



Council Chambers,
BERRIGAN 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **21st October, 2015**, when the following business will be submitted:-

9:00AM

Public Question Time

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11.	CLOSE OF MEETING	

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

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday, 21st October, 2015

BUSINESS PAPER

1. **APOLOGIES**
Cr Daryll Morris

2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**

3. **VISITORS ATTENDING MEETING**

10:00am Presentation of annual financial accounts
Mr Phil Delahunty

4. **CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 16th September, 2015 and Extraordinary meeting held on 7th October, 2015 be confirmed.

- 5.1 **FINANCE – ACCOUNTS**

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

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

RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2015, be received and that the accounts paid as per Warrant No. 09/15 totalling \$3,476,237.91 be confirmed.

Items requiring Council Resolution

REPORT

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 September 2015 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 30 September 2015.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 July 2015, totalling \$3,476,237.91 and will be submitted for confirmation of payment as per Warrant No. 09/15
- 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) September has seen a slight decrease in total funds held at the end of August. The decrease is comparable with the same period last year and represents the general pattern in cash holdings over a year. Total funds held are expected to decrease over the October period as current creditors submit bills for work currently underway.

Council currently has an additional \$7.3 million more in cash than the same time last year, although these funds are already either committed or restricted. This cash balance will reduce as current large capital works are completed over the next 12 months.

Items requiring Council Resolution

Statement of Bank Balances

Statement of Bank Balances as at 30 September 2015Bank Account Reconciliation

Cash book balance as at 1 September 2015	\$ 3,697,530.24
Receipts for September 2015	\$ 1,121,436.19
Term Deposits Credited Back	\$ 1,000,000.00
	<u>\$ 5,818,966.43</u>

Less Payments Statement No 09/15

Cheque Payments V075567-V075575	\$ 11,590.25
Electronic Funds Transfer (EFT) payroll	\$ 439,660.18
Electronic Funds Transfer (EFT) Creditors E02210-E022236	\$ 992,791.62
Term Deposits Invested	\$ 2,000,000.00
Loan repayments, bank charges, etc	\$ 32,195.86
Total Payments for September 2015	<u>\$ 3,476,237.91</u>
Cash Book Balance as at 30 September 2015	<u>\$ 2,342,728.52</u>

Bank Statements as at 30 September 2015	\$ 2,345,663.57
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Plus Outstanding Deposits	
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Less Outstanding Cheques	\$ 2,935.05
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Reconciliation Balance as at 30 September 2015	<u>\$ 2,342,728.52</u>
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INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	115/15	180	2.90%	14/01/2016	\$ 2,000,000.00
AMP	117/15	180	2.90%	24/02/2016	\$ 2,000,000.00
Central Murray Credit Union	104/14	365	3.25%	19/03/2016	\$ 2,000,000.00
Defence Bank Limited	102/14	270	3.20%	29/12/2015	\$ 1,000,000.00
Defence Bank Limited	106/14	365	3.20%	4/04/2016	\$ 1,000,000.00
Hume	91/12	365	3.40%	10/01/2016	\$ 1,000,000.00
Hume	87/11	365	3.40%	27/01/2016	\$ 1,000,000.00
Hume	112/15	180	2.75%	7/03/2016	\$ 1,000,000.00
IMB	116/15	90	2.75%	20/10/2015	\$ 1,000,000.00
IMB	113/15	90	2.75%	7/12/2015	\$ 1,000,000.00
Bank of Queensland	119/15	183	2.80%	15/03/2016	\$ 2,000,000.00
ME Bank	114/15	120	2.98%	9/11/2015	\$ 2,000,000.00
ME Bank	118/15	90	2.80%	25/11/2015	\$ 2,000,000.00
NAB	108/14	90	2.90%	9/11/2015	\$ 1,000,000.00
NAB	109/14	180	2.95%	22/02/2016	\$ 1,000,000.00
NAB (LIRS LOAN)	110/15	90	2.95%	4/01/2016	\$ 1,630,000.00
					<u>\$ 22,630,000.00</u>

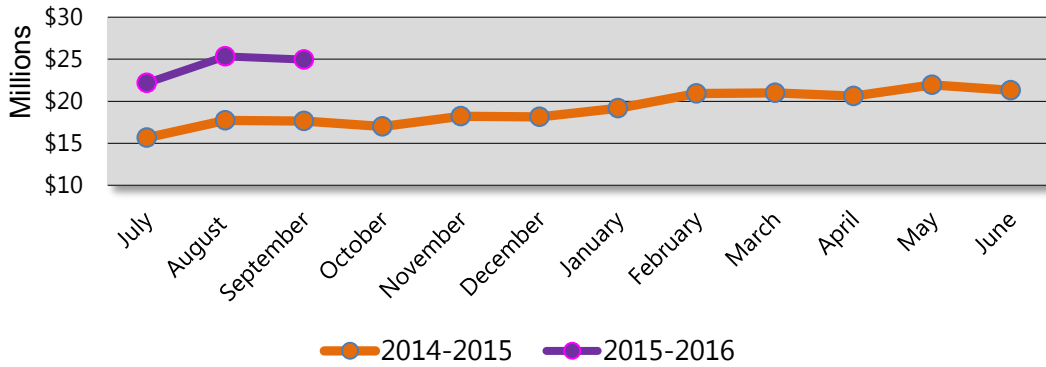
Total Funds Held at 30 September 2015	<u>\$24,972,728.52</u>
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Carla von Brockhusen - Finance Manager

RESOLUTION

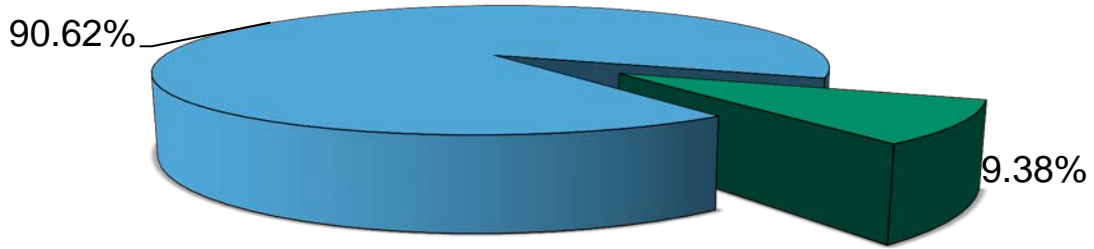
Items requiring Council Resolution

Total funds held

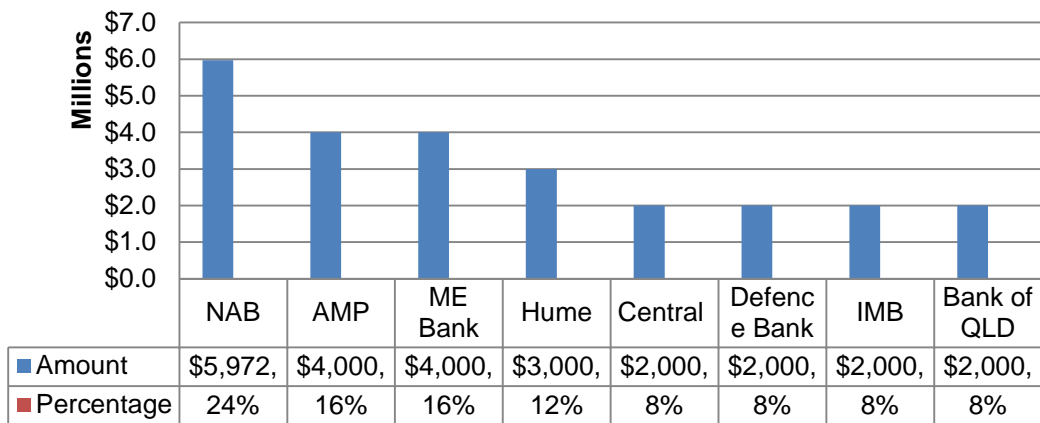


Funds held by type

Term Deposits Cash at Bank



Funds Held by institution



RESOLUTION

Items requiring Council Resolution

Changes in Investment Portfolio for July 2015

Previous Investment			New Investment		
Prior Financial Institution	Amount	Interest Rate	Current Financial Institution	Amount	Interest Rate
IMB	\$1,000,000	3.00%	IMB	\$1,000,000	2.75%
HUME	\$1,000,000	3.00%	HUME	\$1,000,000	2.75%
			BOQ	\$2,000,000	2.80%

RESOLUTION

Items requiring Council Resolution

5.2 RMS BLOCK GRANT

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 28.128.1

RECOMMENDATION: that the Council enter into the Regional Roads Block Grant Agreement 2015/16 with the NSW Roads and Maritime Services.

REPORT:

The Roads and Maritime Services have forwarded the Regional Roads Block Grant Agreement 2015/16 to be signed on behalf of Council and returned.

The total funding available for 2015/16 is \$963,000 and this compares to \$946,000 for last financial year and this represents a 1.8% increase.

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

Items requiring Council Resolution

5.3 PECUNIARY INTEREST RETURNS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.045.2

RECOMMENDATION: - that the Council note the tabling of Pecuniary Interest Returns received from Councillors and staff for the period 1st July, 2014 to 30th June, 2015.

REPORT:

Tabled at this meeting are Pecuniary Interest Returns as required and in accordance with Section 450a of the Local Government Act duly completed by:

Councillors	John Bruce Bernard Curtin Andrea O'Neill Brian Hill Matthew Hannan Denis Glanville Colin Jones Darryl Morris	
Staff:	Rowan Perkins Matthew Hansen Fred Exton Laurie Stevens Nathan O'Connell Michelle Koopman Carla von Brockhusen David Basil Myles Humphries Merran Socha Camillus O'Kane Jo Ruffin	(General Manager) (Director Corporate Services) (Director Technical Services) (Development Manager) (Building Surveyor) (Enterprise Risk Manager) (Finance Manager) (Operations Manager) (Environmental Engineer) (Economic Development Officer) (Town Planner) (Strategic & Social Planning Coordinator)

Items requiring Council Resolution

5.4 FINLEY COMMUNITY HELP GROUP COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 03.159.1

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Finley Community Help Group Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Committee of Management:

President	Barry Dawe
Secretary	Penelope McNamara
Treasurer	Louis Koschel
Committee	Norm McColl, Joyce Thomas, Gwen James, Marj Kable, Joyce Lewis, Kaylene Dawe, Peter Larsen, Jenny Douglas, Brian Anderson, Ken Brown, Barbara Wilson, Julie Hannan, Erol Cicolini, Ken Gardiner, James Elliott, Denise Thomas, Di Crawford, Margaret Lacy and Mel Corcoran.

REPORT:

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

Items requiring Council Resolution

5.5 MARY LAWSON WAYSIDE REST COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 21.101.10

RECOMMENDATION: - that the Council:

A) Revoke existing members of the Mary Lawson Wayside Rest Committee of Management.

C) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the MARY LAWSON WAYSIDE REST Committee of Management:

President	Henry Matheson
Secretary/	Madeleine Wark
Treasurer	Maree Quirk
Committee	Chris Braybon, Marjorie Kable, Colin Drury, Colin Breust, Allan & Maree Matheson, Ken Jenkins, Ivy Matheson, Graham & Veronica Dobie, Phillip Matheson, Neville Rees, Doug Delmenico, Doug Walker, Peter Horneman, Danny Wark, Jan & Bill Braybon, Marge Matheson, Marie Quirk, John Milne, Doug Thomas, Lois Harley, Allan Cowan, John Magill, Bernie Evans and Fergie Walsh.

REPORT:

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

Items requiring Council Resolution

5.6 BAROOGA ADVANCEMENT GROUP COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 02.036.1

RECOMMENDATION: - that the Council:

A) Revoke existing members of the Barooga Advancement Group Committee of Management.

D) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Barooga Advancement Group Committee of Management:

President	Darrell Bowden
Secretary	Neil Duffield
Treasurer	Nikki foster
Committee	Tash Bignell, Jackie Klaver, Barry Kennedy, Sue Kennedy, Tom Siggers, Jennifer Small, Bob Davis, Lyn Thatcher, Dennis Thatcher, Lyn Mountney, Trevor Ellison, Mel Bowden, Lee May, Ian Yeaman, Sheila Duffield, Lyn Woodhead.

REPORT:

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

Items requiring Council Resolution

5.7 2014/15 ANNUAL FINANCIAL STATEMENTS**AUTHOR: Director Corporate Services****STRATEGIC OUTCOME: Good government****STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting****FILE NO: 12.066.1****RECOMMENDATION: - that the Council, having satisfied itself in relation to the preparation of its financial reports and special schedules:**

1. refer its financial statements to the Auditors for the audit report.
2. at its meeting to be held on Wednesday 18 November 2015, the Council present its audited financial reports and audited reports to the public and that the Council's intention be publicly notified.
3. sign the attached General Purpose Financial Report "Statement by Council" and the Special Purpose Financial Report "Statement by Council".
4. adopt the valuation of assets that Senior Officers have prepared in accordance with recognised valuation procedures as to a fair and reasonable value of those assets (see note 9).

REPORT:

The 2014/15 Annual Statements have been prepared and audited and are now ready for adoption by the Council.

A copy of the Statements is attached in Appendix "A".

The report below has the following sections:

- A brief summary of the key results and performance measures
- Some general comments on the statements
- A run down on the statutory process required to formally adopt the financial statements
- A detailed analysis of the Financial Statements and associated notes and schedules.

Items requiring Council Resolution

The work of the Finance Manager and her team to prepare these statements should also be acknowledged.

Summary of Results

The table below is a brief summary of the key results for the 2014/15 financial statements.

The results demonstrate a very healthy underlying result.

<u>Overall performance</u>	<u>2014/15</u>	<u>2013/14</u>
Operating surplus	\$2.5m	\$0.2m
Operating deficit before capital grants and contributions	\$1.5m	\$(1.5m)
<u>Revenue and expenses</u>		
Total revenue	\$20.5m	\$18.9m
Total expenses	\$18.0m	\$18.7m
<u>Cash and investments</u>		
Cash and cash equivalents	\$4.7m	\$2.3m
Investments	\$16.6m	\$14.0m
<u>Balance Sheet</u>		
Total assets	\$238.3m	\$205.0m
Total liabilities	\$6.1m	\$4.1m
Total equity	\$232.2m	\$200.9m
New assets 2014/15	\$0.6m	
(Including):		
<u>Water and Sewer funds</u>		
Total assets	\$54.0m	\$53.0m
Total liabilities	\$0.2m	\$0.4m
Total equity	\$53.8m	\$52.6m

Note that the 2013/14 figures are distorted by the decision to pay part of that years Financial Assistance Grant (FAG) in June 2013.

Items requiring Council Resolution

Performance measures

Some of the performance measures included in the “Fit for the Future” guidelines and other Office of Local Government documents are shown below. Again, note that the impact of the cessation of advance payments of FAG has had an impact on some of these measures, including the Operating Performance Ratio.

<u>Industry Indicators</u>	<u>Benchmark</u>	<u>2014/15</u>	<u>2013/14</u>
Operating Performance Ratio	Between (3% and 10%)	7.10%	-9.78%
Own Source Operating Revenue Ratio	Greater than 60%	61.23%	63.99%
Unrestricted Current Ratio	Greater than 1.50:1	4.19:1	4.05:1
Debt Service Cover Ratio	Greater than 2.00:1	31.31x	26.03:1x
Rates Outstanding Percentage	Less than 10.00%	4.44%	5.05%
Cash Expense Cover Ratio	Greater than 3.00 months	19.88 months	13.59 months

<u>Infrastructure Asset Performance Indicators</u>	<u>Benchmark</u>	<u>2014/15</u>	<u>2013/14</u>
Building and Infrastructure Renewals Ratio	Greater than 100%	109.17%	76.54%
Building and Infrastructure Renewals Ratio (General Fund)	Greater than 100%	127.8%	98.55%
Infrastructure Backlog Ratio	Less than 2%	0.00%	2.17%
Asset Maintenance Ratio	1.00	1.00	1.00
Capital Expenditure Ratio	1x	0.92	1.24
Capital Expenditure Ratio (General Fund)	1x	1.12	1.46

Items requiring Council Resolution

Impact of Financial Assistance Grant changes

When considering the financial statements and comparing to past years, it is important to recognise the impact of the Federal Government's decision to pay a proportion of FAG in advance over the past 4 years and the more recent decision to cease this practice for 2014/15 grant.

