduce counterparty risk, management and operational controls for corruption prevention will be employed, which include:

- Fraud Control measures as identified in the Council's Fraud Control Policy and associated plans.
- Compliance with the Council's Code of Conduct
- The use of the Council's Gift and Conflict of Interest Disclosure procedures
- Reference to the Internal Reporting Policy.
- Monthly reporting to the Council
- External Auditing

6.8 Investment advisor

The Council may, from time to time, appoint a consultant to provide independent advice on the Council's investment strategy or on individual investment products. Independent advisors must be licenced by the Australian Securities and Investment Commission and must be appointed by resolution of the Council.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. This specifically excludes the appointment of advisors that receive commissions from providers of investment products likely to be reviewed or recommended.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

The requirement for advisors to be independent and declare any conflict of interests does not apply where the Council is seeking investment advice from the NSW Treasury Corporation as per Office of Local Government Circular 17-29.



Policy

6.9 Measurement

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting

6.10 Benchmarking

Performance benchmarks can be established and should be based on sound and consistent methodology. When determining benchmarks, consideration should be given to the Council's risk profile and liquidity requirements.

Benchmarks will be determined by the Council on an as-needs basis but reviewed no less than annually as part of the Council's budget process.

Performance against benchmarks will be included in a monthly report to the Council.

6.11 Reporting and reviewing of investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

6.12 Policy review

This Investment Policy will be reviewed by the Council no less than annually. It will also be reviewed as required in the event of legislative changes.



Policy

The Investment Policy may also be amended as a result of other events that provide the Council with opportunities that are to the advantage of the Council and in the spirit of this policy.

Any amendment to the Investment Policy must be by way of Council resolution.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Compliance

All investments are to comply with the following

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Ministerial Investment Order*
- *Local Government Code of Accounting Practice and Financial Reporting*
- Australian Accounting Standards
- Office of Local Government Circulars

7.2 Relevant Council documents

- Long Term Financial Plan
- Financial Strategy 2016
- Fraud Control Policy
- Fraud Control Plan
- Risk Management Policy and Framework
- Code of Conduct
- Internal Reporting Policy
- Statement of Business Ethics

REPORT:

The Council, in its role as trustee of public monies, has a responsibility to prudently invest its surplus funds. To provide guidance to Council staff when investing Council funds, the Council has an Investment Policy. The policy complies with the Ministerial Investment Order issued in February 2011.

This policy is required to be reviewed annually. It was last reviewed in November 2018.

As well as its Investment Policy, the Council's powers to invest in specific investment products are restricted by the Ministerial Investment Order.

The policy sets out the principles that the Council will use when investing surplus funds, lists any restrictions placed on specific types of investments and sets some requirements for reporting on investments to the Council. The policy addresses the risks to the Council as a result of its investments in line with the Council's Risk Management Policy and Framework.

The Council has traditionally taken a very conservative investment position and this is reflected in the proposed policy. The policy states that the Council's principal objective is the preservation of capital with investment return a lower priority.

The proposed policy is identical to the existing policy. It would not require any changes to the Council's current investment portfolio. It also provides flexibility for the Council to consider an investment with NSW Treasury Corporation managed funds if desired.

Other than cash held for current expenditure, the Council's existing investment portfolio is solely made up of term deposits held with organisations listed as authorised deposit-taking institutions by the Australian Prudential Regulation Authority.

The Council may wish to consider modifying the section of the proposed policy relating to "Local Economic Benefit" following the closure of the Bendigo Bank agency in Finley. There is no evidence that this clause in the policy has had any influence on decisions by banks and other institutions about retaining services in Berrigan Shire.

The Council currently has around \$27m under investment at present.

7.18 AGENCY INFORMATION GUIDE

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, pursuant to section 21 of the *Government Information (Public Access) Act 2009* the Council adopt the Agency Information Guide below:



"Making an even better Berrigan Shire"

AGENCY INFORMATION GUIDE

Government Information (Public Access) Act 2009

Berrigan Shire Council's *Agency Information Guide* describes who we are and what we do.

It also describes how members of the public, community organisations, the media, and government agencies can interact with us, access information held by us and change information believed to be incorrect.

RESPONSIBLE AREA:

Corporate Services: Director Corporate Services, Matthew Hansen

COUNCIL REVIEW AND ADOPTION DATES:

Version	Date	Minute
1	17 November 2010	291/2010
2	14 December 2011	284/2011
3	21 November 2012	275/2012
3	20 November 2013	308/2013
5	19 November 2014	282/2014
6	18 November 2015	265/2015
7	16 November 2016	298/2016
8	15 November 2017	221/2017
9	21 November 2018	234/2018



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PREFACE

This Information Guide has been produced by Berrigan Shire Council in accordance with [Section 21 of the Government Information \(Public Access\) Act 2009](#) and is reviewed annually. The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Berrigan Shire Council;
- The way in which the functions of Berrigan Shire Council affect members of the public;
- The avenues available to the public to participate in policy development and the exercise Berrigan Shire Council's functions;
- The type of information available from Berrigan Shire Council and how this information is made available.

The Information Guide is available on the Access to Council Information page on the Council's website (<https://www.berriganshire.nsw.gov.au/index.php/council-governance/access-to-council-information>)



ROWAN PERKINS
GENERAL MANAGER



THE COUNCIL, ITS STRUCTURE AND FUNCTIONS

LEGAL IDENTITY

Berrigan Shire Council is constituted and operates under the provisions of the *Local Government Act 1993*. The Council is responsible for providing local government representation and services for the residents of Berrigan Shire.

Along with 134 other Councils, Berrigan Shire was proclaimed by the New South Wales State Government on 7 March 1906. Berrigan Shire Council is one of the few remaining of those initial 134 to still exist within substantially the same boundaries since that date.

Located on the Murray River in the Southern Riverina, the Shire area covers approximately 2,100 square kilometres and is home to more than 8,400 residents. It includes the four distinct communities of Barooga, Berrigan, Finley and Tocumwal.

INTEGRATED PLANNING AND REPORTING

Berrigan Shire's preferred future is established in *Berrigan Shire 2023*, the Shire's Community Strategic Plan. This plan was developed in conjunction with our community under the Integrated Planning and Reporting (IP&R) framework established by the Office of Local Government.

In *Berrigan Shire 2023*, the community set out its vision for the future

In 2023 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.

As well as *Berrigan Shire 2023*, the IP&R framework includes a suite of other plans, strategies and reports that are used by the Council to support the provision of a range of services, programs and initiatives on behalf of residents and others and advances Berrigan Shire as a lifestyle and investment destination of choice.

You can view the Council's suite of plans and strategies under the IP&R framework at the Council Administration Office and on the Council website at:

<https://www.berriganshire.nsw.gov.au/index.php/council-governance/management-plans-codes-reports>

OUR PURPOSE

"Making an even better Berrigan Shire"

The aim of the Berrigan Shire Council is to develop our community and assist where we can to help it grow and achieve the community's vision. We work alongside our community and use our skills, our staff and our resources to contribute to the improvement of the entire Shire.

We are one team focused on the one purpose of *"Making an even better Berrigan Shire"*.

CORPORATE STRUCTURE AND FUNCTIONS

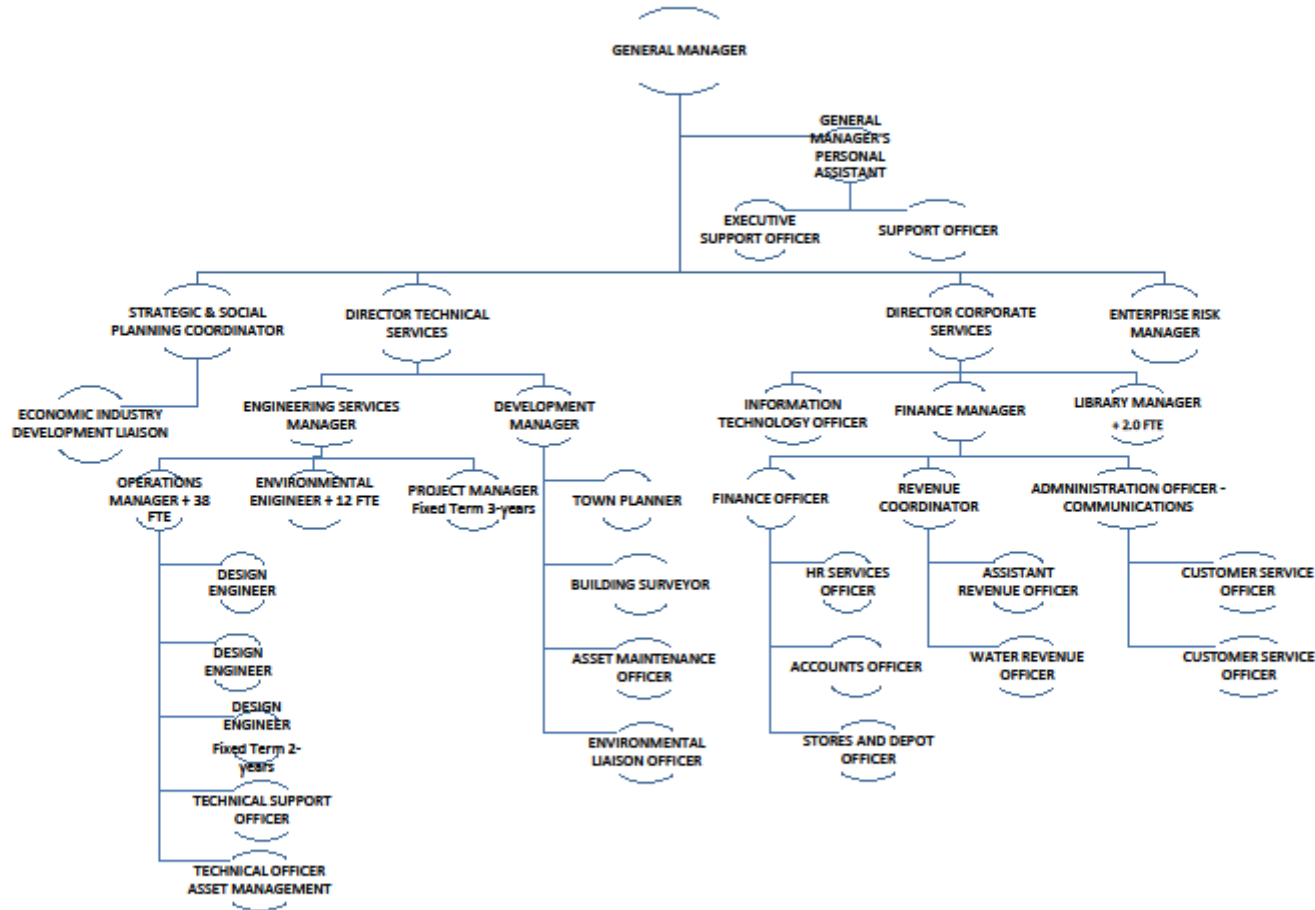
Berrigan Shire Council is led by a General Manager who is responsible for the efficient operation of the Council and for ensuring implementation of the Council's decisions. The General Manager is appointed by the Council under a standard contract.

The Council is made up two major divisions, each managed by a Director.

- Technical Services
- Corporate Services

Each department is responsible for the services as shown below:

Technical Services	Corporate Services
Roads, Bridges and Footpaths	Administration
Depot	Human Resources
Animal control	Finance
Stormwater drainage	Rates and charges
Parks and Gardens	Saleyards
Water and Sewerage	Recreation reserves
Environmental Health	Libraries
Building control	Public swimming pools
Waste control	Rural Fire Service
Town planning	Tourism
Council buildings	Cemeteries
Development	Caravan parks
Aerodrome	Social and cultural planning



LOCAL GOVERNMENT AND THE PUBLIC

As a service organisation, the majority of the activities of Berrigan Shire Council may have an impact on you. The following is an outline of how the broad functions of the Council may affect you and others.

The Council exercises its functions under the [Local Government Act 1993, Section 21 of this Act](#) confers or imposes the following functions on Council:

- Non-regulatory or service functions (Chapter 6)
 - Regulatory functions (Chapter 7)
 - Ancillary functions (Chapter 8)
 - Revenue functions (Chapter 15)
 - Administrative functions (Chapters 11, 12 and 13)
 - Enforcement functions (Chapters 16 and 17)
-
- **Service functions** involve the Council providing services and facilities to the public. This includes the provision of public infrastructure such as roads, water supply and sewerage systems, waste collection and recycling services, community infrastructure such as libraries, halls and recreation reserves and human services such as Home and Community Care.
 - **Regulatory functions** place restrictions on the use of land and on some other activities in order to mitigate any adverse effect on community amenity and the environment and to protect the life and safety of the public. Members of the public must be aware of, and comply with, such functions.
 - **Ancillary functions** include, for example, the resumption of private land and the power for the Council to enter onto a person's land. In general, these activities will only affect the owners of the property.
 - **Revenue functions** have a direct effect on the public in that the Council can compel landholders in the Shire to pay rates and charges lawfully made by the Council. The Council's revenue functions have an indirect effect on the public in that revenue raised by the Council is used to fund the services and facilities provided to the community.
 - **Administrative functions** do not affect the public directly but the impact of these functions on the efficient and effective provision of services by the Council may affect the public.
 - **Enforcement functions** such as impoundment of wandering stock directly affects those members of the public who are in breach of certain legislation. It has an indirect effect on the wider community through the maintenance of community amenity.
 - **Community support functions** include such matters such as facilitation of community and business activity within the Shire and advocating for the needs of the community with other levels of government.

As well as the *Local Government Act*, the Council has functions conferred or imposed on it by or under other Acts, which include:

<i>Biodiversity Conservation Act 2016</i>	<i>Privacy and Personal Information Protection Act 1998</i>
<i>Biosecurity Act 2015</i>	<i>Protection of the Environment Operations Act 1997</i>
<i>Building Professionals Act 2005</i>	<i>Public Health Act 1991</i>
<i>Civil Liability Act 2002</i>	<i>Public Interest Disclosures Act 1994</i>
<i>Coastal Management Act 2016</i>	<i>Recreation Vehicles Act 1983</i>
<i>Community Land Development Act 1989</i>	<i>Road Transport Act 2013</i>
<i>Community Land Management Act 1989</i>	<i>Roads Act 1993</i>
<i>Companion Animals Act 1998</i>	<i>Rural Fires Act 1997</i>
<i>Contaminated Land Management Act 1997</i>	<i>Smoke-free Environment Act 2000</i>
<i>Conveyancing Act 1919</i>	<i>State Emergency & Rescue Management Act 1989</i>
<i>Crown Land Management Act 2016</i>	<i>State Emergency Service Act 1989</i>
<i>Dividing Fences Act 1991</i>	<i>State Records Act 1998</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>Strata Schemes Development Act 2015</i>
<i>Fire and Emergency Services Act 2017</i>	<i>Strata Schemes Management Act 2015</i>
<i>Fluoridation of Public Water Supplies Act 1957</i>	<i>Swimming Pools Act 1992</i>
<i>Food Act 1989</i>	<i>Unclaimed Money Act 1995</i>
<i>Graffiti Control Act 2008</i>	<i>Waste Avoidance and Resource Recovery Act 2001</i>
<i>Government Information (Public Access) Act 2009</i>	<i>Water Act 1912</i>
<i>Heritage Act 1977</i>	<i>Water Management Act 2000</i>
<i>Impounding Act 1993</i>	<i>Work Health and Safety Act 2011</i>
<i>Library Act 1939</i>	<i>Workplace Injury Management and Workers Compensation Act 1998</i>
<i>Local Land Services Act 2013</i>	<i>Workplace Surveillance Act 2005</i>
<i>Plumbing and Drainage Act 2011</i>	

PARTICIPATION IN LOCAL GOVERNMENT

REPRESENTATION

Local government in New South Wales is based on the principle of representative democracy. This means that eligible voters elect representatives to their local Council to make decisions on their behalf. In New South Wales, elections are held every four years.

Berrigan Shire Council is represented by a publicly elected Council that is responsible for providing leadership in the development and implementation of a program of actions that contribute to the Shire community's vision.

Berrigan Shire Council is represented by eight councillors, headed by a Mayor. Berrigan Shire Council is a unitary body and is not divided into wards. Each Councillor is elected by, and represents, the Shire as a whole.

Councillors serve a four-year term; the current Council was elected in September 2016 with Cr Roger Reynoldson elected in a by-election in July 2018. Berrigan Shire is not divided into wards and councillors are elected at large. The next election is scheduled for September 2020.

The Mayor is elected by the Councillors from among their number and serves for a 2-year term. The current Mayor was elected in September 2018.

The role of the Council is to:

1. Represent the community and advocate its viewpoint
2. Formulate policy and strategic direction and make decisions that will benefit the community as a whole
3. Oversee the implementation of policy and key strategic plans and review the performance of the organisation
4. Set and approve the Council budget



MAKING REPRESENTATIONS TO COUNCILLORS

Residents are able to raise issues with the elected Councillors. The Councillors, if they agree with the issue, may pursue the matter on the behalf of the resident which allows members of the public to influence the development of policy.

Residents may contact Councillors by phone or email via the following contact details:

Cr Matthew Hannan (Mayor) M: 0409 893 142 E: mhannan@berriganshire.nsw.gov.au	Cr Daryll Morris (Deputy Mayor) M: 0448 130 292 E: daryll@berriganshire.nsw.gov.au
Cr John Bruce M: 0427 906 531 E: johnb@berriganshire.nsw.gov.au	Cr Roger Reynoldson M: 0428 852 063 E: rogerr@berriganshire.nsw.gov.au
Cr Denis Glanville M: 0407 445 803 E: denisg@berriganshire.nsw.gov.au	Cr Ross Bodey M: 0400 499 146 E: rossb@berriganshire.nsw.gov.au
Cr Colin Jones M: 0428 839 228 E: colinj@berriganshire.nsw.gov.au	Cr John Taylor M: 0409 414 936 E: johnt@berriganshire.nsw.gov.au



2018 - 2020

Back Row: Cr John Taylor, Cr Roger Reynoldson, Cr Daryll Morris, Cr John Bruce, Cr Denis Glanville

Front Row: Cr Ross Bodey, Fred Eaton (Director Technical Services), Cr Matthew Hannan, Braam Perkins (General Manager), Cr Colin Jones

Absent: Matthew Hansen (Director Corporate Services)

MEETINGS

Berrigan Shire Council holds an ordinary meeting of the Council on a monthly basis. This is ordinarily scheduled for the third Wednesday of the month, commencing at 11.00am. The venue for the meeting is the Berrigan Shire Council Chambers, 56 Chanter Street, Berrigan. The Council may choose to vary the time, date or venue of meetings or hold an extraordinary meeting.

Council meeting times are shown on the Council website and are also advertised in the Southern Riverina News and the Cobram Courier.

Ordinary meetings of the Council are open to the public, except as allowed for in the *Local Government Act 1993*. From December 2019, an audio recording of each Council meeting will be also be available on the website.



PUBLIC PARTICIPATION

Council's Community Engagement Framework (2016) strengthens Council's commitment to supporting the participation of individuals, groups and communities in Council planning and decision making. It guides the development of Council's Community Strategic Planning engagement strategies and consultation on local issues.

Opportunities exist for you and other members of the community to participate in all facets of the governance of the Council. There is participation through the formal decision-making structures and through the many support units and groups that contribute to the Council's affairs.

Outside the formal structures of decision-making the Council has a procedure for receiving and responding to complaints and suggestions from the public about the Council and its functions.

You are also encouraged to contact Councillors to put forward your views regarding issues relating to the Council.

Many Council plans, codes and policies are placed on display for public comment before final adoption by the Council. Notification of requests for public comment is made on the Council website (<http://www.berriganshire.nsw.gov.au>) and in the Southern Riverina News and the Cobram Courier.

These draft plans and codes also available on the Council website and also are available for perusal at the Council administration office and the Barooga, Berrigan, Finley and Tocumwal branches of the Berrigan Shire Library Service.

You and other members of the public are invited to join the various committees of management that operate facilities such as recreation reserves, public halls and parks and gardens. Other committees open to the public include various advisory and support groups on issues such as youth, public libraries and community assistance.

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public.

Some of these special committees or bodies are:

- Australia Day Committee
- Barooga Advancement Group
- Barooga Community Botanical Gardens Committee
- Barooga Recreation Reserve
- Berrigan Conservation & Tidy Towns
- Berrigan Shire Heritage Committee
- Berrigan Shire Youth Development Committee
- Berrigan Sportsground Committee
- Berrigan War Memorial Hall
- Berrigan War Memorial Swimming Pool
- Boomanoomana Landcare Committee
- Finley Recreation Reserve Committee of Management
- Finley Showground Sporting Complex Committee
- Finley War Memorial Hall & School of Arts
- Finley War Memorial Swimming Pool
- Fullers Road Landcare
- Mary Lawson Memorial Wayside Rest Committee
- Native Dog Landcare Group
- Retreat Public Hall
- Tocumwal Foreshore
- Tocumwal Friends of the Library Group
- Tocumwal Historic Aerodrome Museum
- Tocumwal Rail Preservation Committee
- Tocumwal Recreation Reserve Committee
- Tocumwal Swimming Pool Committee
- Tocumwal War Memorial Hall

COUNCIL INFORMATION AND ACCESS TO INFORMATION

LIST OF COUNCIL DOCUMENTS AVAILABLE TO THE PUBLIC

The *Government Information Public Access Act 2009* (GIPA Act) and associated regulation provides you with a general right of access to information held by the Council as long as it does not infringe privacy or other laws or there are public interest considerations against disclosure.

A range of information about the Council and its operations is available on the Council's website and/or the Council administration office in Berrigan.

You are entitled to inspect these documents held by the Council on the Council's website – unless there is an unreasonable additional cost to the Council to publish these documents on the website – or at the offices of the Council during ordinary office hours or at any other place as determined by the Council.

Any current or previous document of this type may be inspected by you free of charge. Copies can be supplied for reasonable copying charges.