In June 2013, the Council was paid \$2.15m (approximately 50%) of its 2013/14 FAG in advance. Under accounting standards, this income must be recognised in the year it was received.

Because the funds were received in June 2013, the 2013/14 financial statements did not include the full FAG entitlement for the Council for that year – thus an understatement of income. This will affect some comparisons with the current (i.e. 2014/15) financial statements and results. This will be identified where appropriate.

General comments

Overall, the Council retains a strong cash position in all three operating funds.

The Council's balance sheet remains strong with adequate provisions and correct asset values. The Council's operating position and cash flow performance is quite strong and improving, especially given the pause in FAG indexation.

The 2014/15 year will see significant challenges before the Council. The "pause" in indexation of FAG required the Council to make tough decisions about expenditure priorities and its revenue generation. The Council must also consider what impact the implementation of any recommendation made by the Independent Pricing and Regulatory Tribunal regarding the *Fit for the Future* local government reform program may have on the community.

Continued careful monitoring of the Council's financial position is required to ensure this Council is sustainable and able to deliver for its community, today and into the future.

Statutory Process

The Council is now required to do the following:

Items requiring Council Resolution

1. Complete the statutory process for adoption and completion.
2. Assure itself that the Statements have been prepared in accordance with the appropriate standards (prior to adoption) and formally refer the Statements to the Council's Auditors for the Audit Report.

The audit was performed from Thursday 17 September to Friday 18 September 2015. Issues which arose from the audit have been addressed by staff to the satisfaction of the Auditors.

After satisfying itself with the accuracy and correct preparation of the Statements, the Council is required to do the following:

1. Adopt the statements and report on the conduct of the Audit.
2. Advertise the Statements for public submissions for a period of 7 days after receiving the Auditors report. An advertisement can be placed in the local papers (SRN and Cobram Courier) on Wednesday 28 October 2015 which would give the public until Friday 6 November to make submissions. The Statements could then be formally adopted at the ordinary meeting on Wednesday 18 November.
3. Make the Statements available to various authorities including the NSW Office of Local Government.

If Council does not adopt the Statements in time for advertisement on 28 November, the timetable for the rest of the process may need to be amended

Preparation of the Statements

The Statements are required to and have been drawn up in accordance with:

- The *Local Government Act* 1993 and the Local Government Regulations.
- Australian Accounting Standards.
- The Local Government Code of Accounting Practice and the Local Government Asset Accounting Manual.

The Statements are also in accordance with the Council's accounting records for the year ended 30 June 2015.

The Council is required to prepare five primary reports which form the cornerstone of the financial statements, they are:

Items requiring Council Resolution

- An Income Statement
- A Statement of Comprehensive Income
- A Balance Sheet
- A Statement of Changes in Equity
- A Statement of Cashflows

In addition to these statements are Notes 1 to 27, the Special Purpose Financial Reports and Special Schedules 1 to 9.

The Statements and corresponding notes which form the Council's accounts along with the Special Purpose Financial reports are audited. The Special Schedules are considered supplementary to the accounts and therefore are not audited. They are prepared for the benefit of other authorities such as the Grants Commission, the Department of Lands, the Australian Bureau of Statistics and other Councils.

The following commentary on the Annual Accounts and Special Purpose Financial Accounts is provided for the Council's information. **Please note that all figures are in \$000's unless otherwise noted.**

Income Statement

The Income Statement shows the surplus or deficit from ordinary activities before capital amounts and therefore gives an indication of the Council's performance in providing services that are funded from periodic operating income. These results generally exclude capital injections of funds which pay for capital works; the corresponding expenditure for these items appears in the Balance Sheet in the form of an asset.

The surplus from ordinary activities line shows how much the Council's wealth has increased or decreased over the year as a result of its activities. It is important to note that the Council is required by the NSW Local Government Code of Accounting Practice to recognise grants and contributions in its Income Statement even if the corresponding expenditure has not been incurred in that period.

The Council should note that the Council's result from ordinary activities result has improved from a \$228 operating surplus in 2014/15 to a **\$2,490 operating surplus** in 2014/15. On the face of it, this would appear to be a very large

Items requiring Council Resolution

shift but it is important to note the impact of the payment in advance of FAG on the 2013/14 result.

Some of the more material changes are listed below:

1. An increase in Rates and Annual Charges of \$197
2. An increase in User Charges and Fees of \$309
3. An increase in Operating Grants of \$1,853 (as discussed above)
4. A decrease in Capital Grants of \$722
5. An increase in Employee Benefits and On-Costs of \$210
6. A decrease in Materials and Contracts of \$1,216

Discussion on each of these items follows in this report.

The result before capital grants and contributions also shows an underlying improvement, moving from a \$1,482 deficit in 2013/14 to a \$1,502 surplus in 2014/15. (Note FAG statement below)

Capital grants and contributions include grants such as the RMS REPAIR program, and developer contributions to infrastructure, either in cash or as contributed assets.

This improvement in the Council's financial performance is very welcome but it is not as dramatic an improvement as it may seem on first glance. A major driver of the improvement is the cessation of the practice of paying a proportion of FAG in advance.

To help determine the underlying position, some analysis of the 2013/14 and 2014/15 financial results may be useful.

<u>ADJUSTMENT FOR FAG PAID IN ADVANCE</u>		
	2013/14	2014/15
Operating Deficit before Capital Grants	\$(1,482)	\$1,502
FAG adjustment	\$ 2,147	NIL
Underlying surplus/deficit	\$ 665	\$1,502

Items requiring Council Resolution

This is a more realistic operating result for the Council to use as its benchmark for its improvement in financial performance for this year – a significant improvement in its underlying financial position

Detailed discussion of the one-off items will follow in this report.

Statement of Comprehensive Income

The Statement of Comprehensive Income links the Council's operating result in its Income Statement to the Council's Balance Sheet, specifically the increase in Council Equity (i.e. the Council's assets less its debt).

In 2014/15, the Statement reflects the Council's operating surplus of \$2,490 and a gain on revaluation of \$29,254 making a total increase in Council equity for the year of \$31,334.

The nearly \$30m gain on revaluation of assets shown in this will be discussed later in this report.

Note that, in most circumstances, losses on revaluation must be shown in the Income Statement and affect the Council's operating result whereas gains on revaluation must not be shown in the Income Statement and are posted directly to Council Equity through this statement.

Balance Sheet

The Balance Sheet is presented so as to reveal the following aspects of the Council's financial situation:

1. Information about the financial structure of the Council, its obligations, its equity and the types of resources available to it.
2. Information about the capacity of the Council to adapt to changes in its operating environment.
3. Information about the short and long term solvency of the Council by classifying its assets and liabilities into current and non-current.

The Balance Sheet recognises the basic accounting equation of Assets minus Liabilities equals Equity. The equity of Berrigan Shire comprises the accumulated surpluses from previous years.

Items requiring Council Resolution

In Berrigan Shire's case the Balance Sheet shows an increase in equity from \$200,891 to \$232,225. As discussed above this reflects the Council's operating surplus of \$2,490 shown in the Income Statement, an Impairment loss of \$410 direct to equity relating to the Finley War Memorial Hall and the \$29,254 increase in valuation of the Council's infrastructure, property, plant and equipment assets and other adjustments.

Current Assets – the Council's cash and other assets likely to be realised over the next twelve months – have increased by \$4,651 over the financial year. This is partly as a result of unspent loan funds for drainage works, partly due to funds being retained for large capital works programs and partly due to sales of developed land at Tocumwal Aerodrome.

Non-current Assets have increased by \$28,745. This is largely made up of net revaluations of \$29,254 with the difference largely the net result of the addition of new assets less the depreciation of existing assets.

Current liabilities – the Council's debts likely to be redeemed over the next year – have increased by \$568. This reflects the increasing amount of principal being paid off the Council's borrowings – including the most recent loan for drainage works – as well as an increase in Council's provisions – mainly relating to staff entitlements.

Non-current liabilities have increased by \$1,494, almost entirely due to the Council's drawing down in 2014/15 on a loan for \$1,620 for drainage works in Finley, Berrigan and Tocumwal.

An analysis of the ratios in Note 13 shows that – despite the new debt – the Council's unrestricted current ratio has actually improved, with a small improvement from 4.05:1 in 2014 to 4.19:1 in 2015. This largely reflects the fact that the Council has not yet spent much of the funds borrowed in 2014/15. This ratio may decline slightly in 2015/16 as these funds are spent but will then improve again over the following years.

The Debt Service Cover Ratio, which is a measure of the Council's long term ability to meet debt repayments, again has actually improved despite taking on more debt from 26.03 to 31.31. This reflects the advance payment of Financial Assistance Grant in 2013/14 artificially deflating last year's revenue. Even with this in mind, this ratio still demonstrates that the Council is able to comfortably meet its loan obligations.

Items requiring Council Resolution

The Own Source Operating Revenue Ratio has declined slightly from 63.99% in 2013/14 to 61.23% this year. Again, the slight decline is a factor of the artificial decline in grant income in 2013/14 as a result of the payment in advance of FAG. Overall, this means that the Council was able to raise 61.23% of its own revenue with the balance coming from grants from the other levels of government.

This result is quite important in the current circumstances. The “Fit for the Future” local government reform program gives a result of 60% or above for this ratio as a key indicator of a sustainable council. Please note this ratio is heavily skewed by water & sewer funds, and the ratio of the general fund is in fact 48.73% (2014 52.6%).

Statement of Changes in Equity

The Statement of Changes in Equity shows how the total changes in Equity have been derived. There were three changes in equity in 2014/15. There was an increase of \$2,490 flowing from the Income Statement, an increase in the Asset revaluation reserve to recognize the new valuations of \$29,254 and an impairment reversal (loss) of \$(410).

The increase in equity from the Income Statement has been discussed above and the increase from the revaluation of the Council’s assets will be discussed in detail below. The item of interest here is the impairment loss of \$410.

This figure flows from the Council making a decision that the Finley War Memorial Hall is no longer fit for purpose and will be demolished in the near future. The figure of \$410 is the “written-down” value of the hall, defined as its replacement cost less the accumulated depreciation.

Normally impairment losses are required to be reported in the Income Statement. In this case, the hall was built in 1957 and revalued to its current value at a much later date. This revaluation was recognised in the Asset Revaluation Reserve. As a result, the impairment loss is permitted to be made directly against the Asset Revaluation Reserve rather than through the Income Statement.

Cash Flow Statement

The Cash Flow Statement communicates information about the change in an organisation’s liquidity and solvency during the year. It requires the grouping of cash receipts and cash payments into the following three classifications. They are:

- **Operating Activities:** These involve providing goods and services and include all transactions and other events that are not financing or investing activities.

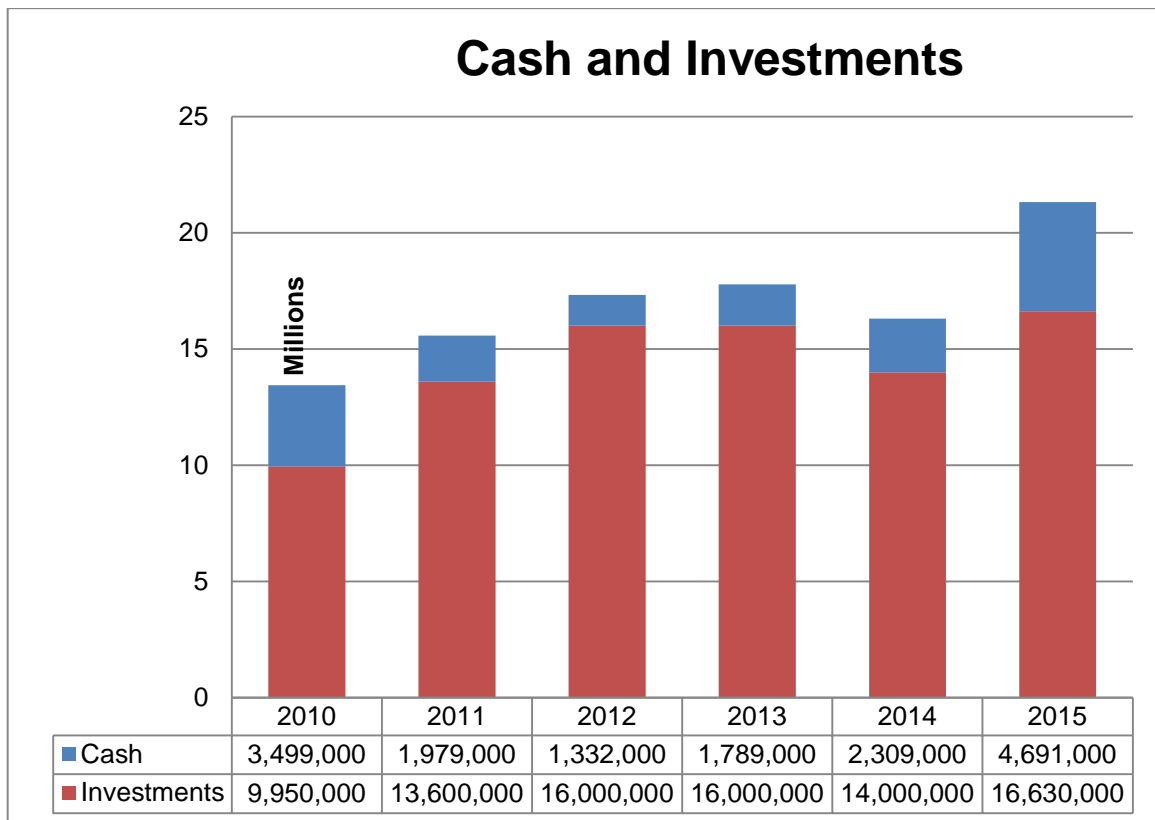
Items requiring Council Resolution

- **Investing Activities:** These involve activities relating to the acquisition and disposal of non-current assets, including property, plant and equipment and other productive assets and investments.
- **Financial Activities:** Involves those activities which relate to changing the financial structure of the entity.

The Cash Flow Statement does not take into account non-cash items such as depreciation and accrued expenses and revenue. It is important because it shows the amount of cash created by Council’s activities which governs the Council’s ability to spend.

Overall the Council’s cash and investments increased by \$5,012 during the year. This has several causes:

1. Unspent loan funds of around \$1,620
2. Increase overall funds received from receipts
3. Decrease in cash payments of expenditure



Notes 1 to 27 provide detail to the abovementioned statements.

Note 1 sets out the Council’s accounting policies used to draft these set of statements including its policies on recognising and valuing assets, liabilities,

RESOLUTION

Items requiring Council Resolution

income and expenses. The policies set down in this note have a considerable impact on the figures shown in the statements.

Note 2 shows the financial statements split by function (i.e. Governance, Administration, Water, Sewer etc.). One item worth noting in this report is how much of the Council's overall expenditure and asset base relates to the operation and maintenance of infrastructure such as roads, water, sewer and community amenities.

One item that may be of interest in this report is the notion that the "Administration" function made an operating surplus of \$153. In reality, the Council has over-recovered some of its on-costs it charges (by around \$180) – such as superannuation and workers compensation insurance, thus artificially inflating this item. This is better than under-recovering but it needs to be addressed as it means the Council is over-charging itself for its labour.

Note 2b provides some explanation of what activities are included in the various functions

Notes 3 to 5 provide more detail on the Income Statement.

Note 3 details the Council's revenue. Revenue is broken down into several components.