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application under this Act:

- Council's Agency Information Guide ([available on Council's website](#))
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament;
- Council's policy documents ([available on Council's website](#))
- Council's Disclosure Log of Formal Access Applications ([available on Council's website](#));
- Council's Register of Government Contracts ([available on Council's website](#));
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the GIPA regulations as open access information

Schedule 1 of the GIPA Act also stipulates that the following additional documents are to be provided as open access information by Council:

1. Information about Council and Council meetings
 - a. Code of meeting practice
 - b. Agendas, minutes and business papers for any meeting of the Council or any committee of the Council
 - c. Councillors expenses and facilities policy
2. Council Administration
 - a. Berrigan Shire Council Code of Conduct
 - b. Annual Report, Financial Statements and Auditor's Report
 - c. Equal Employment Opportunity Management Plan
 - d. Land Register,

- e. Investment Register,
 - f. Delegations Register
 - g. Register of voting on planning matters
 - h. Register of graffiti removal work
3. Plans and policies
- a. A range of Council policies are available [on the Council's website](#)
 - b. Other Council plans, strategies and reports can be found at: ([available on the Council's website](#))
4. Development and Planning
- a. Environmental planning instruments and development control plans
 - b. Development Applications and associated documents
5. Other documents
- a. Leases and licences for use of public land classified as community land
 - b. Register of contracts
 - c. Register of gifts
 - d. Returns of the interests of Councillors, designated persons and delegates
 - e. Register of current declarations of disclosures of political donations

HOW TO ACCESS INFORMATION THE COUNCIL HOLDS

Under the GIPA Act the Council has an obligation to provide greater accessibility to government information for the public.

Documents available for free can be found on the Council's website (<http://www.berriganshire.nsw.gov.au>) or picked up in person at the Council's office in Berrigan during office hours.

You may come to the Council's office at 56 Chanter Street, Berrigan, and view the Council's open access information during office hours (8.00am to 5.00pm Monday to Friday excluding public holidays).

ACCESS TO AND AMENDMENT OF COUNCIL RECORDS

Any person can request to view his/her own personal record and can request the alteration of certain information that is held by the Council in connection with its administrative functions and if the information is, in the person's opinion, incomplete, incorrect, out of date or misleading. Any records of a legal or accounting nature cannot be altered without proper approval or advice.

The Director Corporate Services has been appointed as the Council's Public Officer and Right to Information Officer. Among other duties, the Director Corporate Services may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director Corporate Services is also responsible for determining applications for access to documents or for the amendment of records.

Council has in place a Privacy Management Plan for dealing with private or personal information.

The Council will endeavour to make as much information as possible available proactively or upon request, unless there is an overriding public interest against disclosure. In some cases, it may be necessary to lodge a formal access application. Access forms are available on the Council's website or by contacting the Council's Public Officer.

Requests for amendment of a document of the Council which you feel is incorrect will require you to make written application to the Director Corporate Services in the first instance.

Matthew Hansen
Director Corporate Services
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Telephone: (03) 5888 5100
Email: mail@berriganshire.nsw.gov.au

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

The Office of the Information and Privacy Commissioner (OIPC) has been established to oversee the GIPA Act. The OIPC provides information about the right to access information held by NSW government agencies, including Councils.

You can contact the OIPC via:

Level 11, 1 Castlereagh Street
SYDNEY NSW 2001
GPO Box 7011
SYDNEY NSW 2001
T: 1800 472 679
E: ipcinfo@ipc.nsw.gov.au



REPORT:

The [Government Information \(Public Access\) Act 2009](#) (GIPA Act) provides a range of obligations on the Council – and all NSW Government instrumentalities – regarding the provision of information to the public.

One of the obligations the Council is required to meet is to “adopt” an Agency Information Guide. The Agency Information Guide must be published on the Council’s website.

[Section 20 of the GIPA Act](#) states:

(1) An agency (other than a Minister) must have a guide (its "agency information guide") that:

(a) describes the structure and functions of the agency, and

(b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and

(c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the exercise of the agency’s functions, and

(d) identifies the various kinds of government information held by the agency, and

(e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and

(f) specifies the manner in which the agency makes (or will make) government information publicly available, and

(g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

(2) An agency must make government information publicly available as provided by its agency information guide.

Further information on the Agency Information Guide is available on the Information and Privacy Commission website

[Section 21 of the Act](#) requires that the Agency Information Guide be adopted at periods of no less than 12 months (i.e. at least annually).

While the Act uses the term “adopt” this does not mean “adopt” in the sense of “pass by voting” as most of the bodies covered under the Act cannot make resolutions. Instead, it means to “take on for use”. However, it would be more straightforward and

transparent to demonstrate compliance with the Act by adopting it by resolution of the Council.

The Agency Information Guide was last adopted by the Council in November 2018.

Changes made to the proposed Guide this year are largely cosmetic or updates of routine information.

7.19 FINANCIAL STATEMENTS 2018/19

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, not having received any submissions in relation to its 2018/19 Annual Statements and having considered the reports presented by the Audit Office of New South Wales, adopt the 2018/19 Annual Statements and the Report on the conduct of the Audit.

REPORT:

The Council adopted the draft Financial Statements for public exhibition and referred them to the Auditor General of New South Wales for audit, at its ordinary meeting held on Wednesday 30 October 2019.

Councillors should note there was one material change made to the Financial Statements since their adoption as a draft. This was a \$2.4m adjustment to the valuation of the ponds associated with the Council's sewer treatment plant. This change had no impact on the Council's operating surplus or cash position.

Councillors should also note that the Council was given an extension to submit its audited statements to the Office of Local Government and must submit by 30 November 2019.

The Audit Office of New South Wales has provided a Report on the Conduct of the Audit and an Engagement Closing Report.

The report on the conduct of the audit summarises the Council's financial results, makes comparisons to previous years and identifies and explains variations. It also comments on the Council's financial performance and key balance sheet items.

In particular the Report on the Conduct of the Audit also contains General Purpose Audit Report and the Special Purpose Audit report. These are statutory reports and importantly both have been issued without any qualification. The General Purpose report relates to the consolidated financial accounts while the Special Purpose report relates to the Council's designated business units being water supplies and sewerage services.

The Engagement Closing Report details findings relevant to Councillors in their role as one of those charged with governance. It includes a list of items that will be raised

in the Final Management Letter – which will be presented to the Council formally at a later date. It also provides additional information about the material change mentioned earlier in this report.

While the Council is in a sound financial position, the preparation of this year's statements has been considerably more difficult and time consuming than in previous years. Rising expectations from audit may require the Council to commit more resources to ensure statutory timeframes and obligations are met.

Mr. Bradley Bohun, Principal for Findex – the contractor conducting the audit on behalf of the Auditor General of NSW – will attend the Council's pre-meeting briefing session.

The public exhibition period closed at 12:00am Wednesday 20 November 2019. At the time of issuing this report, no submissions were received. The Council can now complete the statutory process for finalising the accounts by adopting the above recommendation.

7.20 STATE GOVERNMENT FUNDING FOR NSW PUBLIC LIBRARIES

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: 03.095.2

RECOMMENDATION: That the Council:

1. make representation to the local State Member, Helen Dalton MLA , in relation to the need for a sustainable state funding model for the ongoing provision of public library services;
2. write to The Hon. Don Harwin, Minister for the Arts and The Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model;
3. take a leading role in lobbying for sustainable state government funding for libraries; and
4. endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

REPORT:

The NSW Public Libraries Association's 2018-19 Renew Our Libraries campaign was a spectacular success, delivering an increase of \$60m in state funding for NSW public libraries over the quadrennial period 2019-20 to 2022-23. This is the largest single increase in state funding since the NSW Library Act was introduced in 1939.

This outcome was achieved as a result of the remarkable support of councils, libraries and communities across the state. Over 80% of NSW councils formally endorsed Renew Our Libraries through council resolutions.

The NSW Public Libraries Association has requested the support of NSW councils in its advocacy to State Government to develop a sustainable funding model for NSW libraries.

Renew Our Libraries Phase Two has recently been launched <https://renewourlibraries.com.au/> Well known media and advocacy company Essential Media has been engaged to administer the campaign, the objectives of which are to:

- **Index the total increased state funding contribution** to the Consumer Price Index (CPI) in perpetuity. Without indexation the actual value of state funding for NSW libraries will decline over time, leaving NSW councils to either meet the shortfall or reduce services.
- **Protect the new funding commitment** by including all elements of the new state funding model in legislation through the Library Act and/or the Library Regulation. Currently, only the per-capita component of the funding model (increasing from \$1.85 per capita to \$2.85 per capita over the 4-year period 2019-20 to 2022-23) is included in library legislation, leaving 46% of the total funding for NSW libraries at risk.

Index the Funding → Protect the Funding

These two simple measures will ensure that NSW councils continue to receive a significantly increased state government contribution to the operation of public libraries across the state, which will be protected by legislation and will not be subject to cost of living attrition over time.

This will also mean that the NSW Public Libraries Association, its member councils and libraries across the state can direct their funds and efforts to the ongoing support and development of high quality library services for NSW communities, rather than engaging in expensive and time consuming future funding campaigns.

This is our opportunity to lock in the historic 2019 state funding increase for NSW libraries once and for all, thereby ensuring the future prosperity of the NSW public library network.

Accordingly, it is recommended that Council supports the NSW Public Libraries Association by formally endorsing Phase Two of the Renew Our Libraries Campaign to secure a sustainable funding model for NSW public libraries in perpetuity.

7.21 COMPULSORY ACQUISITION OF CROWN LAND

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 05.005.9

RECOMMENDATION: That the Council resolve to submit an Application for the Compulsory Acquisition of Land to the Minister of Local Government and/or the Governor in respect of Crown Land in Berrigan being Lot 160 DP 823017 and Lots 140 & 149 DP 752284 to facilitate the acquisition of that land.

REPORT:

To facilitate the compulsory acquisition of Crown Land at Berrigan, under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* (LAJTC Act), Councils lawyers have advised that prior to submitting a proposed acquisition notice (PAN) a valid resolution of the Council must be made to obtain the consent of the Minister of Local Government and/or the Governor to compulsory acquire the subject land.

Background

To secure the long term future expansion of the Berrigan landfill site (rubbish tip) and to consolidate other Council assets such as the pound, pound house, stock impoundment yard, Berrigan airstrip, allow for the expansion and construction of the town stormwater drainage system including drains and detention areas and to allow the land to be utilized for native vegetation offsets to provide a buffer between the tip and the town, the preferred option is to compulsory acquire the adjoining Crown Land.

To this end Councils legal advisors have been progressing this matter and have received advice that the NSW Department of Planning, Industry and Environment – Crown Lands & Water Division has no objection to receiving a PAN to acquire the registered owners interest in the subject land, in accordance with the provisions of the LAJTCA.

Status of land

The land to which this acquisition applies consists of Lot 160 DP 823017 and Lots 140 & 149 DP 752284 (See **Appendix “E”**).