- The Council's rate and charges revenue increased by \$197 (2.3%) in 2014/15. This has three main drivers:
 - The 3.4% permissible increase in general rates and the decision by the Council to increase some of its other service charges (Water, Waste and Stormwater) by a similar amount.
 - Some growth in the number of rateable assessments
- User charges and fees increased by \$309 (16.2%) in 2014/15. This increase is largely due to increased revenue from water consumption charges, cemetery fees, construction charges and private works.
- Interest and Investment Revenue declined by \$74 (10.0%), despite the Council holding more cash and investments this year. This is largely as a result of the cuts in official interest rates impacting on the available returns from the Council's investment portfolio. This is the third year in a row interest revenue has declined and the Council may not be in a position to rely on growth in this source of income in the future

Items requiring Council Resolution

- Other Revenue has increased by \$22. A reduction in revenue from sale of gravel is largely offset by increased revenue from the temporary trading of high security water.
- Operating grants received by the Council decreased by \$2,037. The only significant driver for this result is the cessation of the advance payment of FAG in 2013/14 as identified earlier in this report.
- Capital Grants tend to vary widely from year to year depending on the current projects being undertaken by the Council. In 2014/15 the amount of Capital Grants and Contributions received by the Council totaled \$485.
- Capital grants received in 2014/15 include \$118 from Roads and Maritime Services (RMS) for the new boat ramp and parking area at Tocumwal. There were also contributions from RMS for road works totaling \$144.
- Contributions to s64 and s94 plans were significantly down on the previous year as was the amount of contributed assets (physical assets such as roads, footpaths etc. handed to the Council by developers).
- The value of restricted grants and contributions (i.e. those grants and contributions that the Council has an obligation to spend in specified manner) has remained steady in 2014/15.

Note 4 details the Council's expenses. Expenses are broken down into several components.

- Employee costs have increased by \$210 (2.96%). This result is driven largely by the increase in leave entitlements owed to Council staff; i.e. leave not taken. This amounts to \$261 of the total increase in employee costs, more than the total increase.

Most other items in this area were steady or declined. Workers compensation expense declined by \$48 and staff training declined by \$25. The actual amount paid to employees declined by \$13, a result of natural attrition and redundancies.

- Materials and Contracts expenses declined by \$1,693 (41.5%). This figure can move sharply however depending on the mix of maintenance and capital works projects in any given year.
- Depreciation increased by 6.2% over the past year. This increase is largely driven by the revaluation of the Council's infrastructure assets which is discussed later in this report. It is also a result of Council investing in renewing recreation reserve assets which means that

Items requiring Council Resolution

depreciation on the new buildings is higher than that on the previously predominately fully depreciated older buildings.

- Other expenses cover a wide range of areas. Some of the key figures are shown below.

Other Expenses	2014/15	2013/14	% Change
Swimming pools	\$108	\$92	17%
NSW Rural Fire Service	\$135	\$89	52%
Electricity and heating	\$349	\$401	-13%
Street lighting	\$186	\$156	19%

Councillors expenses have declined by \$5 and allowances paid to Councillors increased by \$3.

Note 5 shows the gains and losses made by the Council from the disposal of assets.

The result shows a \$23 loss on Disposal of Plant and Equipment from the sale or trade-in of Council plant made in the normal course of business. The Council made a \$157 gain on the sale of real estate at the Tocumwal Aerodrome subdivisions.

Notes 6 to 10 provide additional detail on the amounts shown in the Balance Sheet

Note 6a, 6b and 6c provide more detail on the Council's Cash and Investments. As mentioned above, the Council's total cash and investments have increased from \$16,309 to \$21,321 in 2014/15.

All Cash and Cash equivalents are held as "At fair value through profit and loss" and all Investments are "Held to Maturity". Given the Council's existing investment portfolio, which consists of term deposits there is little difference between the two.

External restrictions are those imposed on the Council by legislation relating to separate funds such as water, sewer and domestic waste as well as grants and contributions that come with conditions that the funds be spent on specific projects.

Items requiring Council Resolution

Internal restrictions are restrictions on funds which the Council places voluntarily on itself such as employee leave entitlements, the plant replacement reserves and the economic development reserve. Total internal restrictions have not changed this year.

The amount of unrestricted funds has increased by \$1,718 to \$5,706. The

<u>UNRESTRICTED CASH ANALYSIS</u>	
	<u>\$000's</u>
Reserve funds as at 30-6-15	15,531
Unexpended grants as at 30-6-15	85
Total Reserve Balances as at 30-6-15	15,616
Cash and investments 30-6-15	<u>21,321</u>
Unrestricted cash as at 30-6-15	5,706
Unrestricted cash as at 30-6-15	5,706
Unspent works carried forward from 14/15	3,506
Less unexpended grants restricted	<u>85</u>
Net unspent works carried forward	<u>3,421</u>
Balance of uncommitted cash at 30-6-15	2,285

table below provides some further detail about the Council's unrestricted cash.

Note 7 provides additional detail on the Council's receivables; i.e. the amounts that are owed to the Council. Net receivables have increased by \$88 (6.3%).

- Outstanding rates and charges have decreased by \$53 (11.3%). This is the second year-on-year decline in outstanding rates and charges reflect well on the approach taken by Council staff to address this issue. The Council's performance in collecting outstanding rates and charges is quite respectable when matched against its peers.
- Outstanding User Charges and Fees increased by \$199 in 2014/15. This related to large invoices generated in June for RMS contributions and the RFS reimbursement.

Items requiring Council Resolution

Note 8 details inventories of stock and materials and developed real estate owned by the Council as well as any prepayment of expenses such as insurance or software support.

The only significant change from 2013/14 is the addition of the developed land at the Tocumwal Aerodrome to Council's real estate inventory. Note that movements in the Council's developed land inventory are also detailed in this note. Other land available for sale has been moved from Held for Sale assets (Note 22) to Inventories. This is a reflection of the fact that although Council has the land available for sale the prospect of selling it within the next 12 month (a prerequisite of it being Held for Sale) is negligible.

Note 9a and 9b provides details on the movements in value of the Council's Infrastructure Property Plant and Equipment (IPP&E) assets. These represent the overwhelming balance of the Council's assets. The carrying value of the Council's IPPE assets increased from \$186,526 to \$214,931 at the end of 2014/15.

The left hand columns in Note 9a shows the situation at the commencement of the 2014/15 year, the middle columns show the changes to asset values throughout the course of the year and the rightmost columns show the situation at the end of the financial year. Items worth noting include:

- The Council added a total of \$7,325 in assets in 2014/15 - \$5,559 (purchased/construction) and \$1,766 in Work in Progress (construction). Of this \$5,655 related to renewals of infrastructure, \$582 to new infrastructure and the remaining \$1,088 of non-infrastructure additions.
- This is offset by the Council recognising depreciation to the value of \$5,741 as discussed earlier.
- The net revaluation increments to equity of \$29,254 are also shown in this table.
- The transfer of land for sale from Held for Sale to Land inventory is also shown.

The last item above requires more explanation. The Council is required to revalue all its infrastructure assets on a five-year rolling cycle. In 2014/15, the Council's road, bridge, footpath and stormwater drainage assets were due for revaluation. This is the Council's largest asset class and subsequently any revaluation of these assets will have a major impact on the Council's balance sheet.

Under AASB 13, assets are required to be valued at their "fair value"; in the case of assets such as roads and bridges the Office of Local Government has

Items requiring Council Resolution

determined this value can be approximated by “depreciated replacement cost”.

The 2014/15 Office of Local Government Code of Financial Practice and Reporting defines “depreciated replacement cost” as such:

Depreciated replacement cost “is the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset”.

The current replacement cost is the lowest cost of replacing the economic benefits of the existing asset and should be assessed on the basis of design and construction using modern technology. This is also referred to as the Modern Engineering Equivalent Replacement Asset or MEERA approach.

The revaluation was performed “in house” by the Director Technical Services and the increase is a reflection of the increased cost of building roads. Under the “depreciated replacement cost” valuation method, an increase in construction costs will increase the value not only of roads to be constructed in the future but also those constructed in the past.

Note 9b shows those IPP&E assets owned by the Council that are externally restricted.

Note 10a and 10b provide additional information on the Council’s payables, borrowings and provisions; i.e. the amounts that the Council owes others or is otherwise committed to pay in the future.

- Payables have increased slightly, including payments for goods and services owing and prepayments.
- The new loan for drainage works has seen borrowings increase in 2014/15. The Council now has two external loans – Finley Water Reservoir through Commonwealth Bank and Local Infrastructure Renewal Scheme (LIRS) Drainage through NAB. The NAB loan is subsidised by the New South Wales government.
- 2014/15 has seen the Council’s Provision for Employee Benefits increase by \$372

The main drivers for the increase are on-costs on annual leave and long service leave recognising superannuation and workers’ compensation insurance payable on leave entitlements.

Items requiring Council Resolution

The table below provides some history on the level of the provision

Financial year	Provision for Employee Leave (000s)	% increase
2009/10	\$2,080	12.55%
2010/11	\$2,090	0.48%
2011/12	\$2,032	-2.78%
2013/14	\$2,182	5.31%
2014/15	\$2,584	14.39%

As previously reported to the Council, the large increase in the Council outstanding leave balances is a significant issue and one that is becoming critical. More needs to be done to bring this figure down. This is a difficult process, however.

Under the Local Government Award as it exists, the Council cannot pay out accrued Leave to employees as a lump sum, even if the employee is willing. This can only be waived in cases of hardship. There is some scope in new legislation to pay additional amounts to staff members to take leave – i.e. 6 weeks' pay for 3 weeks leave.

- Voluntary programs to encourage employees to take leave have not been successful. As the Council workforce continues to age, employees start to consider leave entitlements as part of their retirement savings. While this is not the purpose of leave entitlements, it is difficult to change the cultural mindset of these staff.
- Compulsory programs to force employees to take leave have several problems. Firstly, they alienate employees and secondly, those members of staff with large leave entitlements often tend to be key employees, and therefore difficult and costly to replace.

These problems do not mean the Council should not attempt to reduce entitlements owed but it should be aware there is no 'quick fix'.

Note 10a (ii) demonstrates that while the Council is required to show nearly all leave entitlements owing as "current", i.e. likely to be due and payable in the next 12 months, in reality the Council does not expect a substantial proportion of these entitlements to be actually taken in 2014/15.

Items requiring Council Resolution

- The Provision for Asset Remediation/Restoration covers the likely cost to the Council to remediate certain areas such as quarries and landfills when they reach the end of their useful lives. The Council is required to show this as a liability as well as incorporate this cost in the cost of the asset.

Note 11 reconciles the Council's operating result to the cash provided by the Council's net operating activities. These can differ due to items such as depreciation, asset write-offs, contributed assets and changes in amounts owed to creditors and owed by debtors and in inventory levels.

Note 12 to 27 provide additional information over and above the information provided in the statements.

Note 12 details the Council's future expenditure commitments not shown in the balance sheet such as commitments on long term contracts such as domestic waste collection. These commitments have increased somewhat as the Council prepares to undertake some larger scale infrastructure projects.

Note 13 sets out some relevant ratios and performance benchmarks. These have been discussed earlier.

Note 14 relating to Investment property has been left blank as the Council holds no property for investment purposes.

Note 15 provides further information on the Council's exposure to financial risks. The Council holds the vast majority of its cash and investments in Term Deposits and at-call accounts while its only borrowing is a standard loan with a fixed interest rate for the term of the loan. As a result, the risk of default or interest rate movement to the Council is very slight.

Note 16 provides an explanation of significant variances from the Council's budget in the Income Statement and Statement of Cash Flows.

Note 17 reconciles the Council's developer contributions. Note that Drainage developer contributions are used to partly repay the internal loan used to fund the stormwater drainage works.

Note 18 provides further information on other potential liabilities and assets that do not meet the threshold for inclusion in the financial statements or are otherwise difficult to value but are worthy of being disclosed. While the Council has some industry-wide contingent liabilities for items such as Defined Benefit Superannuation plans and Statewide and StateCover Mutual, there are no contingent liabilities specific to the operations of this Council.

Items requiring Council Resolution

Council has not recognised land under roads acquired before 30 June 2008.

Note 19 relating to Controlled Entities, Associated Entities and Interests in Joint Ventures has been left blank as the Council has no interest in any entity of this nature.

Note 20 provides further information on the Council's equity, including retained earnings and reserves.

Note 21 provides details on the Council's Financial Result and Financial Position by fund. This note duplicates much of the information shown in the Special Purpose Financial Statements and Special Schedules.

The sewer fund has an operating surplus of \$34; while this is a smaller surplus than 2013/14 it is the second consecutive surplus after many years of deficit.

The Water fund improved its operating result, returning a surplus of \$816. This is because of the increase in revenue from the temporary transfer of high security water entitlements as well as an increase in water consumption in the year.

Note 22 sets out the details of those assets the Council has classified as "held for sale". The Council no longer classifies current land assets as "held for sale". They are now in Note 8 Inventory – Land inventory.

Note 23 details any post-balance date events. The Council is unaware of any material or significant "non adjusting events" that should be disclosed.

Note 24 relates to discontinued operations. The Council has not classified any of its operations as discontinued.

Note 25 relates to Intangible Assets; the Council has not recognised any intangible assets.

Note 26 sets out the Council's liability for the restoration, rehabilitation and remediation of its waste management and gravel pit sites. This is required to be done on a **net present value** basis, i.e. the future expected costs are discounted to 2014 dollar amounts.

The provision in 2014/15 is **unchanged** from 2013/14. A decrease of \$8 relating to a change in the discount rates used in the calculation is entirely offset by an increase of \$8 relating to amortisation of the discount used, which is treated as a borrowing cost.

Items requiring Council Resolution

The Council recognises obligations to restore the following operations:

Asset/Operation	Estimated year of restoration	Net Present Value of provision (000s)
Finley Recycle centre	2059	\$11
Tocumwal Inert Hard Waste Depot	2017	\$34
Berrigan Landfill	2059	\$126
Pine Lodge Gravel Pit	2038	\$53
TOTAL		\$224

Note 27 provides information on the Fair Value measurement of Council's assets and liabilities.

The format and content of this note may change over time as the industry comes to grips with the best method to provide the required information in the most efficient manner.

The note itself is quite arcane but the large revaluations of roads and drainage assets can be traced through this Note in Item 27(4)

Special Purpose Financial Reports - The Special Purpose Financial reports have been prepared to report the results of Business Units determined by the Council in accordance with the requirements of the National Competition Policy (NCP) guidelines. The Council has identified two category 2 type business units being the Water Supply Service and the Sewerage Service.

A category 2 type business is one that is defined as having annual operating revenue of less than \$2 million. This year the Water Supply Service had operating revenue of \$2.98 million, exceeding the 2 million cap.

The Special Purpose Financial Reports comprise a balance sheet and operating statement along with associated notes to the accounts for each deemed business.

NCP imputation payments are added to total expenses in the operating statement for each business to accurately reflect the amount of expenditure each business would incur if they were not owned by the Shire. Items such as

Items requiring Council Resolution

land tax and Council rates are calculated and included as NCP imputation payments which are then shown as expenditure against the business.

It is important to recognise that the businesses do not actually pay these NCP imputation charges. They are merely added to the total expenses to reflect what the business would have paid if they were not Council owned.

Special Schedules - These schedules contain the Council's financial data presented on a fund basis. They are unaudited but are used by other authorities and are also used as work sheets in preparing the annual statements.

- **Special Schedule 1** is a statement of the net cost of services provided by the Council
- **Special Schedule 2** is a statement of long term debt
- **Special Schedules 3 – 6** are restatements of the Water and Sewer Financial Statements already shown in Note 21 of the General Purpose statements and again in the Special Purpose Statements. However these statements are grossed up for internal transactions which are netted out in the consolidated statements.
- **Special Schedule 7** is a report on infrastructure assets. This includes condition assessments, estimates of infrastructure backlog and data on infrastructure renewal and maintenance.

Information from this Schedule will be used as part of the "Fit for the Future" self-assessment. It will be audited from 2014/15 onward.

- **Special Schedule 8** was a ten year financial projection extracted from the Council's Long Term Financial Plan. This schedule has been removed from the requirements of these statements and is no longer presented.
- **Special Schedule 9** is a statement of Permissible Income – the amount that Council is permitted to raise from ordinary rates. Unlike the rest of the financial statements, this statement is for the 2015/16 (i.e. this) financial year.