Records indicate that there are four Crown Reserves over the land including:

- Reserve 55426 for Public Pound – Lot 140 DP752284 and Part Lot 160 DP 823017 – Managed by Crown Lands

- Reserve 27353 for Future Suburban Settlement – Part Lot 160 DP 823017 – Managed by Crown Lands
- Reserve 85706 for Rubbish Depot – Lot 149 DP752284 – Managed by Council
- Reserve 89011 for Aviation Purposes – Part Lot 160 DP 823017 – Managed by Council
- Licence 531977 for Cultivation and Grazing (Restriction on cultivation over Reserve 89011) – Holder: Walliss Farming Enterprises Pty Ltd - Part Lot 160 DP 823017
- Aboriginal Land Claim – Lot 140 DP 752284 – NSW Aboriginal Land Council

Details of the Reserves and Licence can be viewed at **Appendix “F”**.

Process

Upon resolving to compulsorily acquire the above land the Council is required to complete an Application for the Compulsory Acquisition of Land and submit to the Minister for Local Government with a copy of the Council minute and a copy of the Council report.

Should the Minister and/or Governor consent to the acquisition of the land a PAN will be required to be issued on any person/entity with an interest in the Subject Land.

As the land may be considered to be subject to native title Council will need to undertake the pre-acquisition procedures required by the *Native Title Act 1993* before finalizing its acquisition.

In accordance with the LAJTC Act compensation will be payable to the Department. Council can endeavor to reach agreement prior to gazettal provided that all other interests in the land have been resolved and any offer submitted by Council must be supported by a valuation from a certified practicing valuer.

Should the acquisition be supported and PAN's issued Council must wait at least 90 days (but not more than 120 days) before it publishes the approved acquisition in the Government Gazette.

Summary

To achieve the objectives regarding the land as outlined above it is recommended that the Council resolve to compulsorily acquire the land and submit a completed Application for the Compulsory Acquisition of Land to the Minister and/or the Governor for approval.

7.22 SEPTEMBER QUARTER REVIEW

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: 04.121.6

RECOMMENDATION: that the Council:

1. Note the September Quarter Progress Report of the Annual Operational Plan 2019/20 circulated as **Appendix “G”**






REPORT:

Circulated with this Agenda as **Appendix “G”** is the Council's September Quarter Review of the Council's *Annual Operational Plan 2019/20*.

This report provides a traffic light review with comments by Responsible Officers of the status of:

- Council actions that support and promote *Berrigan Shire 2027* outcomes (these are outcomes which match Department of Local Government's quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program* Objectives;
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

The traffic light format provides a visual update on the status of *Council's Annual Operational Plan* and Council's progress toward full implementation of its *4-year Delivery Program*. It should be read in accordance with the following key:

				
Complete	On Target	Not on Target	Past Due	No Status / Deferred

Additional information in the Delivery Program and Operational Plan Performance Review and Progress Report includes:

1. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target.
2. Comments from the Responsible Council Officer highlighting service

achievements and or the challenges relevant to the Council operation and action being reported and its status.

3. Activity data: measuring and reporting on indicators designed to report on the contribution of the Council’s 4-year Delivery Program actions toward the achievement of the Council’s Delivery Program Objectives.

The following table provides a summary by strategic outcome of Council’s progress and performance as at 30 September 2019 and is the first quarter review of its 2019/20 Annual Operational Plan. The following actions are past due or not on target Officer Comments are included in the attached review.

OP Code	
1.2.1.3	Undertake Tree Assessments
1.3.1.1	Update of Asset Plans
1.3.1.4	Remediation of Tocumwal Levee
2.1.2.2	Update of IMS
2.1.3.5	Progress of Workforce Development Plan

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	2	13	2	1	1	19
Good government	-	13	-	2	1	16
Supported and engaged communities	-	14	-	-	-	14
Diverse and resilient business	-	16	-	-	-	16
Total Actions	2	56	2	3	2	65

7.23 FINANCIAL REVIEW

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:

1. Note the first quarterly review of the 2019/20 budget and vote the funds contained therein as shown in **Appendix "H"**
2. Note the Quarterly Budget Review Statement attached also as **Appendix "I"**

REPORT:

Circulated with the Agenda as **Appendix "H"** is the Quarterly Financial Review for the period 1 July 2019 to 30 September 2019. This report takes into account all known factors and work variations until 30 September 2019 and later where possible, including budget allocations for the 2019/20 financial year.

The report shows distribution of funds allocated to capital works in the original 2019/20 budget allocated to the specific jobs identified in the capital works program.

It also shows any brought-forward amounts as approved in the final review of the 2018/19 budget. The variations showed in the far-right column of the report shows changes to line budgets after the effect of any brought-forward amount has been considered.

The summarised results for the period are as follows:

	\$
Revised budget surplus 2018/19	5,307,366
Less Projected budget deficit 2018/19	<u>(1,322,730)</u>
Increased surplus from 2018/19	3,984,636
Original budget surplus 2019/20	183,054
Unspent capital works carried forward	(3,814,954)
Increased expenditure as per this report	(304,844)
Increased revenue as per this report	368,057
Revised budget surplus	\$415,949

The most significant change in this review relates to the payment in advance of 50% (\$2.2m) of the Council's 2019/20 Financial Assistance Grant (FAG). This amount was received in June 2019, hence it shows in the large cash surplus brought forward from 2018/19 and is also reflected in the decreased revenue budgeted for 2019/20. In an overall sense, it has no impact on the Council's cash result – it is a timing issue.

The new biosecurity (pest and weed management) function has also been included, funded by the proposed allocation to the now defunct Central Murray County Council

The other significant change is the inclusion of the Drought Communities Programme - Extension projects. Overall, however, these projects are fully grant funded and have no impact on Council's net cash position.

Significant variations are detailed below. Variances which are unfavourable to the Council's result are shown with a (U) next to them and variances which are favourable are denoted with a (F).

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
1001-0335	COUNCILLORS EXPENSES	12,934	F	CHANGE IN ALLOCATION OF INSURANCE CHARGES
1001-0340	INSURANCE - COUNCILLORS	(17,143)	U	CHANGE IN ALLOCATION OF INSURANCE CHARGES
1001-0347	ELECTION EXPENSES	19,943	U	ADDITIONAL COSTS FOR NEXT ELECTION

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
1006-0107	ADMIN SALARIES - GM SUPPORT	10,192	F	EXPECTED SAVING USED TO FUND TRAINING
1010-0103	ADMIN SALARIES - HUMAN RESOURC	18,000	F	EXPECTED SAVING USED TO FUND TRAINING
1010-0202	ADMIN LEGAL EXPEN - DEBT/COLL	15,000	F	EXPECTED SAVING USED TO FUND TRAINING
1010-0215	ADMIN TELEPHONE	10,000	F	EXPECTED SAVING USED TO FUND TRAINING
1010-0270	ASSET REVALUATION EXPENSE	13,087	U	ADDITIONAL REVALUATIONS REQUIRED TO MEET AUDIT REQUIREMENTS
1010-0506	REPLACE ASSET SOFTWARE	15,000	U	NEW SOFTWARE INSTALLATION COST
1011-0103	TECH SERVICES SALARIES - WORK	15,000	F	EXPECTED SAVING
1011-0106	TECH SERVICES SALARIES - PROJECT MGR	60,000	F	EXPECTED SAVING
1011-0135	TECH SERVICES STAFF TRAINING	60,000	U	ADDITIONAL TRAINING REQUIRED FUNDED FROM SAVINGS IN SALARIES
1011-0150	TECH SERVICES - AERIAL IMAGING	36,000	U	NEW ACTIVITY
1011-0545	PUBLIC WORKS PLANT PURCHASE	160,735	F	REPRIORITISATION OF PLANT REQUIREMENTS
1011-0546	PUBLIC WORKS UTILITY PURCHASE	160,735	U	REPRIORITISATION OF PLANT REQUIREMENTS
1214-0200	ERRADICATE CONTAIN INVASIVE SPECIES	63,750	U	NEW COUNCIL FUNCTION
1214-0300	REDUCE IMPACT INVASIVE SPECIES	68,500	U	NEW COUNCIL FUNCTION
1214-0400	CAPACITY BUILDING	68,500	U	NEW COUNCIL FUNCTION
1214-0600	NOXIOUS WEEDS DEPOT FINLEY	68,713	U	NEW COUNCIL FUNCTION
1214-0105	CONTRIB CENTRAL MURRAY COUNTY	274,213	F	DEFUNCT

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
1412-0162	RECYCLABLES COLLECTION EXPENSE	36,534	U	INCREASE IN RECYCLABLES COLLECTION COSTS
1412-0205	PURCHASE OF BINS	23,329	U	FUNDED FROM RESERVE
1412-0512	BERRIGAN & FINLEY TIP - CRUSHED ROCK	12,050	U	FUNDED FROM RESERVE
1412-0534	BGN - TRANSFER STATION	55,662	U	ADDITIONAL COST OF TRANSFER STATION
3660-1000	DWM CHARGES COLLECTED	26,046	F	ADDITIONAL REVENUE RECEIVED
3670-1000	BUSINESS GARBAGE CHARGES	11,324	F	ADDITIONAL REVENUE RECEIVED
3670-1502	SALE OF SCRAP METAL	11,907	F	ADDITIONAL REVENUE RECEIVED
3670-1926	GARBAGE TRANSFER FROM RESERVE	85,022	U	RESERVE ADJUSTMENTS
3670-2026	DWM TRANSFER TO RESERVE	161,418	F	RESERVE ADJUSTMENTS
1417-0830	BRUTON ST ELEC & PIPEWORK	52,030	F	CHANGE IN PRIORITIES
1417-0840	CORCORAN ST RISING MAIN	40,307	F	CHANGE IN PRIORITIES
1417-0845	MCALLISTER St - HEADFORD TO OSB	42,307	U	CHANGE IN PRIORITIES
1417-0850	DENISON - WOLLAMAI TO WARMATTA	15,000	U	CHANGE IN PRIORITIES
1417-0858	BAROOGA ST & ORR ST DRAINAGE	37,000	U	CHANGE IN PRIORITIES
1419-0111	CEMETERY TOILET MAINTENCE	20,000	F	COSTS NOT SPLIT IN PRACTICE BY STAFF
1420-0000	PUBLIC CONVENIENCE CLEANING	20,000	U	COSTS NOT SPLIT IN PRACTICE BY STAFF
1510-0513	BGN - SOLAR AT PUMPSTATION	18,382	U	NEW PROJECT
1510-0562	FIN - REPAIR WATER TOWER LEAK	97,300	F	NOT PROCEEDING
1510-0563	REPLACE AC WATER MAINS	11,899	F	SCOPE OF PROJECT REDUCED