Satisfaction and adoption

Prior to adoption of the Statements and referral to formal audit, the Councils should satisfy itself that the statements have been prepared in line with

Items requiring Council Resolution

statutory and other requirements to present a true and fair view of the Council's financial position and financial performance.

To aid the Council in this task, a copy of the Representation Letter to the Council's auditors prepared by the General Manager and Responsible Accounting Officer (Finance Manager) is attached in Appendix "A".

This letter, while prepared for the auditors rather than the Council, should be suitable for use by the Council for the purpose identified above.

The Council can, of course, take the opportunity to ask further questions to satisfy themselves in this matter.

Having satisfied itself the Council is then required to:

1. Send a copy of the Statements to its Auditor.
2. As soon as possible after adoption of the reports and receipt of the Auditors Report, the Council must:
 - a) Make available a copy of the Statements and Reports to the Chief Executive of the Office of Local Government and the Australian Bureau of Statistics.
 - b) Fix a date for a meeting at which it proposed to present its financial Statements and Auditor's Reports to the public.
 - c) Give Public Notice of the date so fixed (which must be more than two weeks after notice is given but not more than one month after the Auditor's reports are received).

Items requiring Council Resolution

**5.8 TENDER NO. T05/15/16 SUPPLY OF ROAD BASE
– SILO ROAD**

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: T05/15/16

RECOMMENDATION: - that, in relation to T05/15/16 – Supply of Road base – Silo Road, the Council:

1. accepts the tender submission of Andrew Goldman Excavations to supply the DGB20 road base for an estimated contract sum of \$193,600 inclusive of GST
2. accepts the tender submission of Lawrence Brothers to supply the DGS40 road base for the estimated contract sum of \$316,800 inclusive of GST
3. sign and seal contract documents relating to 1. and 2. above.

REPORT:

This tender is for the supply of road base material for the reconstruction of Silo Road between Tuppal Road and the Newell Highway, Tocumwal.

The contract sum is a lump sum contract.

The total estimated value of the contract, based on the prices tendered, is \$510,000 including GST.

It is recommended that two different contractors be used to supply the materials due to different prices quoted by the contractors for the supply of subbase (DGS40) and base (DGB20) materials. This recommendation will be subject to each of the contractors providing evidence of compliance with quality specification of the materials prior to the Council meeting. Council staff are still communicating with tenderers in relation to the provision of this evidence.

Tenders closed at 2:00pm Wednesday 30th September, 2015. At the time of closing a total of five submissions were received.

Submissions were received from the following organisations in order of opening:

E.B MAWSONS & SONS PTY LTD
FRASER EARTHMOVING CONSTRUCTION

Items requiring Council Resolution

BURGESS EARTHMOVING P/L
ANDREW GOLDMANS EXCAVATIONS
LAWRENCE BROTHERS

Panel Membership

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

David Basil	Operations Manager
Matthew Clarke	Executive Engineer
Darron Fruend	Technical Support Officer

Consideration of the Tenders

Each tender was evaluated separately in accordance with the evaluation criteria

Criteria	Highest Possible Score	Weighting
1. Price	4	5
2. Compliance with Specification	4	5
3. Track Record	4	1
4. Availability of Appropriate Skills & Resources	4	1
5. Work Health & Safety Considerations	4	1

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

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of Andrew Goldman Excavations and Lawrence Brothers as the preferred tenderers.

Supervisor

The superintendent of the contract will be the Director of Technical Services and the superintendent's representative will be the Executive Engineer.

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Items requiring Council Resolution

5.9 POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS AND COUNCILLORS

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.045.1

RECOMMENDATION: - that the Council, noting that no submissions were received during the statutory period of public exhibition, adopt the following "Payment of Expenses and Provision of Facilities" Policy as set out below:

PART 1 INTRODUCTION

This policy for the payment of expenses and the provision of facilities for Mayors and Councillors is effective from 21 October 2015, being the date it was adopted by the Council.

The policy comprises four parts, being:

1. Part I Introduction – defines key terms and describes the legislative and reporting requirements that prescribe the policy's purpose, objectives and scope;
2. Part II Payment of Expenses – describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses;
3. Part III Provision of Facilities – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources; and
4. Part IV Other Matters – provides guidance on issues related to Councillor acquisition and return of facilities and superannuation

This policy is made under Sections 252-254 of the *Local Government Act 1993* (the Act), Section 403 of the *Local Government (General) Regulation* and in accordance with the Guidelines issued by the Office of Local Government (October 2009) in accordance with Section 23A of the Act.

Broadly, the Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and

Items requiring Council Resolution

the provision of facilities to, the Mayor, Deputy Mayor and the other Councillors in relation to discharging the functions of civic office.

This Policy must comply with the provisions of the Act, the Regulation and the Guidelines.

1.1. Purpose

The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

1.2. Objectives and scope

1.2.1. Objectives

Berrigan Shire Council is committed to the following *Berrigan Shire 2023* strategic outcomes and objectives:

Good Government

2.2 Ensure effective governance by Council of Council operations and reporting;

The objectives of this policy are:

1. To outline the details and range of benefits provided to Councillors by the Council in a transparent manner.
2. To ensure that Councillors are reimbursed for expenses reasonably incurred in their performance of their role as a Councillor in a manner that is acceptable to the community.
3. To encourage members of the community to seek election to the Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a Councillor.
4. To ensure that Councillor use of Council facilities and resources is effective, efficient, appropriate, lawful and ethical.

1.2.2. Scope

The policy applies to all Councillors and if appropriate any Councillor administrators as well.

The policy does not apply to the receipt or expenditure of Councillors or Mayoral annual allowances.

The policy does not apply to Council staff. Council staff are regulated in similar matters by separate policy.

1.3. Making and adoption

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Berrigan Shire Council is required on an annual basis to review and submit its policy to the Chief Executive of the Office of Local Government within 28 days of adoption by the Council, even if it is proposed to adopt an unchanged policy. Current policies must be submitted by 30 November each year.

Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.

Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.

At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term “not substantial” should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

1.4. Legislative and other provisions

1.4.1. Legislative provisions

- Sections 252-254 of the *Local Government Act 1993* – Payment of expenses and provisions of facilities.
- Section 428 of the *Local Government Act 1993* – Annual reports
- Clause 217 of the *Local Government (General) Regulation 2005* – Additional information for inclusion in annual reports.
- Clause 403 of the *Local Government (General) Regulation 2005* – Payment of expenses and provision of facilities.
- Local Government (State) Award 2014.

1.4.2. Other Government Policy Provisions

- Office of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act 1993*.
- Office of Local Government Circulars to Councils
 - Circular 05/08 Legal assistance for Councillors and council employees

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- Circular 08/24 Misuse of council resources
- Circular 08/37 Council decision making prior to elections
- Circular 11/27 Findings from review of Councillor expenses and facilities policies
- Model Code of Conduct for Local Councils in NSW, particularly Use of Council Resources.
- ICAC Publication – *No Excuse for Misuse*, preventing the misuse of council resources.

1.4.3. Other relevant Council documents and policies

- Private Use of Council Vehicles
- Communication Devices Policy
- Annual Schedule of Fees and Charges
- Berrigan Shire Council Code of Conduct
- Berrigan Shire 2023 (Community Strategic Plan)
- Berrigan Shire Council Delivery Plan 2013-2017
- Berrigan Shire Council Operational Plan 2014-15

1.5. Reporting

Section 428 of the Act requires councils to include in their Annual Report:

- The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors.
- The total amount of money expended during the year on providing those facilities and paying those expenses.
- Additional information as required by the *Local Government (General) Regulation 2005*.

1.6. Definitions

Expenses:

Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.

Expenses must be outlined in a council's policy and may be either reimbursed to a councillor or paid directly by a council for something

Items requiring Council Resolution

that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities:

Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.

Functions of civic office / civic functions:

Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.

Reasonable costs / expenses

A cost and expense that, in its amount and nature is consistent with what a reasonable person would incur, in the conduct of the same activity in the same or similar circumstance

PART 2 PAYMENT OF EXPENSES

2.1. General provisions

2.1.1. Payment of Expenses generally

Berrigan Shire Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.

To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.

Reimbursement of costs and expenses to Councillors will be processed following the submission of appropriate receipts and tax invoices, and the completion of the required claim forms.

A claim form must include an itemized account of expenditure and should not be general in nature. Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred, it was not general in nature, and that the Councillor certifies that the expense was for the purpose intended. Generally, this will only be acceptable when it was not possible to obtain a tax invoice or receipt, or proof of purchase was lost during the payment process (i.e. ticket taken and not returned by an automatic machine).

Where possible, expenses should be claimed as part of the Councillor monthly return. If waiting until the time of the monthly return would cause undue hardship, arrangements can be made to submit an earlier claim. All expenses must be claimed within 12 weeks of being incurred.

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Berrigan Shire Council operates an internal requisition process that will enable most expenses associated with attendance at conferences, seminars and training courses to be directly invoiced to the council. This system can be used to cover expenses relating to registration fees, travel and accommodation.

Where possible, provision will also be made for the cost of meals and incidentals not covered by registration fees to be charged back to the Council. This system will help minimize out-of-pocket expenditures to Councillors.

In certain circumstances Councillors attending conferences, seminars and training away from home may request payment in advance, in anticipation of any additional expenses that may be incurred (i.e. meals not covered by registration fees, taxi fares etc.). In most cases the advance will be in the form of petty cash and will need to be pre-arranged with the Council's Finance Section. On their return, Councillors must fully reconcile all expenses against the cost of the advance within 14 days.

A general expense allowance will not be available under any circumstance.

All expense provisions have a monetary cap. This cap is to ensure that Councillors and the community can have a reasonable expectation as to what the scope of expected expenses may be and also to serve as a guide to Councillors.

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as "Frequent Flyer" schemes or any other such loyalty programs while on Council business. However, it is acknowledged that incidental use of Council equipment or facilities may occur from time to time. Such incidental use is not subject to compensatory payment back to the Council.

Where more substantial private use does occur the Act provides that a payment may be made to cover the level of private use. Where this is expected or is likely to occur, specific expense and facility provisions reflect appropriate mechanisms to compensate the Council for such use.

Participation in Council elections is a private matter and Councillors must not use Council resources in the course of this participation.

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business trip or when receiving visitors, these gifts should be of token value and in accordance with any policy developed by the Council. Clarification of what token gifts and benefits are can be obtained from the Council's Code of Conduct, clause 5.3.

Items requiring Council Resolution

While this policy attempts to clearly articulate circumstances concerning the payment of expenses and provision of facilities it is possible that a dispute may arise regarding these.

In circumstances where such a dispute does arise the dispute will initially be referred to the Council by the General Manager for the determination. In making its determination the Council may use the services of one of its appointed Conduct Reviewers, its Solicitor or other appropriate external resource to assist with that determination.

2.1.2. Spouse and partner expenses

On occasions, it will be appropriate, and in some cases a requirement, that Councillors will be accompanied by their spouse, partner or accompanying person¹ to official functions and activities. In these instances, certain costs incurred by the Councillor on behalf of their partner (meaning spouse, partner or accompanying person), are properly those of the Councillor in the performance of his or her functions and are thus reimbursable.

Berrigan Shire Council will meet the reasonable costs of a partner attending official council functions within the local government area where it could be reasonably expected that the partner would attend.

The Council will also meet the expenses for the partner of the Mayor (or a Councillor when they are representing the Mayor), when they are called on to attend an official function of council or carry out an official ceremonial duty outside of the council area.

Where partners accompany Councillors to seminars and conferences and the like, the Councillor will be personally responsible for all additional costs associated with their partner's attendance, including travel, accommodation, meals, partner's programs etc.

The payment of partner expenses for attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by partners are not considered reimbursable expenses.

2.2. Specific expenses

2.2.1. Travel

All travel by Councillors should use the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

¹ An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Items requiring Council Resolution

The mode and method of transportation to be used shall be agreed with the Council or the Mayor and the General Manager prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimize costs.

Where possible, a Council fleet vehicle will be made available to Councillors traveling outside of the local government area. These vehicles will need to be booked with the General Manager.

On occasions, it may be appropriate for Councillors using council vehicles to leave from home or another pre-arranged location due to the departure time. In these circumstances it may be reasonable for the Councillor borrowing the council vehicle to obtain the vehicle the night before. Likewise Councillors returning to Berrigan after 5pm may arrange to return the vehicle the following morning.

2.2.2. Local travel arrangements and expenses

As a rural council it should be recognized that Councillors will need to travel in order to carry out their civic duties.

In addition to travel within the local government area, it may be necessary for Councillors to travel outside of the local government area in order to represent the Council at meetings or events, or to take part in conferences and training activities. In most cases transportation options are limited, and with little or no public transportation the majority of travel will be by private or council provided motor vehicle.

While the Council is committed to meeting the special needs of Councillors in order to maximize participation in civic duties, the inherent nature of local government in a rural setting makes it necessary for Councillors to provide their own transport for activities within the LGA.

Where Councillors use their private vehicle for attendance at local events as part of their official duties they will be reimbursed at a rate determined by the relevant State Industrial Agreement for vehicle expenses, and should claim reimbursement as part of their usual monthly return.

2.2.3. Travel outside the LGA including interstate travel

It is acknowledged that Berrigan Shire Council is a border community and that interstate travel to Victoria and the ACT will be essential in the carrying out of the council's official duties. As such, travel to official events and activities in Victoria will be regarded in the same way as travel to locations in NSW.

Items requiring Council Resolution

As a rural LGA it is often necessary for Councillors to travel outside of the Shire in the conduct of their official duties. Councillors traveling to meetings and events within 200km of Berrigan Shire do not require the specific approval of the Council or General Manager.

Where possible, a council vehicle will be made available to Councillors traveling to events within 200km of the Shire. Where this is not possible Councillors will be reimbursed for the private use of their vehicle at the rate determined by the relevant Industrial Agreement for vehicle expenses and claimed as part of their monthly return.

Travel to meetings and events that are more than 200km from Berrigan Shire should be undertaken with the Council's or with the Mayor and the General Manager's consent. In these circumstances travel arrangements should be organized in consultation with the General Manager. If travel by motor vehicle is the most suitable method of transportation, the Council will endeavour to provide a council vehicle. If it is not possible to use a council vehicle, the Council may agree to the Councillor using his/her own vehicle.

Where the Council agrees for a Councillor to supply their own vehicle, the Councillor may claim a reimbursement for the use of their vehicle for the distance travelled at the rate specified in the Local Government (State) Award 2014. Alternatively, where a Councillor chooses to use their own vehicle, and the Council related travel only forms part of the overall travel, the Councillor may claim for reimbursement of travel costs only calculated on the basis of the average fuel consumption of the vehicle and the distance travelled that relates to the Council purpose.

If the Councillor chooses to use their own vehicle despite a council vehicle being made available, or without the prior agreement of the Council, they will be ineligible to claim a reimbursement for travel more than 200km from the Shire.

Approval to travel to destinations in states other than NSW, the ACT or Victoria for the conduct of council business requires the prior approval of the Council. The application for approval should include full details of the trip, including itinerary, costs and reasons for travel. Travel arrangements for interstate travel will be coordinated by the Council on behalf of the Councillor.

2.2.4. Overseas travel

Berrigan Shire Council will not undertake any overseas travel unless a direct and tangible benefit for the council and the local community can be established.

All overseas travel will be approved by a meeting of the full council prior to a Councillor undertaking a trip. Travel will be approved on an

Items requiring Council Resolution

individual trip basis and retrospective re-imbusement of overseas travel expenses that have not previously been authorized will not be permitted.

Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillors undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of a council business paper.

After returning from overseas, Councillors will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.

2.2.5. Reimbursement of motor vehicle expenses

Fuel costs associated with travel in a private motor vehicle will be reimbursed based on distance travelled at the rate specified in the relevant State Industrial Agreement, and not the cost of fuel.

Where travel is undertaken in a council fleet vehicle the vehicle should be refuelled with the fuel card supplied. If this option is not feasible, Councillors may use an alternative fuel distributor and claim reimbursement for the actual cost of fuel.

Fuel cards may be used for fuel and oil only and Councillors will need the password to use the fuel card. Receipts for all transactions are required.

See also Section 2.2.3

2.2.6. Infringement notices

Councillors are personally responsible for all traffic or parking fines incurred while traveling in private or council vehicles on council business.

2.2.7. Vehicle security

Where travel overnight is required, and it is necessary to leave either a council or private vehicle being used with council approval in a public place such as an airport, the staff member should, where possible, use a secure parking area and claim a reimbursement for the relevant parking fee on their return.

2.2.8. Travel using other forms of transport

Where a Councillor is traveling by transport other than a private motor vehicle, the Council will meet the full actual cost of travel to and from events, including any associated costs such as parking and road tolls.

Items requiring Council Resolution

These arrangements cover travel by air, public transport, taxis, hire cars etc. and should be arranged in consultation with the General Manager.

2.2.9. Extending travel arrangements

Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Council or the Mayor and the General Manager.

In such instances Councillors should recognize that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including meal costs and accommodation, are not considered to be reimbursable expenses.

2.2.10. Accommodation

In carrying out their civic duties, Councillors will sometimes need to stay away from home. In these circumstances the Council will meet all reasonable accommodation expenses including breakfast and incidentals associated with attendance at events, save that partners shall be responsible for any additional accommodation, meals and incidental expenses incurred on their behalf.

The wide range of events and conferences that Councillors attend often means that there is a diverse range of prices and standards for accommodation. For example the costs of staying in accommodation of a similar standard can be considerably different from regional to urban areas. Similarly, it may sometimes be necessary for a Councillor to stay in cabin accommodation at a conference in a regional area, or at a 4½ or 5 star venue in the city if this is the venue for a conference or event.

The Council will not reimburse more than \$400 per night for accommodation, although Councillors are expected to select accommodation in conjunction with the General Manager and at a standard that is appropriate to the location and event.

Reasonableness will be determined by the Mayor and the General Manager and will depend on the location of the event and the standards of accommodation available. In considering which events it may be appropriate for Councillors to attend, the potential cost of accommodation will be taken into consideration before a decision to participate is made.

Where a Councillor attends events that require travel outside of Berrigan Shire that would necessitate leaving home before 6am, returning home after 10pm or an overall working day exceeding 10 hours, then the Councillor may include accommodation after the event in travel

Items requiring Council Resolution

arrangements. This should be done in consultation with the General Manager.

Where the Council conducts Corporate Planning events at a location more than 200km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines.

2.2.11. Incidental expenses

Reasonable out of pocket or incidental expenses associated with attending official functions, conferences, seminars or training courses that Councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms.

The Council will reimburse the actual cost of transport related expenses such as taxi fares, parking fees and road tolls. Other incidental expenses such as telephone or facsimile calls will be limited to \$20 per day, or such amount as may be negotiated with the Mayor and the General Manager in exceptional circumstances.

Where Councillors are required to carry out official duties outside of the LGA or sleep away from home, each Councillor may claim reimbursement for the actual cost of sustenance (food and beverages) to a maximum of \$200 per day.

The cost of meals not included in registration fees for conferences or similar functions may be reimbursed after reconciliation. Councillors who choose not to eat a meal provided as part of a conference registration or accommodation package or the like will not be reimbursed for any additional food costs incurred.

Councillors may also claim reimbursement for meal or refreshments expenses incurred while attending business functions or meetings. In some circumstances it may be appropriate to offer an appropriate level of hospitality to non-council employees attending the meeting/function at the Council's request.

Meals or refreshments of this nature should be modest and the costs of meals limited to those outlined above, unless prior approval has been received from the Mayor and the General Manager. In order for these expenses to be reimbursed, it is important that the Councillor involved organizes pre-approval of these expenses with the Council or the Mayor and the General Manager.

2.2.12. Attendance at conferences and seminars

The Council is to be represented at Annual Conferences as under:

Local Government New South Wales

Items requiring Council Resolution

- MAYOR
- Deputy MAYOR
- General Manager
- One other Councillor

National Roads Congress

- Director of Technical Services
- One Councillor

The Council may nominate and authorise elected members whilst the General Manager may authorize employees to attend the above conferences, as may be required.

Attendance of Councillors at seminars and conferences must be authorized by the Council.

Requests to attend seminars and conferences not specified above should generally be made to the Council or, if urgent, the Mayor and the General Manager, outlining the benefits to the Council of attending the event.

Approval for discretionary trips and attendance at conferences and the like should, where possible be approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to attend seminars or conferences outside of council meetings it should be given jointly by the Deputy Mayor and the General Manager.

Where attendance at a conference or seminar has been approved, the Council will cover the actual cost of registration fees including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the Council. The reasonable cost of transportation and accommodation associated with attendance at the seminar or conference, and meals when they are not included in the registration fee, will also be met and as discussed elsewhere in this Policy.

2.2.13. Training and education expenses

Berrigan Shire Council encourages its Councillors to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible. Where possible, the General Manager will make Councillors aware of training and educational opportunities.

Attendance at training activities will be by request to the Council or the General Manager who will determine the appropriateness of the request relative to the overall training requirements of all Councillors and budgetary levels established by the Council to provide Councillor training and development.

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Where the Council is paying these expenses it is essential that the training or educational course is directly related to the Councillor's civic functions and responsibilities.

2.2.14. Attendance at dinners and other non-Council functions

Councillors attending dinners and other non-council functions are entitled to the reimbursement of their ticket or meal costs in accordance with this policy under the following circumstances:

1. The function is relevant to the council's interests; or
2. The Councillor receives an official invitation to attend a function organized by a community or business group operating within Berrigan Shire; or
3. The event will provide Councillors with a briefing on issues facing the local community.

The direct cost of attending such functions can be reimbursed as part of the Councillors normal monthly return. No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.

2.3. Communication costs

2.3.1. Communication devices installed in Councillors' residences

The Council will make available to each Councillor a mobile telephone and a tablet computer ("tablet") for use on official council business. The type of mobile telephone and table provided will be chosen by the General Manager. Councillors may choose to use the machines provided or, alternatively, use their own privately owned phone and tablet.

Use of these devises is to be in line with Council Policy on Communication Devices. Councillors are responsible for any use or misuse of these devices at any time.

The Council will meet all costs associated with the use of these machines to a maximum value of \$100 per Councillor per month. This amount includes telephone rental, other service charges, use of data services and the making of telephone calls related to official council business.

Where Councillors choose not to have a mobile telephone and/or a tablet provided, the Council will meet direct expenses associated with the use of mobile telephone services for official duties to a maximum of \$100 per Councillor per month.

Items requiring Council Resolution

2.3.2. Communication expenses while travelling

The Council will reimburse Councillors for all reasonable council business related communication costs incurred while traveling on council business. Councillors are encouraged to use their Council-provided mobile telephone to make any calls relating to Council business.

In certain circumstances it may be appropriate for Councillors to use communication devices provided by accommodation providers. Councillors are however reminded that communication charges charged by accommodation providers are often inflated and should therefore be used only when absolutely necessary.

Other than the use of a Council-provided mobile telephone, the total of communication related expenses whilst traveling will be included in the Councillors \$20 daily limit for incidentals. Should the Councillor anticipate that this limit will be exceeded, they should contact the General Manager to make alternative arrangements.

The Council acknowledges that family responsibilities may sometimes impact on the Councillor's ability to undertake their civic duties and therefore accepts that Councillors traveling away from home may need to maintain contact with family members while they are away. Where a Councillor incurs private call costs (including calls made on council provided mobile telephones) these should be limited to a maximum of 5 minutes and will be included in the maximum total for daily allowable incidental expenses.

2.3.3. Billing anomalies

Where anomalies in billing amounts become apparent, call costs may be audited and the Councillor asked to reconcile calls made with the account statement.

2.4. Care and other related expenses

To allow Councillors to undertake their council business obligations, Councillors are able to claim for the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members.

These provisions only apply to council endorsed meetings (including working parties and committee meetings) and cover the period commencing 45 minutes prior to the meeting start and ending one hour after the completion of the meeting to an upper limit of \$20 an hour. All

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reimbursements are subject to the provision of an invoice and are paid on a “per Councillor” not “per care recipient” basis.

Councillors with a disability or special access needs will be provided with additional support to allow them to perform their normal civic duties and responsibilities. The level of support will be to a level comparable to that offered to staff members and reasonableness will be based on practicality and cost.

2.5. Insurance expenses and obligations

Councillors will receive the benefit of insurance cover to the limit specified in the Council’s insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions.

All insurances are to be subject to any limitations or conditions set out in the Council’s policy of insurance.

2.5.1. Public Liability/Professional Indemnity

Public Liability and professional indemnity insurances apply in relation to claims arising out of the Councillor’s (alleged) negligent performance of civic duties or exercise of their functions as Councillors.

2.5.2. Councillors’ and Officers’ Liability

This policy covers Councillors against claims made against them for any alleged wrongful acts in the course of their duties.

Wrongful Act is taken to mean any act, error, misstatement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted by the insured person.

2.5.3. Personal Accident

Councillors are covered, within specified limits, for any personal injury obtained while engaged in or on any activity related to their official council duties including travel to and from these activities.

Full details of the insurance cover are available from the Council’s Insurance Officer.

2.5.4. Motor Vehicle

Items requiring Council Resolution

Berrigan Shire Council has an insurance policy to cover loss or damage to council fleet vehicles. Councillors using these vehicles are covered by the policy.

2.6. Legal expenses and obligations

The Council will reimburse the reasonable legal expenses of:

1. A Councillor defending an action arising from the performance in good faith of a function under Section 731 of the *Local Government Act 1993*; or
2. A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- i) Local Government Pecuniary Interest and Disciplinary Tribunal
- ii) Independent Commission Against Corruption
- iii) Office of the NSW Ombudsman
- iv) Division of Local Government, Department of Premier and Cabinet
- v) NSW Police Force
- vi) Director of Public Prosecutions
- vii) Council's conduct Review Committee/Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a general manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model code of conduct.

In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical

Items requiring Council Resolution

breach had occurred may not necessarily be considered a substantially unfavourable outcome.

The Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

The Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

No legal expense may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

2.7. Additional expenses for mayors

2.7.1. Communication costs – Mobile telephone

The Council will provide the Mayor with an additional \$150 business cost allowance for a mobile telephone - a maximum value of \$250 per month.

PART 3 PROVISION OF FACILITIES

3.1. General provisions

3.1.1. Provision of facilities generally

Berrigan Shire Council will provide Councillors with facilities equipment and services so that they can undertake their role as elected members of the Council.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.

3.1.2. Private use of equipment and facilities

It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use.

This payment will be made on a full cost recovery basis and where appropriate charged in accordance with the Council's adopted Annual Schedule of Fees and Charges (i.e. for photocopying, facsimile transmission etc.).

Items requiring Council Resolution

3.2. Specific facilities

3.2.1. Office equipment and supplies

The Council will make available for each Councillor a mobile telephone and tablet computer for use on official Council business. The Council will also provide associated hardware and software to facilitate electronic communication and storage of relevant Council documents.

Councillors will be provided with access to the photocopiers, facsimile machines, telephones and other relevant office equipment located at the council office in Berrigan for the purposes of official council business.

Each Councillor will be provided with a diary of a type and standard prescribed by the General Manager. The standard will be equivalent to diaries supplied to council staff members.

3.2.2. Office space

Councillors wishing to conduct formal meetings have access to meeting rooms at the Council office in Berrigan. These rooms must be booked through reception. See also the Councils policy on the use of the Council Chambers.

3.2.3. Secretarial support

All Councillors will be provided with adequate secretarial support so that the Council's official duties may be pursued in a professional manner.

3.2.4. Councillor name badges

All Councillors will be issued with a council name badge. Retiring Councillors will be permitted to retain their badges as a token of service to the Council.

3.2.5. Business cards

All Councillors will be issued with business cards to use during the performance of their official duties.

3.2.6. Meals and refreshments

Where Councillors attend meetings convened by the Council, minor refreshments may be provided in addition to any appropriate meals as determined by the General Manager.

Items requiring Council Resolution

3.2.7. Council vehicles

Access to a suitable vehicle (if available) will be provided for use on official duties. Vehicles will be sourced from the council's general fleet and bookings must be made in advance.

3.3. Additional Mayoral facilities

3.3.1. Mayoral vehicle

This section is to be read in conjunction with Council's general policy and in particular the Council's policy – Private Use of Council Vehicles.

The Mayor will be provided with a fully serviced and maintained executive standard council vehicle, including fuel card, for official duties and commuter use associated with such duties.

The Mayor shall be provided with full private use of the vehicle upon payment of a weekly amount as determined from time to time by the council as part of its Annual Schedule of Fees and Charges.

PART 4 OTHER MATTERS

4.1. Acquisition and returning of facilities and equipment

On the completion of their term of office, extended leave of absence or at the cessation of their civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes mobile telephones and tablet computers provided to Councillors and associated peripherals, and the mayoral vehicle.

Dedicated mobile phone accounts provided by the Council for official purposes will be disconnected within 28 days of the cessation of duties.

Under certain circumstances the Councillor may be given the option to purchase the equipment previously allocated to them at an agreed fair market price.

4.2. Superannuation

4.2.1. Councillor contributions to superannuation

In accordance with the Australian Tax Office Interpretative Decision 2007/205, the Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

Items requiring Council Resolution

To establish this facility, a Councillor must submit a written request to the General Manager, using similar wording to that of a normal employee deduction request. The request cannot be retrospective.

REPORT:

The Council must, pursuant to s252(i) of the *Local Government Act* 1993, within five months after the end of each year, adopt a Policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of civic office.

Additionally, s252 provides that:

- 2) *the policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a Councillor of a facility provided by the Council to the mayor or Councillor.*
- 3) *A Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a Policy under this section.*
- 4) *A Council may from time to time amend a Policy under this section.*
- 5) *a Policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

s253 of the Local Government Act is also relevant to adoption of such a Policy or its amendment and states:

- 1) *A Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing 28 days for the making of public submissions.*
- 2) *Before adopting or amending the Policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment.*
- 3) *Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.*
- 4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a Council is to forward to the Director-General:*
 - a) *A copy of the Policy or amendment together with details of all submissions received in accordance with subsection (1), and*

Items requiring Council Resolution

- b) A statement setting out, for each submission, the Council's response to the submission and the reasons for the Council's response, and*
- c) A copy of the notice given under subsection (1).*
- 5) *A Council must comply with this section when proposing to adopt a Policy each year in accordance with section 252 (1) even if the Council proposes to adopt a Policy that is the same as its existing Policy.*

The Council's Policy is, from an officer's perspective, still relevant and does not require substantive amendment.

The draft policy was placed on public exhibition through public advertisement for the required 28 days. At the close of the exhibition period no submissions were received in relation to the draft policy which could now be adopted.

Items requiring Council Resolution

**5.10 DEVELOPMENT APPLICATION 26/16/DA/DM
STRAWBERRY FIELDS MUSIC FESTIVAL**

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Diverse and resilient business

**STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local
economy**

FILE NO: 26/16/DA/DM

**RECOMMENDATION: That Development Application 26/16/DA/DM for the
Strawberry Fields Festival 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 Strawberry Fields Site Map, Event Plan, Medical Plan, Management Procedures Manuals and on the application form and any supporting information received with the application except as amended by the conditions specified hereunder.

2. Pollution

All necessary precautions must be taken to ensure that pollution of waterways does not occur in accordance with the provisions of section 120 of the *Protection of the Environment Operations Act 1997*.

3. Impact on Adjoining Properties

Measures must be taken to minimise and control the emission of dust and noise from the property to ensure that there is minimal impact on adjoining properties.

4. Combustible Material

The event site and camping areas must be grazed and / or slashed prior to the event so as to reduce combustible material and reduce the risk of harm by fire.

5. Aboriginal Place or Objects

Activities on the site must not harm or desecrate any Aboriginal place or object in accordance with the *National Parks and Wildlife Act 1974*. Should any Aboriginal object be discovered and / or harmed in, on or under the land, the event organisers must notify the NSW Office of Environment and Heritage.