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
1510-0564	MAJOR PUMP REPLACEMENT	11,800	U	UNSCHEDULED REPLACEMENT REQUIRED
1510-0565	MAINS RETIC - BGN	15,000	U	NEW WORKS
1510-0570	MAINS RETIC - FIN	45,382	U	NEW WORKS
1510-0575	MAINS RETIC - TOC	78,749	U	NEW WORKS
1510-0890	TOC - ENCLOSE DAFF PLANT	28,180	U	NEW PROJECT
1511-0135	PURCHASE OF WATER - BGN	13,260	U	COST MORE THAN EXPECTED
1512-0160	IWCM REPORTING	40,000	U	ADDITIONAL COSTS OF PREPARATION
4110-1504	SALE OF HIGH SECURITY WATER	169,901	F	REVENUE FROM SALE RECOGNISED
4110-1601	SECT. 64 CONT. WATER - BGA	36,072	F	CONTRIBUTIONS – TO BE PLACED IN RESERVE
4110-1604	SECT. 64 CONT. WATER - TOC	19,137	F	CONTRIBUTIONS – TO BE PLACED IN RESERVE
4110-1926	WATER TRANSFER FROM RESERVE	244,371	U	RESERVE ADJUSTMENTS
4110-2026	WATER SUPPLIES TRANSFER TO RESERVE	175,837	F	RESERVE ADJUSTMENTS
1611-0300	TRADE WASTE MANAGMENT	90,909	U	IMPLEMENTATION COSTS
1611-0140	SEWER TREATMENT - OP EXP - FIN	10,000	F	IDENTIFIED SAVINGS
5110-1601	SECT. 64 CONT. SEWER - BGA	16,812	F	CONTRIBUTIONS – TO BE PLACED IN RESERVE
5110-1926	SEWER TRANSFER FROM RESERVE	66,129	F	DRAW DOWN FROM RESERVE
1716-0506	BGN - SWIMMING POOL SCCF2	21,098	U	ADDITIONAL WORK REQUESTED BY COMMITTEE
1716-0510	SWIMMING POOL CAPITAL - FINLEY	320,204	U	NEW PROJECT
6400-1615	Berrigan Pool Committee Contribution	20,000	F	FUNDING FOR ADDITIONAL WORKS
6400-1950	DROUGHT COMMUNITIES PROGRAM - FIN POOL	320,204	F	NEW GRANT

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
1717-0236	BGN - NETBALL COURTS SCCF1	10,020	F	SAVING – GRANT FUNDS TO BE SPENT ON ADVENTURE PARK
1717-0240	FIN - SHOWGROUND ROOF	21,302	U	ADDITIONAL WORK REQUIRED
1717-0241	FIN - REC RES COACHES BOX GRANT	10,000	F	ONE THIRD SCHEME GRANT APPROVED EARLIER BY COUNCIL
1718-0215	FINLEY SKATE PARK SCCF1	22,535	F	WORKS COMPLETED AND ACQUITTED
1718-0223	LANDSCAPE DESIGN BERRIGAN	24,100	U	COSTS OF PREPARING PLANS FOR HAYES AND APEX PARK
1718-0234	BGA FORESHORE ADVENT PARK SCCF1	150,000	F	TIMING MATTERS – WORKS STARTED IN 2018/19
1718-0500	TOC FORESHORE STAGED DEVELOP	987,341	F	TIMING MATTERS – WORKS STARTED IN 2018/19
1718-0502	HAYES & APEX PARK REFURB	530,352	U	NEW PROJECT
1719-0100	TOC SPLASH PARK OPERATING EXP	30,000	U	NEW ESTIMATE FOR OPERATING COSTS
6500-1963	FINLEY SHOWGROUND GRANT	100,000	U	TIMING MATTERS – WORKS STARTED IN 2018/19
6600-1601	TOC FORESHORE COMMITTEE CONTRIB	100,000	U	TIMING MATTERS – WORKS STARTED IN 2018/19
6600-1603	TOC FORESHORE SPINEPATH CONTRIB	10,000	U	TIMING MATTERS – WORKS STARTED IN 2018/19

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
6600-1604	TOC FORESHORE LIGHTING CONTRIB	60,000	U	TIMING MATTERS – WORKS STARTED IN 2018/19
6600-1950	DROUGHT COMMUNITIES PROGRAM - BGN PARKS	530,352	F	NEW GRANT
6600-1963	TOC FORESHORE GRANT	676,533	U	TIMING MATTERS – WORKS STARTED IN 2018/19
6600-1967	BGA Foreshore Playground - SCCF2	155,782	U	TIMING MATTERS – WORKS STARTED IN 2018/19
0015-0356	MR356 BERRIGAN - OAKLANDS RD	20,240	U	ALLOCATION OF MAIN ROADS GRANT
0015-0363	MR363 BERRIGAN - BAROOGA RD	38,268	U	ALLOCATION OF MAIN ROADS GRANT
0015-0550	MR550 TOCUMWAL - MULWALA RD	56,856	U	ALLOCATION OF MAIN ROADS GRANT
0015-0564	MR564 BERRIGAN - JERILDERIE RD	13,469	U	ALLOCATION OF MAIN ROADS GRANT
0015-0999	RTA MR BLOCK GRANT BUDGET ONLY	451,423	F	ALLOCATION OF MAIN ROADS GRANT
1956-1020	MR363 REHAB WIDEN 10504-11454	285,326	U	ALLOCATION OF MAIN ROADS GRANT
1956-1021	MR564 REHAB 12.25-14.48	195,457	U	ALLOCATION OF MAIN ROADS GRANT
0013-0000	RURAL UNSEALED ROADS - MAINTENANCE	10,000	F	USED FOR FIRE BREAKS
1905-0200	TOWN ENTRY - BERRIGAN	10,000	U	BLISTERS AND IRRIGATION
1905-0300	TOWN ENTRY - FINLEY	34,100	F	REALLOCATION
1910-0822	RESEAL MURRAY ST FIN PARKLANES	20,753	F	REALLOCATION
1910-0838	RESEAL OSBOURNE - BAROOGA ST	10,758	U	DUE FOR RESEAL
1913-0820	DENISON ST - WOLLAMAI TO WARMATTA	41,000	U	CHANGE OF PRIORITY

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
1913-0827	TOCUMWAL ST - FINLEY	41,000	F	CHANGE OF PRIORITY
1913-0856	SCOULLAR STREET - EXTENSION	149,444	U	NEW PROJECT
1913-0934	TOWN BEACH RD - TOC	55,000	F	SAVINGS REALISED
1914-0077	BUSHFILEDS RD 00-5KM	43,376	F	CHANGE OF PRIORITY
1914-0110	WOOLSHED RD 2.4/2.9 & 3.5/4.8	13,869	F	CHANGE OF PRIORITY
1914-0112	MAXWELLS RD - LARKINS/RIV HWAY	51,753	U	CHANGE OF PRIORITY
1914-0590	TUPPAL RD - LEVEE SECT	42,276	U	DRAINAGE
1914-0601	WOOLSHED RD 2819-4789	13,869	U	ADDITIONAL COSTS INCURRED
1912-0020	RESHEET RUWOLTS RD	78,253	F	CHANGE OF PRIORITY
1912-0021	RESHEET STOCK ROUTE ROAD	22,540	U	CHANGE OF PRIORITY
1912-0121	FIRE BREAKS - RURAL UNSEALED R	10,000	U	CHANGE OF PRIORITY
1912-0138	RESHEET HAYFIELDS RD	55,713	U	CHANGE OF PRIORITY
1916-0846	DENISON ST - WOLLAMAI- WARMATT	72,000	U	CHANGE OF PRIORITY
1916-0848	TOCUMWAL ST - TUPPAL TO WOLLAMAI	72,000	U	CHANGE OF PRIORITY
7060-1950	DROUGHT COMMUNITIES PROGRAM - SCOULLAR ST	149,444	F	NEW GRANT
7100-1950	RURAL LOCAL ROADS GRANT (RLR) (FAG)	54,798	F	INCREASE IN FINANCIAL ASSISTANCE GRANT ALLOCATION
7100-1957	FIXING COUNTRY ROADS GRANT	48,207	U	BALANCE OF STRATVALE ROAD PROJECT
7700-1827	AERODROME - SALE OF LAND	61,600	F	LAND SOLD
7700-1828	AERODROME - SALE OF LAND (MARGIN)	20,240	F	LAND SOLD
7700-2026	AERODROME TRANSFER TO RESERVE	81,840	F	TRANSFER OF PROCEEDS OF SALE TO RESERVE
7810-1950	RMS - M&I PROGRAM - BLOCK GRANT	159,000	F	ALLOCATION OF MAIN ROADS GRANT

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT \$		COMMENT
8600-1926	SALEYARD TRANSFER FROM RESERVE	12,083	U	MAINTENANCE FUNDING RETURNED TO RESERVE FOR USE IN UPGRADE PROJECT
8720-1894	FINLEY ST SUBDIVISION - DISPOSAL	44,545	F	SALE OF DEVELOPED LAND
8720-1926	REAL ESTATE DEVT - TFR TO RESERVE	44,545	U	PROCEEDS OF SALE OF DEVELOPED LAND TRANSFERRED TO RESERVE
9200-1950	FINANCAL ASSISTANCE GRANT (FAG)	141,587	F	INCREASE IN FINANCIAL ASSISTANCE GRANT ALLOCATION

Councillors are invited to make comments or ask questions about any of the variances in this report.

Quarterly Budget Review Statement

The September Quarterly Budget Review Statement is attached as **Appendix “I”**

The QBRS is designed to:

- Facilitate progress reporting against the original and revised budgets at the end of the quarter
- Provide explanations for major variations
- Enable the Responsible Accounting Officer (RAO) to indicate if the Council will be in a satisfactory financial position at the end of the financial year.

This QBRS does not make any additional changes to the Council budget over and above the changes identified in the “line-item” report above. The QBRS simply shows the budget changes in another format to arrive at the same result.

The line-item budget report, while prepared on an accrual basis, delivers a “cash” report to the Council – i.e. what is the net cash position of the Council given the budget it has adopted. It gives the Council some comfort that has sufficient cash to undertake the program of works adopted in the budget.

The line-item budget also provides the Council with a complete list of all Council job cost accounts thus ensuring transparency regarding changes to Council programs and /or cost overruns. It is possible however to lose track of the important changes in the large report.

The QBRS, on the other hand, is prepared strictly on an accrual basis and in a format that is consistent with the Annual Financial Statements. While some of the basic transparency of the line-item budget has been lost, it does allow for tracking of the Council's operating result from quarter to quarter to the end of the financial year.

Statements

The QBRS consists of six statements:

1. **Responsible Accounting Officer's statement** – This is a statement from the RAO advising the Council of her opinion regarding the Council's financial position.

If the RAO advises the Council that its financial position is not satisfactory, the RAO must provide the reasons for her concern and advice on what is required to remedy the situation.

2. **Income and Expenditure Budget Review Statement** – This is the budget equivalent of the Income Statement in the Annual Financial Statements. This report shows an updated projected operating result for the year and the effect of the proposed budget changes to the operating result.

- The first column shows the Council's original budget as reflected in the Management Plan adopted by the Council in June.
- The next five columns show budget changes previously approved by the Council. In this case, this reflects Council's works brought forward from 2018/19 and other internal adjustments.
- The Revised Budget column shows the Council's budgeted result prior the changes adopted by the Council in the September quarter review.
- The highlighted Variations this Quarter column shows the effect of the changes adopted by the Council at the review; and
- The Projected Year End Result shows the Council's current position.
- Finally, the actual YTD figures show what the Council's actual result for the quarter. As the Council raises much of its rate revenue at the start of the financial year, this will be significantly more than the projected result for the year.

The September QBRS shows the Council is estimating to return an operating **deficit** after capital items for the 2019/20 year of \$0.23m; a decrease from the

initial estimate of a \$0.767m operating surplus – this deficit is entirely a result of the decision by the Federal Government to pay 50% of the 2019/20 FAG in June 2019. There was a corresponding increase in the 2018/19 operating surplus as discussed in that report.

3. Capital Budget Review Statement – This statement presents the Council's budgeted capital works program.

The first half of the table shows how much the Council is proposing to spend on capital projects while the second half demonstrates how the Council is preparing to pay for them. The statement also splits Council's expenditure into sub-categories of New Assets, Renewal Assets and Loan Repayments.

As per the Income and Expenditure Budget Review Statement, the Capital Budget Review Statement works from left to right from the original budget through the previously adopted changes through to the proposed changes and followed by the revised budget.

Since all expenditure should be funded in some manner, the Capital Expenditure and Capital Funding sections of this report should balance.

The significant change this quarter is the inclusion of the Drought Communities Programme projects.

4. Cash & Investments Budget Review Statement – This statement attempts to show the movements in the Council's cash position and cash reserves as well as duplicating some of the investment and bank reconciliation detail provided in the monthly warrant report to the Council.

Again the columns in this statement track the changes made as the year progress in the same manner as the previous two columns.

This report is in my opinion a very useful one for the Council as it allows the Council to track changes in its commitments and unrestricted cash.

The changes in this statement largely reflect the additional brought forward surplus and the FAG advance payment

5. Key Performance Indicators Budget Review Statement – This statement is designed to provide some simple financial indicators to give the Council a snapshot of how it is performing financially.

Unlike the earlier reports there is some freedom here for the Council to choose what indicators it would like to see included in the report. The finance team has chosen three that seem reasonably useful for the Council to track.

- Debt Service Ratio – an indicator of how much of the Council's income is used to service its debt

- Rates & Annual Charges Coverage Ratio – an indicator of how reliant the Council is on its rates revenue
- Building and Infrastructure Renewal Ratio – an indicator of the Council's effort in renewing its assets as they deteriorate.

The Debt Service Ratio is higher than previous years, reflecting the Council's planned borrowings.

The Rates and Annual Charges Coverage ratio is lower than previous years, reflecting the increased grant revenue received by the Council.

The third indicator shows that the Council's projected asset renewal ratio is 419%. This is well above the Fit for the Future benchmark of 100% for this ratio.

6. **Contracts and Other Expenses Budget Review Statement** – This statement is an attempt to provide the Council with some detail about the Council's new contractual arrangement and expenditure on consultancies and legal expenses

7.24 DROUGHT COMMUNITIES PROGRAMME – EXTENSION: ROUND 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

RECOMMENDATION: For discussion

REPORT:

On 7 November the Australian Government committed to provide an additional \$1 million each to 122 drought-affected councils and shires under the [Drought Community Programme – Extension](#) (DCP-E). These measures are designed to provide an immediate economic stimulus to drought-affected communities by investing in projects that support jobs and business income.

Berrigan Shire Council is one of the Councils eligible for this additional \$1m.

The Council allocated its initial \$1m under DCP-E to the following projects – all of which must be complete by 30 June 2020.

- Finley War Memorial Pool - \$350,000
- Apex Park, Berrigan - \$220,000
- Hayes Park, Berrigan - \$280,000
- Scoullar St extension - \$150,000

All these projects are in Berrigan and Finley – as the two communities most reliant on agriculture in Berrigan Shire. The Council may wish to either allocate these funds on projects in these two communities again or expand it to projects across all Berrigan Shire

While this additional \$1m is allocated to Berrigan Shire Council, there are some conditions attached to the project. The most significant condition is that all funding must be spent by 31 December 2020.

Eligible activities

The DCP-E guidelines state that eligible activities include:

- *repairs, maintenance, upgrading or building new community facilities*
- *repairs, maintenance, upgrades, construction and fit-out of community spaces*

- *employing local contractors to undertake repairs and maintenance*
- *holding events*
- *undertaking other drought relief activities (including water carting for human consumption) that benefit the community*
- *development of an Adverse Event Plan*

Attached as **Appendix “J”** is a FAQ (Frequently Asked Questions) sheet which provides more advice about eligible activities.

The focus in the FAQ appears to be on repairs, maintenance, upgrading, and construction and fit-out of community infrastructure as part of projects leading to the employment of locals. It also supports events that the community together in some way and benefit locals especially through employment opportunities and supporting mental health

The FAQ specifically rules out using DCP-E funds to subsidise payment of Council rates and water rates.

As mentioned above, projects need to be complete by 31 December 2020, making it imperative that the Council submit an application with proposed projects for approval as soon as possible. At the time of writing, applications are **not** open.

Potential projects

There has not been time since the announcement for Council staff to fully develop and cost a list of projects for determination. That said, it may be useful to have some direction from the Council as to what types of projects it wishes to consider so that staff can prepare a more detailed report for the December meeting.

There are three broad types of project that could be considered:

1. Projects that create new employment opportunities or promote economic development. These could be delivered by organisations other than the Council
2. Projects that improve/enhance community infrastructure in an ongoing sustainable fashion – and create employment in their delivery.
3. Projects that provide social support for the community through the delivery of events or programs.

Of course, the Council could choose a mix of projects from all three broad categories.

Employment and economic development

This type of project could include supporting a local business to expand or diversify to create additional jobs. The Council has already been approached by a significant not-for-profit business about a proposal that seeks to create additional jobs in the Shire.

Projects that could be considered here

1. Creation of a new tourist attraction – either operated by the Council or the private sector
 - a. New sports facility (golf etc.)
 - b. Large scale public art (i.e. silo art or equivalent)
 - c. Aerodrome museum
 - d. New event attracting the public to the region
2. Expansion of an existing private business to create jobs. This may require the Council seeking expressions of interest from the private sector
3. Development of industrial or commercial land – including at Tocumwal Aerodrome
4. Main street revitalisation projects
 - a. Subsidising shop owners to renovate their shop fronts
 - b. Footpath replacement
 - c. Aerial bundled cabling or underground power
5. Employing local contractors on recycling projects
 - a. Concrete crushing for road base
 - b. Tyre shredding for use in bitumen

Community Infrastructure

The Council has typically been more comfortable using grant funding in this space. The Council has also had a general position that its first obligation to maintain the infrastructure it is responsible for maintaining and operating rather than looking to fund other projects outside its remit.

The Council has some projects it has already scoped and costed and that are included in its forward plans that may be worth considering. Of course, the Council may wish to consider other projects as well.

Council should consider that new projects will also come with ongoing operating costs. For example, the Tocumwal Splash Park costs \$30,000 in operating costs annually.

Community infrastructure projects that may be considered here include:

1. Upgrading sports lighting at Council recreation reserves to LED.
2. Upgrading of water filtration and treatment system at Berrigan and Finley swimming pools to modern standards
3. Refurbishment of Finley War Memorial Hall, including new toilets
4. Mini splash pad at Finley War Memorial Swimming Pool

5. Tocumwal WAAAF walk bridges and interpretive signs
6. Walking tracks around Finley
7. Amphitheatre and fishing platforms at Tocumwal Foreshore
8. Replacement of amenities building at Town Beach
9. Moving Council facilities off-grid
 - a. Libraries
 - b. Halls
 - c. Pools
10. Finley Saleyards

Social support projects

This would be a change of direction for the Council but these types of activities have been delivered using DCP-E by neighbouring Councils.

This could include:

1. Temporary employment of Drought Support Workers and/or Youth Support Workers – either directly or through a not-for-profit organisation such as Centacare or Intereach. The grant would need to cover salaries and an allocation to deliver services.
2. Delivering one or more community events to maintain community cohesion and provide a social outlet for the community
 - a. Youth events like skateboarding etc.
 - b. All ages music concert
 - c. Theatrical event – raising awareness of mental health etc.
3. Subsidising community members attending social activities outside Berrigan Shire
 - a. Social trips to movies, beach etc. for young people impacted by the drought
4. Subsidising access to Council services such as potable water for properties not connected to town water.

For discussion

7.25 CHRISTMAS DECORATIONS

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: 02.036.1, 02.036.2, 02.036.3, 02.036.6

RECOMMENDATION: For discussion

REPORT:

Until relatively recently, the Council used to have a small annual budget allocation for the purchase of Christmas decorations.

This allocation was removed from the operating budget as a separate line item and decisions around funding replacement of decorations would be made on an as-needs basis on request from local communities.

Cr Bruce has requested that the Council reconsider this approach and reinstate a dedicated fund for purchase of decorations.

For discussion

7.26 ANNUAL REPORT 2018 - 2019

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: 04.145.1

RECOMMENDATION: that the Council adopt the Annual Report 2018- 2019 attached as **Appendix "K"**

REPORT:

Each year the Council produces an Annual Report to review its performance and achievements for the past financial year. The document is designed to provide insight into the Council's operations and financial position and indicate how the Council has performed in achieving the activities it set itself during the year.

A copy of this year's report is attached as an **Appendix "K"**.

Council's Annual Report reflects the requirement of the Department of Local Government's Integrated Planning and Reporting Framework. The format of the report recognises that this is not a report to the Office of Local Government or the New South Wales Government; it is a report to the community.

As such it can be published and read as one complete document or five separate reports allowing readers the opportunity to focus only on the areas that are of interest to the reader. The Council also publishes and distributes each year, via unaddressed mail to households and businesses, an abridged version of the Annual Report providing a summary of the year's highlights and financial position.

The Annual Report attached as **Appendix "K"** includes:

An introduction that provides the reader with a brief overview of the Shire, its vision for the future in addition to comments from the Mayor and General Manager. The Shire Profile introduces Councillors, Councillor Management and includes information on Council meeting attendance.

Information on the Council's Planning Framework and operational performance follow. Readers of this Report will find information about Operational Plan activities and performance. Summary tables reporting on the Council's performance against the objectives set out in the Council's Annual Operational Plan will also be found in this section.

Information not contained elsewhere in the report and which must be declared to meet legislated reporting requirements is found in the section labelled Statutory Requirements.

The State of our Assets Report provides information about our capital works program in addition to a snapshot of Councils asset management practices and performance.

The section titled Financial Management contains as in past years a community financial report in addition to the Financial Statements for the 2018/19 Financial Year and will be included in the final Annual Report once these are presented to the Council.

The Council's Annual report has been prepared in accordance with the statutory requirements outlined in:

- section 428 of the *Local Government Act 1993*,
- clause 217 of the Local Government (General) Regulation 2005,
- *Privacy and Personal Information Act 1998*,
- *Government Information (Personal Access) Act 2009*,
- *Companion Animals Act 1998* and,
- Companion Animals Regulation 2008.

7.27 TOCUMWAL FORESHORE COMMITTEE 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: 05.101.7

RECOMMENDATION: The direction of the Council is sought

REPORT:

The Tocumwal Foreshore Committee of Management is a volunteer committee of the Council established under [s355 of the Local Government Act 1993](#).

The current delegation given to the committee is:

To give care, control and management of the Tocumwal Foreshore Reserve to a committee comprising citizens appointed from time to time by the Council vide the provisions of Section 355 of the Local Government Act as amended, subject to the exercise of such authority in conformity with the direction of Council and Council's Code of Public Reserve Management.

Key functions of the Committee are the co-ordination of the Tocumwal Markets as well as co-ordination of camping at Town Beach. The Committee also have an advisory role (but not a veto) on development and activities at the Foreshore.