Items requiring Council Resolution

6. Mosquito Borne Diseases

Precautions must be undertaken prior to, and during, the event to reduce the potential for exposure to mosquito borne diseases given that there are large areas of stagnant water in close proximity to the site. The Murrumbidgee Local Health District of the NSW Department of Health in Wagga Wagga can be contacted on (02) 6933 9100 for advice.

7. Food Stall Holders

All food stall holders must operate in accordance with the *NSW Food Act 2003* to ensure that the health and well-being of patrons is maintained.

8. Emergency Services

All emergency service organisations in the locality must be notified at least two weeks prior to the event to ensure that all resources will be available in case of emergency.

9. Fencing

Appropriate fencing must be provided and maintained between the event site and adjoining properties throughout the event in order to contain patrons and prevent stock escaping.

10. Security

All security personnel must be licensed and boundaries with adjoining properties are to be monitored at all times with patrons warned upon entry that penalties apply if caught trespassing. Sufficient security personnel must be employed to achieve the above requirement and a security presence must be maintained from Thursday until Tuesday noon. This condition is added to maintain site safety and ensure patrons do not encroach on adjoining properties.

11. Native Vegetation

Any destruction or injury to native vegetation is to be undertaken in accordance with the provisions of the *Native Vegetation Act 2003* and where necessary an approval obtained from the Murray Catchment Management Authority.

12. Litter

Garbage bins must be provided throughout the area and the site must be inspected following the event to ensure all litter is collected and disposed of appropriately. At the cessation of the event a site inspection must be arranged with Council officers to ensure that there is no refuse remaining on site.

13. Site Inspection

Items requiring Council Resolution

An inspection by Council officers prior to the event must be arranged and undertaken to ensure all conditions of consent have been met and the proposal has been implemented in accordance with the submitted documents.

14. Traffic Management

Provision must be made on site for extensive traffic queuing areas and a sufficient number of traffic management staff employed to direct traffic in an orderly manner to ensure that queuing on Lower River Road does not occur at peak times or in the event of access to the camping areas being obstructed.

15. Liquor Licensing

A valid liquor license issued by the NSW Independent Liquor and Gaming Authority must be in place for the event and all persons responsible for the sale of alcohol must possess accredited Responsible Service of Alcohol certificates. Evidence of this must be provided to Council prior to commencement of the event.

16. Access

A wide, all weather access track must be provided to ensure that response vehicles will be able to access the site in the case of an emergency.

17. Water Activities Management

No infrastructure of any type (e.g. buoy, netting or barrier) is to be placed in the river that might encourage persons to enter the water or swim out to hold on to it.

The current Water Activities Management Plan is to be amended to provide for additional safety vessels, with separate vessels located at the upstream and downstream boundaries of the swimming area during all official sun light hours and when any person is in the water.

The applicant is to ensure that signage is erected at boat ramps and access points upstream and downstream of the event location, warning boaters of swimmers in the area.

The applicant is to distribute safety advisory material (i.e. sourced from Royal Life Saving Australia) regarding water safety and drug/alcohol awareness around water at the event.

No pollution (including litter) from the development should enter or impact on the adjacent river (as required by the *Protection of the Environment Operations Act 1997*).

REPORT:

Items requiring Council Resolution

Site

The subject site is adjacent to the Murray River, is located on Lower River Road, Tocumwal and is also identified as Lot 17 DP752304. The property is approximately 10km west of the township of Tocumwal and is 64.75ha in size. The site is located within Zone RU1 – Primary Production Zone under the provisions of the *Berrigan Local Environmental Plan 2013* (BLEP), and is currently used for low intensity agriculture. The land is designated both bushfire prone and flood prone under the provisions of the BLEP. There is a large area of approximately 10ha that is vacant of vegetation (excluding grass) at north of the property. Otherwise, the site consists largely of open woodland native vegetation, with some cleared areas as indicated on the aerial photo below. Land along the eastern boundary has been cleared of vegetation for the construction of a boundary fence. Adjoining properties are generally similar in nature with the nearest permanent residence located approximately 1.5km ‘as the crow flies’ from the site.

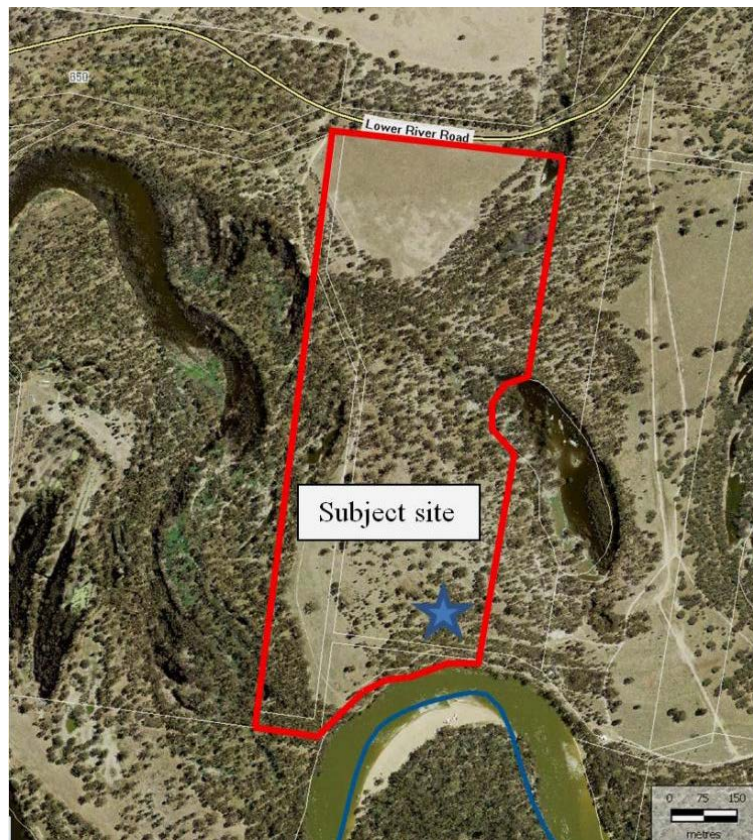


Figure 1 – Aerial Photo showing subject site, star indicating approximate location of main stage

Items requiring Council Resolution

Proposal

This proposal is for the Strawberry Fields Festival event, which is an annual celebration of art, sound and creative expression held for three days each November, a few hours outside of Melbourne, Australia. To put simply, the event is an outdoor music festival with live performers, DJs and camping – and is currently in its seventh year of operation. The event organisers, the Strawberry Music Group Pty Ltd, take great pride in attracting a diverse selection of both renowned and breakthrough electronic music from both Australia and overseas. Additionally, the event challenges patrons to indulge themselves ‘in a sensory feast, including soul shaking sound, world-class decor, dozens of eclectic market stalls, artistic installations, live performance art, workshops, forum discussion and more’.

Overall, it is important to emphasise that the event was founded with the intention of achieving the following three goals:

1. **Provide a platform for young, local and upcoming talent.**
2. **Create a unique environment for showcasing art and music**
3. **Celebrate the wild Australian bush**

EVENT PARTICULARS

The event is likely to attract up to 5,000 patrons (which is the limit where ticket sales have been capped), with gates opening at 12pm Friday 20th November and closing at 12pm Tuesday 24th November. During the event, entrance gates will close from 1:00am - 9:00am with the exception of the movements of Event Staff, emergency services and other special circumstances.

Similar to previous years, food and retail stalls will be incorporated within designated market areas and a garden bar will serve craft ciders, beers and a limited range of spirits. Speakers and workshops will feature during the day time with primary entertainment running from 4pm Friday 20th November to 2am Saturday 21st November and then from 9am Saturday 21st November to 8.30pm Monday 23rd November. All patrons are to have vacated the property by 12pm Tuesday 24th November, after which time only Event Staff will remain to complete site cleanup. Staff and contractors will overall attend the site intermittently from 1 November to 1 December, 2015.

The plan submitted with the development application for the festival is quite comprehensive, and contains the location for a large Emergency Evacuation Point (at the aforementioned vacant area of the top of the site), traffic processing area, lower and upper camping areas, crew camping area, markets areas, stages, toilet facilities, waste management and emergency services (See Appendix “B”).

Additionally, a detailed and comprehensive Event Plan has been prepared and provided in support of this application (See Appendix “C”). Submitted together with this plan were also the following plans:

Items requiring Council Resolution

1. Fire Management Plan (See Appendix "D");
2. Security Management Plan (See Appendix "E");
3. Emergency Management Plan (See Appendix "F");
4. Risk Analysis (See Appendix "G");
5. Medical Plan (See Appendix "H").

Following a discussion with stakeholders on 4 September, 2015, Berrigan Council requested documentation regarding Water Activities Management for inclusion with the application. This Plan was in turn submitted to Council on 28 September, 2015 (Appendix "I").

Issues with previous events

The event is now approaching its fourth consecutive year within the Berrigan Shire, with the past 3 years on an adjoining property. The following issues have been raised in previous years:

- Trespassing
- Noise disturbance
- Litter
- Traffic / Lower River Road
- Potential fire risk
- Security
- Access
- Effect on native animals

Response to issues with previous events

Trespassing

In order to minimise the risk of trespassing a condition of consent will require appropriate fencing to be provided and maintained at all times between the event site and adjoining properties. Correspondence received from property owner where the Festival is proposed has revealed that a secure fence along the eastern property boundary will be constructed before the commencement of the festival. The Event Plan has also detailed that 'the event will be employing the services of a professional security company. At any one time a minimum of 20 professional security officers will be on duty, patrolling the perimeter, gate entry, primary traffic intersections, and festival area. In 2012 and 2013 there were a small number of incidences of underage persons from Berrigan, Finley, Cobram and Tocumwal walking through the neighbouring properties to illegal access the event and venue. After two years of policing and improving the approach to these issues, there were no such incidents of trespassing in 2014.

It is also worth noting that the majority of trespassing incidences in previous years involved patrons gaining access to water features on adjoining properties as a result of the hot weather. The event this year will include a designated swimming area in the Murray River. Finally advertising and sign

Items requiring Council Resolution

posts throughout the will advise that any person caught trespassing will be permanently ejected from the event and have their ticket confiscated.

Noise disturbance

The event plan was acknowledged that noise levels have been excessive in previous years. However, the organisers have implemented sound containment strategies to significantly reduce noise levels. According to the event plan, through discrete placement of stages to take advantage of natural amphitheatres and audio barriers, sound should not interfere with the beneficial use of those residential dwellings which are located within a close distance. Outputs will be monitored at all times for compliance with reasonable standards.

The organisers have also restructured and rescheduled late night entertainment to include periods of complete silence and cut back on overall hours of operation. Finally, in the event noise can be heard from a neighbouring residential property, affected parties will have 24 hour access to the direct satellite phone line of our Operations Room who will be able to convey any message to the Site Operations Manager and Event Directors.

Litter

The event plan details significant improvement of waste management for the proposed 2015 Festival. As part of ongoing planning developments, the organisers have stated that they will be dramatically increasing the number of Waste Management Staff, so that we can strictly adhere to their own internal 'leave no trace' policy. The event will implement an environmental harm reduction and waste management plan including but not limited to:

- Rubbish and recycling bins and larger skips located throughout the venue
- Regular staff patrols to ensure rubbish and recycling bins are not full nor overflowing
- Collection by truck of all rubbish from the event at event closure
- Music breaks for crowd involvement in rubbish collection at stages
- Regular pumping of toilets during event
- All human waste product will be contained within toilet facilities and transported by the respective vendor to an appropriate disposal facility.

Traffic / Lower River Road

Queuing areas will be provided within the site are aimed at reducing the impact on Lower River Road. Doubling traffic management staff during peak times will be reinforced via a condition of consent.

Potential Fire Risk

Items requiring Council Resolution

Similar to the approach last year, potential fire risk has been addressed through a qualified and experienced “Fire/Emergency Management Co-ordinator” (*FMC*) who will head the Fire Management/Response Team (*FRMT*) and will perform the role of **Fire Commander** in the event of an incident occurring. The Fire Management Co-ordinator (*FMC*) or their nominated delegate shall be solely responsible for the tasking, operation and deployment of the *FRMT* personnel and resources for the duration of the Strawberry Fields 2015 event. This is also detailed in the Fire Management Plan, which has been submitted with the application (Appendix “D”). The Fire Management Plan is extremely comprehensive, and it considered sufficient for the protection of the Festival Participants and surrounding properties.

Security

The security team and security staff will be again increased this year, in response to issues from 2014 Festival. The event will be employing the services of a new professional security company, who have been extensively briefed on their role. At any one time a minimum of 20 professional security officers will be on duty, patrolling the perimeter, gate entry, primary traffic intersections, and festival area. The event organisers will comply with legislation outlining the ratio of security personnel to patrons. Security personnel will be in constant 2 -way radio contact with the venue’s site office, first-aid officer and event supervisors and will be advised to act at their own discretion. A detailed security management plan (Appendix “E”) has also been submitted with the application, as also mentioned previously in this report.

Access to the site

It has been noted in previous years that access to the Festival Site has been problematic when the surface is not of all weather. Given the change of site, the main access track leading into the festival will be enforced by a condition of consent to ensure that it is all weather. This access track will also be wide enough to ensure that response vehicles will be able to access the site in the case of an emergency.

Effect on Native Animals

Appropriate noise and pollution conditions of consent will minimise the impact on native animals. An event of this nature will obviously unavoidably affect native animals in the area but with the duration of the event being five days this is not likely to be a long term impact. A condition of consent will require appropriate fencing between the site and adjoining properties to minimise the impact on neighbouring stock and prevent them from escaping.

Report

Items requiring Council Resolution

There are a number of potential impacts related to a proposal of this type which must be addressed if development approval is to be granted.

- **Relevant State Environmental Planning Policy provisions**

Deemed SEPP - *Murray Regional Environmental Plan No 2—Riverine Land* (MREP2) applies to riverine land of the River Murray within Berrigan Shire. This proposal is located within the area to which this Plan applies. One of this SEPP's main objectives is 'to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray'. As a temporary use of the land the proposal does not trigger any specific referral or consultation requirements under the provisions of this plan and it is not inconsistent with the general aim of the plan to enhance the riverine environment for the benefit of all users. Given the limited duration of the event and the substantial environmental commitments provided by the proponent in the Event Plan, it is considered that the provisions of MREP2 have been satisfied.

The second is *State Environmental Planning Policy (Rural Lands)* 2008, which aims 'to facilitate the orderly and economic use and development of rural lands for rural and related purposes'. The site is not considered to be prime agricultural land given the extensive scrub & native vegetation and that it is mainly used for low intensity agriculture and sporadic grazing from time to time. The Strawberry Fields Event is therefore considered to be a welcomed addition to economic generation for Agricultural Land, which is in line with Rural Planning Principle (c), under section 7 of this SEPP.

- **Relevant Berrigan Local Environmental Plan 2013 (BLEP) provisions**

One of the BLEP Primary Production Zone's objectives is 'to permit development that enhances the agricultural and horticultural production potential of land in the locality. This festival meets this objective, especially as one of the festival's goals is to celebrate the Australian bush. Additionally, this development will meet another objective as it encourages 'diversity in primary industry enterprises and systems appropriate for the area'. The aforementioned limited duration will ensure limited conflict between land uses within this zone.

Clause 2.8 – Temporary Use of Land

Clause 2.8 allows for developments of this nature so long as the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. The maximum period under this clause is 52 days. It is anticipated that the entire time of bump in, the festival and bump out will be only the month of November (30 days), and therefore will not exceed 52 days.

Items requiring Council Resolution

Clause 5.9 – Preservation of trees or Vegetation & Clause 6.5 – Terrestrial Biodiversity

Section 5.9 of the *Berrigan Local Environmental Plan 2013* contains an objective to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. During a site visit conducted on 7 October 2015, it was noted that there has been clearing along the eastern boundary to assist with the construction of a secure fence as to ensure that there will be no trespassing from Festival Participants and to ensure that there is no unauthorised entry to the Festival. This development does not require the further removal of any vegetation of native tree species.