The Committee proposed to hold their Annual General Meeting (AGM) on Tuesday 5, November 2019. During the meeting, it became clear that there was some confusion among the attendees at the meeting regarding the election of office bearers as well as eligibility to vote. As a result the AGM has been indefinitely postponed until clarification was sought from the Council.

The Committee had been working on the basis that their volunteers would be appointed to the Committee as members by the Council and then those members would be eligible to vote for office bearers.

Other attendees at the meeting held the opinion that community members were eligible to both stand for the committee and vote for committee members – even if they were not registered volunteer members of the Committee at the time. Instead, they would be appointed and registered by the Council **after** they were elected to the Committee. In this view they are supported by a strict reading of the Council's [Volunteer Committee Guide to Operations](#)

The secretary of the Committee has asked the Council for some guidance and clarification around the election of a committee and office bearers.

The rules in the Volunteer Committee Guide to Operations were written for committees running facilities such as recreation reserves where committee members would represent various user bodies and some additional representatives represented the general public. These committee members would then elect their office bearers from among them.

This model does not necessarily fit the Tocumwal Foreshore Committee of Management which does not have user groups as such.

The Council may wish to follow the precedent it set with the appointment of the Finley War Memorial Hall and School of Arts and formally resolve to set a complement for the Committee – e.g. 10 members elected from the floor by the public (or some other model).

Given the works underway at the Foreshore, the Council may wish to consider appointing the Mayor or the Deputy Mayor as ex-officio chair of the Committee – again consistent with the approach at Finley War Memorial Hall and School of Arts.

RECOMMENDATION that Items for Noting numbered 8.1 to 8.4 inclusive be received and noted.

8.1 AUSTRALIA DAY NOMINATION GUIDELINES

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 26.063.1

REPORT:

Over several years there has been a gradual decline in nominations received for the Australia Day Awards. This has been across all categories but most notably in the Young Citizen of the Year category when on some occasions there have been no nominations received despite canvassing schools and sporting clubs.

In last year's nominations for the Community Organisation of the Year, Council received a nomination from the Barooga Sporties. After discussing the nomination with Glenn Brooks, Chief Executive Officer of the Barooga Sporties, he advised that they were of the opinion they were eligible because they gave back to the community, and saw this as a way of promoting the Club. I explained to Glenn that no community group made up of volunteers would be able to compete with the Barooga Sporties, and that the Award was aimed at groups made up entirely of volunteers not paid staff. After this discussion, they withdrew their nomination.

This has however highlighted the need for specific guidelines around the Australia Day nomination process. In view of this, and the decline in nominations received, we believe the Awards need a review and changes adopted.

Through feedback from the judging panel, and the General Manager's Personal Assistant, the following changes have been made:

- The Sportsperson of the Year Award will also encompass the Sports Team of the Year. The Sports Team of the Year was previously included in the Community Organisation of the Year, however this did not assimilate with the category or community group nominations, and we believe it will work better in the Sports category;
- There is no longer a category for Junior Sportsperson of the Year. This will be included in the Young Citizen of the Year or can be included in the Sportsperson/Sports Team of the Year Award;

- The age for the Young Citizen of the Year has been raised to 24 years. This is in line with other organisations, and by doing this we anticipate a greater number of nominations;
- The Community Organisation of the Year has specific guidelines around it, with clarification on the group to be made up entirely of volunteers stipulated.

A copy of the guidelines has been attached to this Agenda as **Appendix “L”**.

8.2 SALE OF PROPERTY FOR UNPAID RATES 24 BUDD STREET, BERRIGAN

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:

REPORT:

At its meeting held on Wednesday 19th June, 2019 Council resolved to sell the property located at 24 Budd Street, Berrigan for unpaid rates. The property sold at Public Auction held at the Berrigan Shire Council Chambers on Saturday 19th October, 2019.

The property sold for \$40,000 which clears the outstanding rates of \$25,219.35, legal fees and, cost of the sale.

The outstanding rates are as follows:

Outstanding Instalments	Balance
30/06/2019 EOY Opening	\$21,869.81
31/08/2019 Rates	\$1,284.04
30/11/2019 Rates	\$793.33
28/02/2019 Rates	\$560.00
31/05/2019 Rates	\$560.00
28/04/2013 Water Usage	\$152.17
Total	\$25,219.35

The notice of sale has been signed under Council Seal and forwarded to Council's Solicitor. It is expected that settlement will take place prior to the end of November.

8.3 RECORDING OF COUNCIL MEETINGS

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: 17.048.1

REPORT:

Under the new Model Code of Meeting Practice, the Council is required to “stream” Council meetings held on or after 14 December on its website. In practice, this “streaming” requirement can be met by hosting an audio recording on the Council website.

When the Council adopted its own [Code of Meeting Practice](#), it included the following clauses:

5:19A: The “webcasting” referred to in clause 5.19 will be an audio recording of the meeting. This audio recording will be uploaded onto the Council’s website after the meeting

5.22 A recording of each meeting of the council and committee of the council is to be retained on the council’s website for the greater of 28 days or until the minutes of the meeting have been confirmed by the Council. Recordings of meetings may be disposed of in accordance with the State Records Act 1998

Council staff have investigated alternative methods of recording meetings. The brief given to potential installers included:

- The recording system (and microphones) needed to be sensitive enough to only record meeting proceedings and not extraneous conversation or ambient noise.
- It needed to have individual microphones for each Councillor that could be set to only be “on” when the Councillor had the floor.
- It needed a “roaming” microphone for people presenting at Council meetings.
- It needed to be able to be controlled by the Mayor and/or General Manager so that microphones could be turned off if defamatory comments or comments breaching Council’s confidentiality requirements were made.

Meeting this brief requires a reasonably sophisticated system. As the Council has not yet accepted any quote, the specific details are still “commercial-in-confidence” but all quotes received are within the range of \$40,000 to \$50,000.

Given this price, the Council may wish to install a less sophisticated system.

Advice from these suppliers is that some other Councils have spent in the vicinity of \$20,000 to \$25,000 for a recording system. This system would not have individual microphones but rather 4-6 located around the room and would not have a control system operated by the Mayor and/or General Manager. This system would pick up much more of the ambient noise in the room. This has implications for meeting practice – i.e. Councillors would need to ensure they are silent while others speak lest they be recorded.

Even less sophisticated systems could be contemplated – including the use of a single recording device in the centre of the Council Chambers. Again, to ensure it captured every voice, it would also pick up significant ambient noise – every snuffle, every rattle, every tap etc.

With the next Council meeting scheduled for 18 December 2019, the Council must ensure that a system of some sort is in place before that date.

8.4 DEVELOPMENT DETERMINATIONS FOR MONTH OF OCTOBER 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: 07.143.7

REPORT:

APPLICATIONS DETERMINED FOR OCTOBER 2019

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
17/20/DA/DM	CHANGE OF USE - TO MANUFACTURING	243 MCCULLOCHS ROAD, TOCUMWAL NSW 2714 (Lot 2155//DP1141367)	T & G Bird	HANGAR ENTERPRISES PTY LTD	Approved 25-10-2019	\$ 500.00	Active 4	Total 57
6/20/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	5 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot 3//DP1224006)	Poolside Cobram	MR GA & MRS SF TARRANT	Approved 01-10-2019	\$ 64500.00	Active 6	Total 30
29/20/DA/DM	BOAT REPAIRS & SHIPPING CONTAINER	14-16 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot 6/36//DP758981)	The Boat Bloke John	MS Z A CASPAR	Approved 03-10-2019	\$ 2000.00	Active 14	Total 14
30/20/DA/D6	PATIO	23 MOORE STREET, TOCUMWAL NSW 2714 (Lot 7/3//DP6464)	Karl Nash & Erin McKinnar	MS EJ MCKINNAR	Approved 09-10-2019	\$ 10500.00	Active 8	Total 18
31/20/DA/D6	DWELLING ADDITIONS	774 NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot 1241//DP785541)	Cardillo Constructions	MR S A BALDWIN	Approved 02-10-2019	\$ 380000.00	Active 9	Total 9
32/20/DA/DM	6 BAY CARPORT	60 SCOLLAR STREET, FINLEY NSW 2713 (Lot 1//DP1236476)	KENNEDY BUILDERS	FINLEY REGIONAL CARE LIMITED	Approved 09-10-2019	\$ 32000.00	Active 1	Total 14
33/20/DA/D5	PERGOLA & DEMOLITION OF CARPORT	76-78 KELLY STREET, TOCUMWAL NSW 2714 (Lot 6/19//DP758981)	Bradley Perkins	MR B PERKINS	Approved 03-10-2019	\$ 7000.00	Active 10	Total 10
34/20/DA/D1	DWELLING & ATTACHED GARAGE	55 WOODSTOCK ROAD, BERRIGAN NSW 2712 (Lot 2//DP548848)	J & R Ware Builders	MR P R HEAD AND MRS V E HEAD	Approved 03-10-2019	\$ 350000.00	Active 9	Total 9
35/20/DA/D5	RESIDENTIAL STORAGE SHED	20 KAMAROOKA STREET, BAROOGA NSW 3644 (Lot 11//DP238626)	Simon Austin	MR SH AUSTIN	Approved 16-10-2019	\$ 7000.00	Active 16	Total 16
36/20/DA/D5	RESIDENTIAL STORAGE SHED	12 LORELLE COURT, TOCUMWAL NSW 2714 (Lot 3//DP1067902)	Tony Whiley	MR TS WHILEY	Approved 18-10-2019	\$ 7000.00	Active 17	Total 18
37/20/DA/D5	RESIDENTIAL STORAGE SHED	36A BARINYA STREET, BAROOGA NSW 3644 (Lot 2//DP1250698)	Sean Morey	MR S R MOREY	Approved 18-10-2019	\$ 7000.00	Active 17	Total 18
38/20/DA/D5	RESIDENTIAL STORAGE SHED	5 RIVERVIEW COURT, BAROOGA NSW 3644 (Lot 5//DP1150036)	O'Halloran Property Service	MR BW & MRS CA MILLSTEED	Approved 21-10-2019	\$ 28054.00	Active 16	Total 18
39/20/DA/D2	OFFICE	431 NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot 2//DP225459)	Yarrowonga Manufactured Housing	ORICA LIMITED (MINING)	Approved 16-10-2019	\$ 20000.00	Active 11	Total 11
40/20/DA/DM	CHANGE OF USE	131 MURRAY STREET, FINLEY NSW 2713 (Lot 52//DP1088613)	Nicole Burke		Approved 16-10-2019	\$ 50000.00	Active 7	Total 8
10/20/CD/M6	ADDITIONS TO DWELLING	54 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot 3//DP599121)	G & S BURY	MRS J MADDEN	Approved 11-10-2019	\$ 35000.00	Active 2	Total 2

41/20/DA/D5	CARPORT	19-21 BRUTON STREET, TOCUMWAL NSW 2714 (Lot 2/26/DP758981)	James Howell	MR J HOWELL	Approved 30-10-2019	\$ 1540.00	Active 13	Total 13
11/20/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	2 KARJEN COURT, BAROOGA NSW 3644 (Lot 6/DP252193)	Poolside Cobram	MS M GOW & MR J STEPHENS	Approved 22-10-2019	\$ 64000.00	Active 4	Total 7
42/20/DA/D6	ADDITIONS TO DWELLING & GARAGE	17-18 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot 25/DP1100718)	Kenneth Chellew	MR KA CHELLEW & MRS KA CHELLEW	Approved 21-10-2019	\$ 19500.00	Active 6	Total 6
44/20/DA/D5	RESIDENTIAL STORAGE SHED	10 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot 71/DP1131677)	O'Halloran Property Service	MR SA HUDGELL & MS AE CLARK-HENSKE	Approved 23-10-2019	\$ 19600.00	Active 8	Total 8
46/20/DA/D2	INTERNAL ALTERATIONS	17-19 STEWART STREET, BERRIGAN NSW 2712 (Lot 2/DP531450)	BERRIGAN CHILDRENS CENTRE	BERRIGAN CHILDRENS CENTRE ASSOCIATION	Approved 23-10-2019	\$ 10000.00	Active 8	Total 8
50/20/DA/DM	REPLACE WINDOW LINTELS & WEATHERBOARDS	30 MURRAY STREET, TOCUMWAL NSW 2714 (Lot 12/DP13213)	Maxwell Smith	MR AT & MRS SE BLACKBOURN	Approved 25-10-2019	\$ 9150.00	Active 10	Total 10
12/20/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	796 MAXWELLS ROAD, FINLEY NSW 2713 (Lot 70/DP752297)	Poolside Cobram	MR P L MIDDLEBROOK AND MRS J MIDDLEBROOK	Approved 16-10-2019	\$ 86025.00	Active 2	Total 2
47/20/DA/D1	BV DWELLING & ATTACHED GARAGE	16 AVA COURT, TOCUMWAL NSW 2714 (Lot 23/DP270154)	Dennis Family Homes	MR K M & MRS N J BARON	Approved 21-10-2019	\$ 396978.00	Active 4	Total 4
49/20/DA/DM	REPAIR DAMAGED AWNING	72-74 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot B/DP376979)	G & S BURY	MR TJ BURKE & MRS DL BURKE	Approved 17-10-2019	\$ 15000.00	Active 0	Total 0
51/20/DA/DM	TIMBER STAGE	12-18 GORMLEY COURT, BAROOGA NSW 3644 (Lot 10/DP238537)	Barooga Community Centre Reserve Trust	BAROOGA COMMUNITY CENTRE RESERVE TRUST	Approved 29-10-2019	\$ 3000.00	Active 3	Total 3
13/20/CD/M2	TOILET RENOVATIONS	63-67 TOCUMWAL STREET, FINLEY NSW 2713 (Lot 2101/DP701844)	Finley Returned Soldiers Club	FINLEY R.S. CLUB	Approved 31-10-2019	\$ 60000.00	Active 5	Total 5
14/20/CD/PC	VERANDAH	4 GYPSIE CRESCENT, BAROOGA NSW 3644 (Lot 52/DP1110847)	Rhonda Owen Spanline Home Additions	MS T A ZOCH	Occupied 31-10-2019	0.00	Active 4	Total 4

APPLICATIONS PENDING DETERMINATION AS AT 31/10/2019

Application No.	Date Lodged	Description	Property Location
57/20/DA/D9	25-10-2019	BOUNDARY REALIGNMENT	670 STOCK ROUTE ROAD, BOOMANOOMANA NSW 3644 (Lot 2/DP801180)
58/20/DA/D5	31-10-2019	GARAGE & CARPORT	23-25 FALKINER STREET, TOCUMWAL NSW 2714 (Lot 31/DP1133400)
59/20/DA/D5	31-10-2019	RESIDENTIAL STORAGE SHED	6 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot 15/DP285573)
60/20/DA/D5	31-10-2019	STORAGE SHED	67-69 NANGUNIA STREET, BAROOGA NSW 3644 (Lot 138/DP752274)
61/20/DA/D5	31-10-2019	VERANDAH	16 BERRIGAN STREET, TOCUMWAL NSW 2714 (Lot 112/DP1108924)
62/20/DA/D1	31-10-2019	BV DWELLING & ATTACHED GARAGE	21 RILEY COURT, TOCUMWAL NSW 2714 (Lot 55/DP1054776)
63/20/DA/DO	31-10-2019	COMPANION ANIMAL COUNCIL FACILITY	44 GREENHILLS ROAD, BERRIGAN NSW 2712 (Lot 140/DP752284)
64/20/DA/D1	31-10-2019	BV DWELLING & ATTACHED GARAGE	29-30 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot 37/DP1118257)
65/20/DA/DO	30-10-2019	RURAL SHED	475 BACK BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot 76/DP661460)

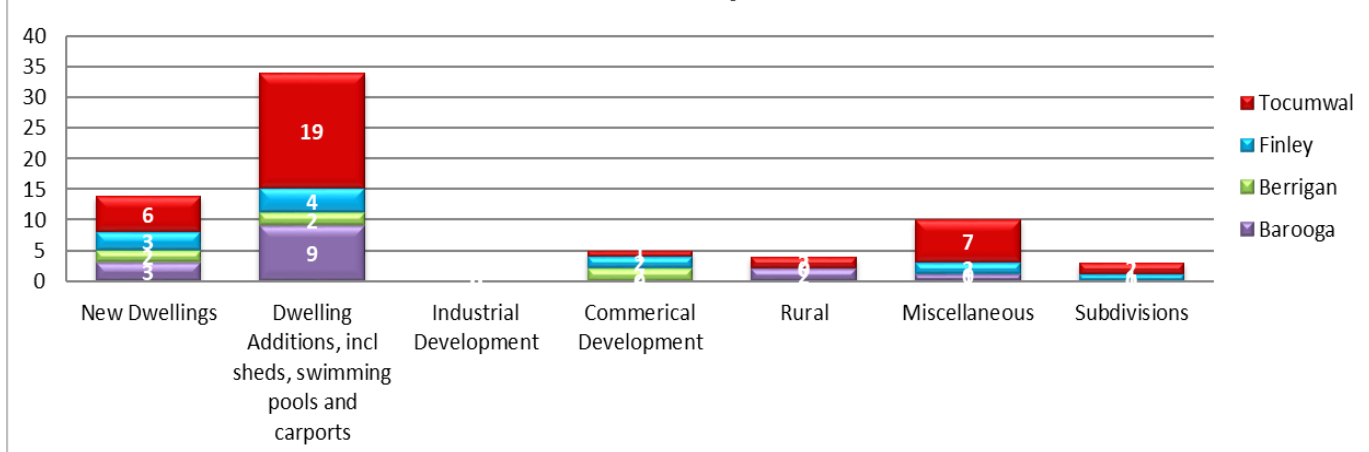
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (October)	Year to Date	This Month's Value (October)	Year to Date Value
<i>Development Applications (DA)</i>	21	56	\$1,375,822	\$4,925,660
<i>Construction Certificates (CC)</i>	18	58	\$1,693,344	\$6,772,840
<i>Complying Development Certificates (CDC)</i>	5	14	309,525	\$2,166,356
<i>Local Activity (s.68)</i>	9	36		

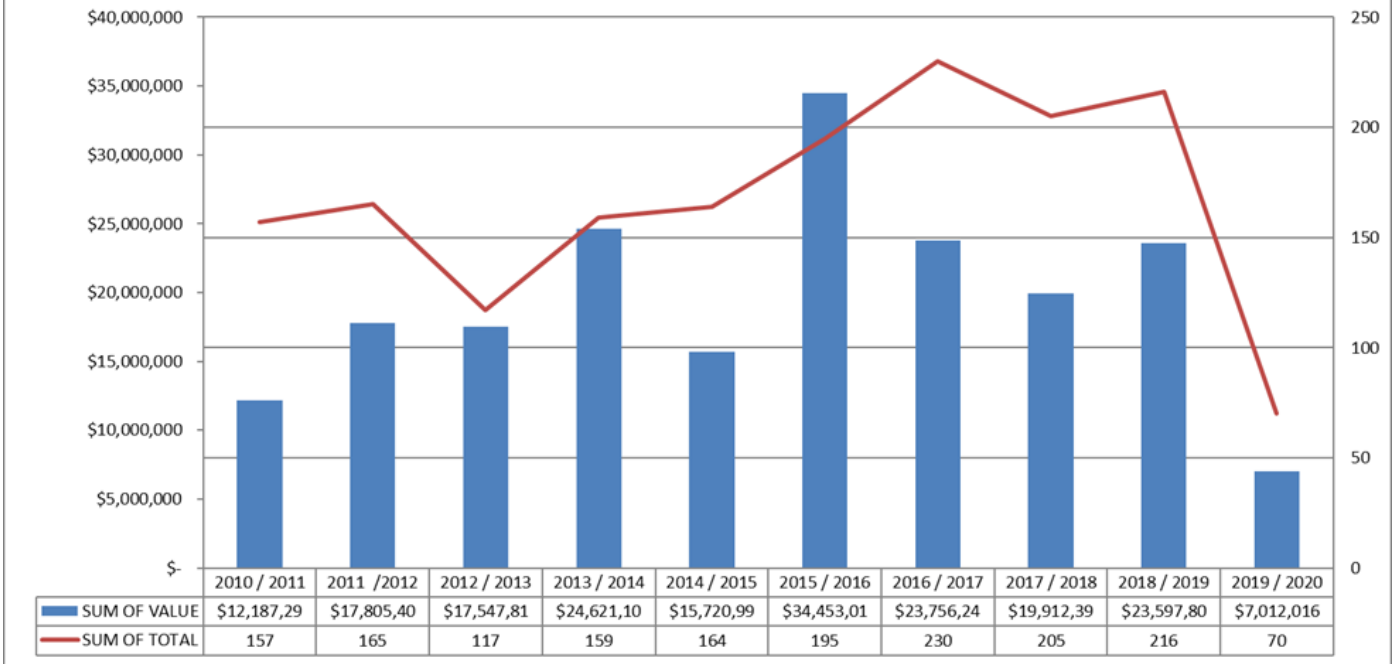
OTHER CERTIFICATES ISSUED FOR OCTOBER 2019

	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	
	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total
BAROOGA	7	35	0	4	0	0	0	0	1	1	1	3
BERRIGAN	4	22	2	3	2	5	1	2	0	0	1	5
FINLEY	5	40	0	4	1	2	1	1	0	0	0	2
TOCUMWAL	19	61	0	3	0	0	0	0	0	5	0	0
TOTAL	35	158	2	14	3	7	2	3	1	6	2	10

DEVELOPMENT ACTIVITY 2019/2020 as at 31 October, 2019



DEVELOPMENT ACTIVITY as at 31 October, 2019



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 T07/19/20 DESIGN AND CONSTRUCTION OF THE TOCUMWAL NETBALL CHANGE ROOMS

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.

9.2 COBRAM-BAROOGA GOLF CLUB DRIVING RANGE PROJECT

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 T07/19/20 DESIGN AND CONSTRUCTION OF THE TOCUMWAL NETBALL CHANGE ROOMS

9.2 COBRAM-BAROOGA GOLF CLUB DRIVING RANGE PROJECT

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