Clause 5.11 – Bush Fire Hazard Reduction

As mentioned before, the land has been identified as bushfire prone. A Fire Management Plan was submitted by the applicant when lodging this development application. The report highlights that ‘as part of site preparation works, the reduction of “ground based” fuels is proposed’. Such works are in accordance of Clause 5.11 of the *Berrigan Local Environmental Plan 2013* – which allows authorised work without development consent. The site visit by Council Officers confirmed that reduction of on ground fuel loads through raking and stockpiling.

Clause 6.2 – Flood Planning

The main objective of Clause 6.2 of the LEP is to minimise the flood risk to life and property associated with the use of land. It also states that a consent authority must not grant development consent unless it is ‘satisfied that the development is compatible with the flood hazard of the land’. Given the temporary nature of this event and the time of year, it is extremely unlikely that the event would suffer from intense flash flooding that would cause risk to property and life. Additionally, the stages and market areas are not located in low lying sections of the subject site. Overall, the risk analysis submitted with this application has identified flooding as a high; however generally flooding in this location has at least 5 days warning.

Other LEP Provisions

There are no heritage items which are being demolished or removed as per clause 5.10 of the *Berrigan Local Environmental Plan*. Finally, conditions of consent will be added to the development approval to ensure that the associated earthworks comply with clause 6.1, which is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

- **Relevant Development Control Plan(s) provisions**

Items requiring Council Resolution

In taking into account provisions of the *Berrigan Development Control Plan 2014*, Strawberry Fields Festival does not fit neatly into a specific chapter. The proposal is consistent with the objectives of Commercial Development, especially which encourages orderly and economic development within the Shire having regard to its commercial and retail needs. Below is a list of some of the headings found under chapters of the DCP which will be used in this assessment:

Access

Section 3.4 of the DCP relates to parking and access. One of the important controls under this section requires that development must be designed with sufficient turning areas for the vehicles expected to require access to the site. The site is already capable of large vehicle access which already occurs on a sporadic basis for the day-to-day operation of the festival. A condition of consent will require the access driveway to be of a state that will allow emergency vehicles to be able enter and leave safely without having an adverse impact on road traffic. The site map submitted with the application also shows the Traffic Processing Area to ensure that car entering the festival will also not cause impact of existing road traffic. Finally, the internal access track will be all weather and sufficient width for emergency vehicles as mentioned previously.

Traffic & Car Parking

The event plan has detailed how the organisers are continuing to improve traffic flow into the site by again increasing the number of queuing traffic lanes on entry, and the demarcation of traffic within the event site. Extra staff will be employed to supervise this entry during peak periods. The following will also be implemented:

- ✚ Event staff will be stationed throughout the camping area, car park and at the entrance to the event;
- ✚ Patron cars will queue within the event property to ensure no impact to traffic on the local main road;
- ✚ Signage will be employed extensively inside the venue to indicate the desired traffic flow (for both directions) and a speed limit of 10 km p/h enforced at all times.
- ✚ Patron parking will be permitted within the allocated camping area unless it is seen that this area has become overly congested in which case the overflow will be used.
- ✚ In the event of any adverse weather or other obstacles, overflow parking will be available in an allocated section near the entrance to the property
- ✚ Parking space will be marked with hazard tape to ensure that access ways are not blocked.

Items requiring Council Resolution

The above measures meet the objectives of the section of the Development Control Plan.

Flood Prone Land

This chapter of the DCP has generally been address in the aforementioned Flood Planning (Clause 6.2 of the *Berrigan LEP 2013*).

Notification Policy

This chapter of the DCP is addressed later in the report, in the Submission section. That application has advertised in the *Cobram Courier* and the *Southern Riverina News* for the required period (14 days) and neighbours were notified. Additionally, the stakeholders as well as all organisations with an interest in the event were individually notified by email.

- **Other Likely Impacts of Development**

Primary Matters	Comment
Public Domain	Suitable pedestrian linkages are provided within the site.
Utilities	A minimum of 30000 litres of clean drinking water will be provided through a temporary underground piping system and nine generators with a rated power output of 40KV _a will be employed.
Environmental Impacts	Any significant environmental impacts are considered to be short term in nature due to the limited duration of the event. The proposal was referred to the Environmental Protection Authority (EPA) for comment with no objection received. An environmental action and waste management plan outlines a commitment to the environment and adequate measures for sanitary facilities, sewerage disposal and waste collection.
Noise	Noise pollution is inevitable and measures have been taken to mitigate this with improvements made from previous years. The site is located in a suitable area with very few residential properties in close proximity.
Natural Hazards	A comprehensive emergency management plan has been submitted establishing the administrative structure and procedures for the handling of emergencies including natural hazards (See Appendix "F").
Safety, security and crime prevention	Professional security officials will control underage admission, monitor the festival boundary and prevent access to the electrical generators. Officials will also handle patrons displaying anti-social behaviour and summon emergency services as required.
Social Impact	This proposal has the potential to have a negative impact in terms of social cohesion in the locality. This has been mitigated as far as is possible through notification and consultation with residents in the locality and wider Tocumwal community organisations.
Economic Impact	The proposal will have a significant positive economic impact. Event attendees are likely to patronage shops and services in Tocumwal and local businesses are actively tendered.
Swimming	As mentioned above, this proposed site will have a designated swimming area in the Murray River, located at the south of the site. A Water Activities Management Plan (found in Appendix "G") provides an overview of the plans, strategies and processes being applied to the management of water based recreational activities. A specialist, "professional" lifeguard service has been engaged to provide appropriate aquatic management, supervision,

Items requiring Council Resolution

	<p>response and recovery services to the festival community for the duration of the event. Swimming and recreational use of the river by festival participants will be restricted to specified times during daylight hours only (<i>nominally 1000 – 1800 hrs</i>) and will only be permitted within a clearly defined/designated area – this being subject to patrol and supervision by the “lifeguards”. The ability for organizers to effectively prohibit participants from entering the waterway in pursuit of individual aquatic recreation, is considered impractical and unachievable, therefore the establishment of appropriate controls designed to mitigate risk and manage aquatic behaviour is preferred.</p>
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Submissions

The proposed event was advertised, neighbours notified and referred to a number of public authorities and emergency service organisations. The main event planning documents were also placed on the Berrigan Shire’s Website. Written submissions on the proposal were accepted until Friday 10th October 2015. At the close of agenda Tuesday 12th October, a total of six submissions had been received (five opposing and one in support).

1. This first submission received was from Finley Medical Centre’s Health Promotion Doctor was against the proposed development. The Doctor expressed concern about the incidents of ‘drunk, over dosed young people due to reckless behaviour during the festival’. He believes that festival poses significant threat to the community through the promotion of a ‘party/drug’ culture.
2. Chairman of the Finley Heath Advisory Committee also urged Council to reject the Development Application on the grounds that the anti-social behaviour and negative social implications.
3. NSW Police Deniliquin Local Area Command also opposed approval of the Development Application. It was of his view that serious concerns ‘have been identified with regards to access and egress for patrons’. Additionally, he was concerned about ‘issues involving drug and/or alcohol impaired drivers travelling to and from the festival in both rural NSW and Victoria’.
4. The Principal Manager of South Boating Operations Branch of NSW Roads & Maritime Services raised concerns about the location of the event being adjacent to the Murray River and the safety of event patrons accessing the river. He recommended that the applicant consider alternative locations that do not ‘provide access to the river’. However, in the event that this was not feasible, it is recommended the addition of 6 conditions to the Development Consent should the development be approved.
5. The Acting Senior Nurse Manager of Finley, Berrigan, Jerilderie and Tocumwal Health Services (Murrumbidgee Local Health District) also recommending the rejection of the application given the additional cost to the health service and the possible ‘events of an aggressive mental health

Items requiring Council Resolution

patient presentation and/or assisting in locating an absconding patient/resident’.

6. Finally, the neighbouring property owner contacted the Berrigan Shire to express his support for the festival. In his opinion, the festival ‘is of significant financial benefit to the community’ and ‘the festival in previous years ‘was conducted in a professional manner and demonstrated a strong focus on safety and community care’.

Response to Submissions

The submissions objecting the development are of a serious nature, and need to be addressed as to their merits. Below is the individual response to these issues:

‘Party / Drug Culture’ / Anti-Social Behaviour /

The concerns about the sub-standard behaviour of patrons are valid. However, the event plan submitted with the application details the event organisers efforts to improve behavioural standards, such as the implementation of Drug & Drink Driving initiatives which plan to combat the ‘party & drug’ culture which surrounds festivals of this nature. These include information and education of patrons, as well as the proposed partnership with *DanceWise* and *Blow Me First*. The *DanceWise* team will be operating a harm reduction space at Strawberry Fields 2015, and distributing valuable information to attendees concerning their rights and responsibilities. *Blow Me First* will also be in place to provide drug and alcohol tests to all departing patrons to ensure that they are not driving under any influence. The 2014 statistics of illegal activities showed a dramatic improvement from 2013, and the organisers have further committed to ‘ramp up all possible efforts on this front’ in the interest of safety of the festival patrons and the broader community. These efforts are of a similar nature to the efforts made by the Berrigan Shire to promote safety within the community.

Access & Egress

Access & Egress within the site has already been extensively discussed in this report. The concerns highlighted in submission process are to some degree valid. However, the concerns have been mitigated by the previously discussed condition of consent, which will be attached to the approval to ensure that the access track is all weather and will also be wide enough to ensure that response vehicles are able to access the site in the case of an emergency.

Swimming

The submission from the RMS in regards to the Water Activities Plan is certainly taken very seriously by the Berrigan Shire Council. To this end, it is recognised that the submission allowed the Water Activity to proceed (whilst

Items requiring Council Resolution

not the preferred option), as long as conditions were included with the development approval relating to the increasing life guards and live saving equipment. The conditions are important to mitigate the risk involved with the proposed swimming, and will be included within the conditions of consent.

Presentation of Aggressive / Absconding Patients

The submission received in regards to the possible presentation of Aggressive/Absconding patients is certainly valid. However, given the already mentioned efforts from the organisers to promote education of attendees concerning their rights and responsibilities, this concern has been addressed as much as there is only a possibility, and not an absolute certainty that the local health services will be called upon to administer to a patron in these circumstances. Furthermore, the first aid provided by the St John Ambulance, as detailed in Appendix "H", will assist in mitigating the presentation of patrons in such condition.

Public Interest

The proponent has demonstrated that the event is to be well organized in a professional manner. It is worth noting the positive economic impacts likely to result from the attraction of up to 5,000 patrons to the outskirts of Tocumwal. In addition to the potential benefits of those attending taking a detour into the township of Tocumwal the applicant proposes to actively support local businesses by renting out local motels and B&Bs for staff accommodation, engaging local contractor and equipment hire and providing complementary free market stalls to residents of Tocumwal. Furthermore, the applicants have acknowledged that the local community plays a key role in sustaining the festival. In response to this goodwill, the event allocates \$1.00 from every ticket sold to a community fund – to be on forwarded to local charities.

Conclusion / Legislation

The assessment of this development application has been undertaken to especially consider the relevant parts of Section 79C of the *Environmental Planning and Assessment Act 1979*. Upon taking into account these considerations, the proposal for the Strawberry Fields Festival will be an important income generating business for the Township of Tocumwal and surrounding townships. This development is seen of high importance, which will generate further employment for local people as well as a much need social outlet for the young people of the area.

Items requiring Council Resolution

**5.11 DEVELOPMENT APPLICATION 32/16/DA/D2
GRAIN BUNKER**

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy

FILE NO: 32/16/DA/D2

RECOMMENDATION: That Development Application 32/16/DA/D2 for a Grain Bunker be approved subject to the following conditions:

18. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the application form and any supporting information received with the application except as amended by the conditions specified hereunder.

19. Internal roads

The internal roads must be constructed to an all-weather surface incorporating effective drainage measures and be suitably maintained to minimize noise impacts in the locality.

20. Dust

Dust suppression measures must be implemented on site during operations and at other times during dry and windy conditions to ensure that nuisance to surrounding properties is minimized.

21. Management of the site

The site must be maintained in a clean and tidy state at all times to ensure that grain refuse does not contribute to infestations of mice, birds and other vermin and to protect the amenity of adjacent residents.

22. Hours of operation

The hours of operation of the facility are restricted to 6.00am – 8.00pm to ensure that the amenity of adjacent residents is maintained.

23. Stormwater

All stormwater generated from the new bunker site must be directed to the existing stormwater retention basin and not cause nuisance to adjoining properties.

Items requiring Council Resolution

24. Property access

Vehicular access to the new bunker must be undertaken from within the existing grain handling facility. No additional ingress or egress from Strathvale Road is permitted.

25. Landscaping

Landscaping of the southern section of the site including solid fencing and the planting of screening vegetation must be undertaken to mitigate the impact of dust and noise upon adjacent residential properties.

REPORT:**Site**

The subject site is located at 92 Strathvale Road, Berrigan which is also identified as Lot 63 on Deposited Plan 1127637. The subject property is located adjacent to the village boundary on the north-eastern entry to the township of Berrigan (see aerial photo below). The site is located within Zone R5 – Large Lot Residential Zone under the provisions of the *Berrigan Local Environmental Plan 2013* (BLEP), and is currently used for low intensity agriculture. To the east of the site is existing machinery sheds and agriculture infrastructure.

The property is owned by a private owner, who was leased part of his land to McNaught's Transport Pty Ltd to develop. Located within a close proximity to the west of the site is an already industrial grain bunker and storage facility. To the south of the site there are some residential dwellings, which are on the edge of the Township of Berrigan.



Figure 1 – Aerial Photo showing subject site, star/blue line indicating approximate location/size of grain bunker

Items requiring Council Resolution

Proposal

The proposal submitted is for the extension of an existing freight transport facility. The extension will be 50 metres wide and 390 metres long, and will form an irregular rectangle shape only a general northwest-southeast axis. The approximate total size will be 1.95 hectares (see Appendix "J"). Additional proposed works include fencing of unfences areas of the site and stormwater drainage to existing infrastructure. The development will also include the removal of two pine trees and earthworks to level and construct an internal access way track.

The proposal submitted to Council has been supported by a comprehensive Planning Report and Statement of Environmental Effects prepared by a reputable planning consultant (see Appendix "K").

It is also proposed that in conjunction with the operating hours of the previously approved grain bunker, this extension will also operate between 6am and 8pm. Vehicular access to the extension will come from the existing crossover located on Strathvale Road. The maximum size onsite delivery vehicles will be a 26 metre B-double truck, which also is no change from the existing bunker.

Report

There are a number of potential impacts related to a proposal of this type which must be addressed if development approval is to be granted.

- **Relevant State Environmental Planning Policy provisions**

There is only one State Environmental Planning Policy which applies to this development. State Environmental Planning Policy No 55—Remediation of Land (SEPP 55). Clause 7(1)(a) states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Information submitted along with Council records suggests that the land is not contaminated. Thus, the development applicant complies will all considerations for SEPP 55.

- **Relevant Berrigan Local Environmental Plan 2013 provisions**

Permissibility & Clause 5.3 Development near zone boundaries

The Berrigan LEP R5 – Large Lot Residential Zone allows for a wide range of permissible uses which are permitted with Development Consent. However, this development falls into the definition of **freight transport facility** – which means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved. **Freight transport facilities** are

Items requiring Council Resolution

prohibited within the R5 Zone. Therefore, this application is being submitted under clause 5.3 of the *Berrigan Local Environmental Plan 2013*, which provides ‘flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone’. The adjoining bunker is located within the IN1 General Industrial Zone, of which a **freight transport facility** is permissible subject to obtaining development approval.

Compatibility

The proponent has requested the allowance of this use under clause 5.3, given that ‘the site comprises a logical and appropriate extension of the existing freight transport facility to the west and that the use of the Site for a grain bunker would be compatible with planning objectives and land uses of the adjoining R5 zone. Under clause 5.3 (4), the consent authority must be satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

Given the relatively small size of the development within the R5 zone, this development would still allow for ‘residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality’ and also ensures ‘that large residential lots do not hinder the proper and orderly development of urban areas in the future’. The applicant also detailed in the submission that there will be no unreasonable ‘increase the demand for public services or public facilities’ given that the site is serviced via an internal access track and connections to existing stormwater drainage infrastructure each require no extra demands for new services. Furthermore, the development also complies with all of the objectives of the IN1 Zone. Finally, the carrying out of this development is timely, especially given the early harvest due to unfavourable weather conditions and the length of time needed for a rezoning.

Tree Clearing

Section 5.9 of the *Berrigan Local Environmental Plan 2013* contains an objective to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. As previously mentioned, two native pine trees are proposed to be removed. The applicant of this development correctly argues that the removal of these trees will not adversely impact the amenity of the area. However, in order to compensate for the removal of these trees, a condition of consent has been added which

Items requiring Council Resolution

required the further planting of trees to screen the development from neighbouring properties.

Essential Services

Clause 6.10 of the BLEP states that 'development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available'. Council records reveal that all services are currently connected and are available to the site.

Other LEP Provisions

There are no heritage items which are being demolished or removed as per clause 5.10 of the *Berrigan Local Environmental Plan*. Finally, conditions of consent will be added to the development approval to ensure that the associated earthworks comply with clause 6.1, which is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The land is not Flood Prone (Clause 6.2), not located within a "riparian land and waterways" area (Clause 6.4) or located within a 'wetland' area (Clause 6.5).

- **Relevant Development Control Plan provisions**

In taking into account provisions of the *Berrigan Development Control 2014*, this grain bunker extension will be assessed under Industrial Development (Chapter 3). The proposal meets the objectives of the DCP's Industrial Development Controls, being the allowance of an appropriate location which best suits for the activity and that it is sited away from existing residential areas to the west and southwest. In addition, it naturally integrates with the existing Industrial precinct and allows for the safe and functional movement of vehicles. Below is a list of some of the headings found under chapters 3 DCP which will be used in this assessment:

3.1 Appearance

The controls within this subheading state that industrial development which is not located in industrial zones must be compatible with and minimise impacts on adjoining land uses. The proposal complies with these controls for the reasons mentioned above. Given that there is no building works, the other controls are not relevant to this application.

3.2 Landscaping

The Berrigan Development Control Plan 2014 places high importance on landscaping to improve amenity and to assist in offsetting likely impacts of development. It would be recommended that the proponent continue to

Items requiring Council Resolution

minimise future land use conflict through the additional plantation of trees to screen the site.

3.4 Parking & Access

Section 3.4 of the DCP relates to parking and access. One of the important controls under this section requires that development must be designed with sufficient turning areas for the vehicles expected to require access to the site. The development complies with the controls and an existing onsite car park will continue to be used. All loading and unloading of vehicles will take place on the site and as mentioned before, all vehicles will use the existing entrance.

3.6 Amenity

One of the main objectives of this subsection is that 'outdoor areas must be treated and maintained to minimise the impacts of dust'. It is important that the proponent meets this control through the continual spraying of water, as listed as a condition of consent on the previous development application (45/15/DA/D3) for the existing grain bunker. The applicant has detailed that the suppression of dust will be undertaken, to ensure that the development will not cause adverse impact to neighbouring properties. Dust generated from the access road will be controlled by the application of water during operation. Watering will be carried out by using a water tanker.

Public Interest

This development is within the public interest, especially given that the proposed business is an extension of the existing freight storage facility which provides employment for local people. Additionally, there are many economic benefits for the township of Berrigan given that the proposal will likely use other local business throughout its operation. Furthermore, the grain bunker allows for McNaught's Transport to continue business as usual, which has operated in the local area for quite some time and provides a valuable service used by local people.

Submissions

As part of the notification process, Council advertised the development in the Southern Riverina News on 30 September 2015. The advertisement stated that documentation could be inspected during opening hours until 13 October 2015.

As part of the notification process, Council also notified adjoining neighbours about the development.

However, to date there has been no written formal submissions received about the development. One verbal comment in support of the proposal was received by staff. It was stated that the additional storage capacity would have

Items requiring Council Resolution

a direct benefit to local farmers in terms of time saved transporting grain during harvest time and also there would be a significant cost saving by not having to travel to either Tocumwal or Oaklands.

Conclusion / Legislation

The assessment of this development application has been undertaken to especially consider the relevant parts of Section 79C of the *Environmental Planning and Assessment Act 1979*. Upon taking into account these considerations, the proposal for the extension of a grain bunker is an important income generating use of resource for the local area and it is considered that the development proposal and can be supported subject to conditions.

RESOLUTION

Items requiring Council Resolution

5.12 INVITATION TO THE INTERNATIONAL CHILDREN'S GAMES – NEW TAIPEI CITY

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 02.036.7

RECOMMENDATION: - That Council resolves

1. that the invitation from the City of New Taipei to the International Children's Games 11 July 2016 – 16 July 2016 be accepted
2. that, as an approved Council event, that all activities related to the Berrigan Shire International Children's Games and Council's acceptance of this invitation be coordinated by the Berrigan Shire Youth Development Committee in consultation with the Council's Enterprise Risk Manager.

REPORT:

Following the success of the team that attended the Lake Macquarie International Children's Games 2014, and preparatory to the receipt of an invitation to the Games, the Shire's Youth Development Committee held a public meeting 25 June 2015 to gauge community support for the continued involvement of local athletes in the International Children's Games. As a result of this public meeting a community-based organising and fundraising Committee formed.

The Berrigan Shire International Children's Games Committee includes representatives from the Finley Swim Club, Finley Little Athletics, the Shire's Youth Development Committee and interested community members. The objectives of the Berrigan Shire Children's Games International Children's Games Committee include the:

1. Coordination, subject to International Children's Games Guidelines, team selection and the participation of Berrigan Shire International Children's Games Team in the International Children's Games.
2. Conduct of marketing and promotional activities related to the participation of Berrigan Shire International Children's Games Team in the International Children's Games.

Items requiring Council Resolution

3. Conduct of fundraising activities needed to fund the costs associated with the participation of Berrigan Shire International Children's Games Team in the International Children's Games.

The Council received confirmation via email 9 September 2015 that a team of Berrigan Shire athletes aged 12 years to 15 years of age are invited to the 2016 International Children's Games to be held in Taiwan. This invitation (Appendix "L") is from the Mayor of New Taipei City – Dr. Eric Liliuam Chu and the International Children's Games New Taipei City 2016 Organizing Committee.

New Taipei City is hosting the 50th International Children's Games from 11 July 2016 – 16 July 2016. Competitors at the Games can compete in athletics, swimming, tennis, table tennis, taekwondo, basketball, soccer, handball and volleyball. As with previous Games City attendance at the Games is by invitation and is generally extended to the cities and towns that have attended previous games.

The deadline for invitation acceptance and the payment of the participation fee of 350 Euros is 15 November 2015. Places at the Games are limited, and ICG Guidebook (Appendix "M") notes that 'limited positions available so we suggest you get your acceptance in early. If you do not meet this acceptance deadline, we cannot guarantee a position will be available' (ICG Guidebook, p. 2).

Now that a formal invitation has been received the next steps involve:

1. A decision by the Council, about whether it will accept on behalf of the Berrigan Shire International Children's Games Team the International Children's Games Organising Committee's invitation to the 50th International Children's Games to be held in New Taipei City 11 July 2016 – 16 July 2016.
2. A decision by the Council, subject to acceptance by Council of New Taipei City's invitation', about the degree of control and hence responsibility the Council will have for this activity.

Should the Council resolve that it will accept this invitation, the costs of its City Representative and their travel overseas to and from the Games will be the responsibility of the Council. Further this would need to include travel insurances and any expenses related to accommodation, airport transfers and food not covered by the host city New Taipei. These are costs that must be reported in Council's Annual Report pursuant to Section 428 of the Local Government Act 1993 and Section 217 of the Local Government (General) Regulation 2005.

Items requiring Council Resolution

Relevant to the second issue that of control and hence responsibility for this activity/event, the Council may wish to consider two options. The first and non-preferred option is that this event and associated activities is conducted as a partnership between an incorporated Berrigan Shire International Children's Game Committee and the Council.

Under this option, the lead partner would be the International Children's Game Committee Inc. This Committee would be fully responsible for securing all insurances, waivers, parental consents and overseeing athlete and coaches travel arrangements, team registration, etc.. This Committee would also need to be responsible for ensuring that volunteers engaged in fund raising, team selection, local and international marketing and promotion are insured and comply with relevant legislation.. The Council with this option may accept the invitation on behalf of the International Children's Game Team and send and be responsible only for the individual nominated as its City Representative.

The second and preferred option is that the Council resolves that participation by the Berrigan Shire International Children's Game Team in the 2016 International Children's Games is a Council event.

As a Council event therefore, the Council must identify and control, where possible, the risks associated with the event. While the risks related to the staging of the games will be the responsibility of New Taipei City, Council will be responsible, and liable for all activities surrounding:

- The coordination and selection of teams;
- Travel arrangements;
- Insurance arrangements;
- Management of teams travelling to and from the games;
- Supervision of participants outside of parental control;
- Emergency planning;
- Marketing and promotion activities, and
- The coordination of fundraising activities.

Council will work closely with JLT to develop a detailed Risk Management Plan that takes into consideration the following factors:

- Age and maturity of the participants involved;
- Safety and welfare of participants as well as Council delegates;
- Any special responsibilities
- International protocols
- Possible difficulties and challenges
- Basic emergency and contact arrangements

Items requiring Council Resolution

Council will also need to ensure that:

- Accompanying adults are appropriately qualified and/or experienced, are advised of their responsibilities and safety procedures, and undergo appropriate working with children checks;
- Informed consent is obtained ensuring that passport, parental information, emergency contact details, medical and consent forms are obtained;
- Participants and others have made appropriate prior arrangements including travel and medical insurance, vaccinations;
- All participants and others have been made aware of Council's expected code of conduct.

RESOLUTION

Items requiring Council Resolution

**5.13 SUSPENSION OF ALCOHOL FREE ZONE –
CHANTER STREET BERRIGAN**

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 24.128.1

RECOMMENDATION: - that the Council, subject to Police approval and development consent being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter Street, Berrigan from 6:00pm to 11:00pm on Friday 4 December, 2015 in accordance with Section 645 of the *Local Government Act 1993*.

REPORT:

The Berrigan and District Development Association (BDDA) are proposing to hold their annual Market Night in Berrigan on Friday, 4 December 2015.

For this event, the adjacent roads will be closed to traffic from 6:00pm to 9:00pm – subject to Council and police approval.

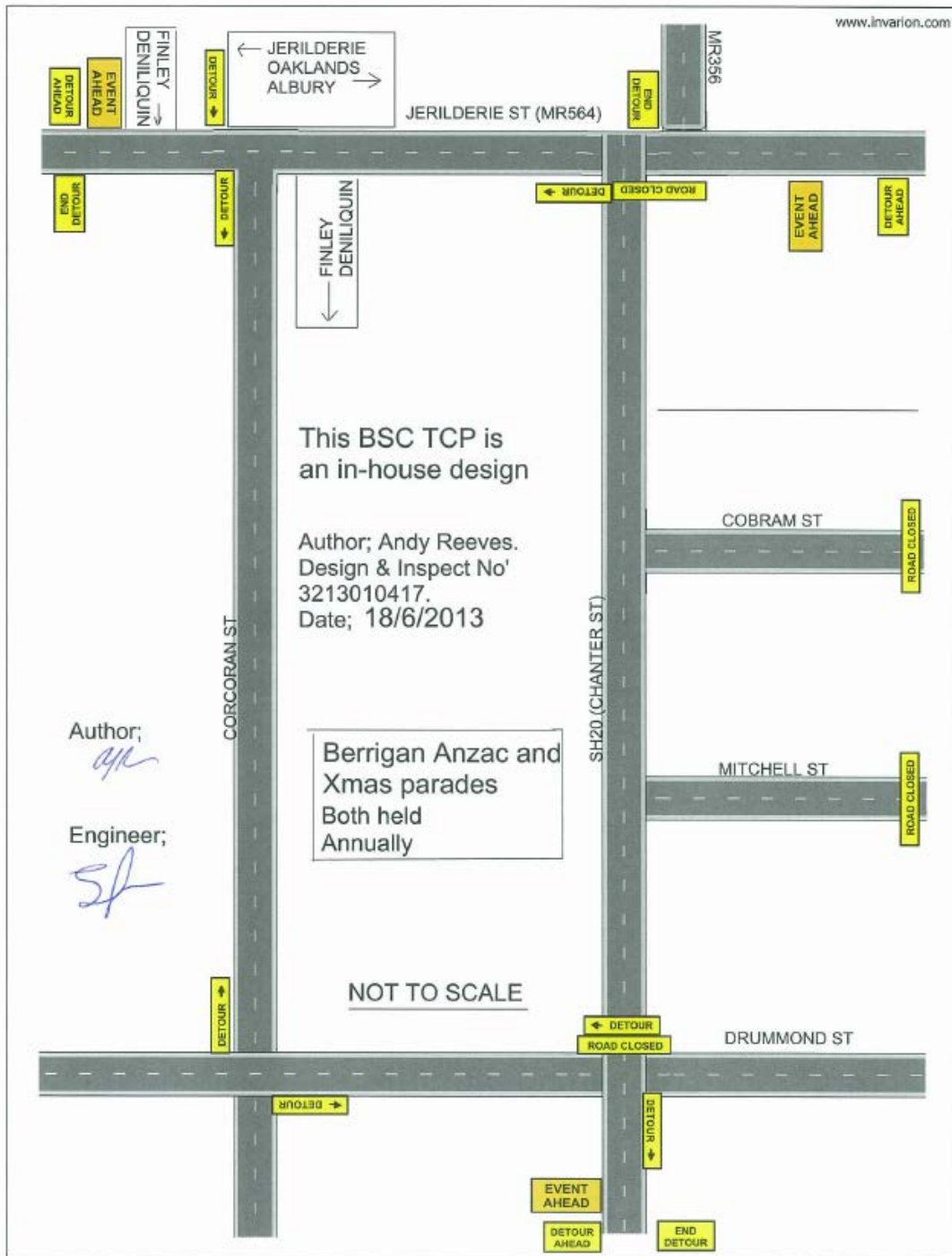
Elements of the event require approval under the *Local Government Act 1993* and this is taking place through other existing Council procedures.

The BDDA has requested the restrictions on alcohol consumption be lifted during this period for the area closed to traffic. A map of the area is shown at the end of the report.

The Council has no set policy on the lifting of alcohol restrictions but it has lifted these restrictions on alcohol consumption for this event in the past. Previous events conducted by this organisation have not created any public disturbance issues.

Under s645 of the Local Government Act, the Council may suspend the operation of an Alcohol Free Zone if desired. This power cannot be delegated. If the Council wishes to suspend the operation of the Zone, it must publish notice of the suspension in a newspaper circulating in the area concerned. In addition, the Alcohol-Free Zone guidelines advise that the Council must liaise with the police.

Items requiring Council Resolution



R E S O L U T I O N

Items requiring Council Resolution

5.14 ESSENTIAL ENERGY - JOB LOSSES

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.1 Invest in local job creation, retention and innovation

FILE NO: 10.094.1

RECOMMENDATION: - the direction of the Council is sought.

REPORT:

As Councillors may beware, local electricity infrastructure provider, Essential Energy is proposing to significantly reduce employment numbers following a determination of the Australian Energy Regulator to reduce revenue that can be raised from infrastructure as opposed to an increase which had been sought.

The Union representing the workforce has written to the Council seeking its assistance in reducing the proposed job losses. A copy of the Union's letter is circulated as Appendix "N" with this agenda.

The Australian Energy Regulator appears to have taken the position that the previous level of capital expenditure is unsustainable from a consumer perspective.

It also appears that some of the costs that Essential Energy was seeking to recover through cost increases was attributable to the double dipping allowed by current Accounting Standards and which sees cost contributions for both capital and depreciation costs.

It is noted that there are no job losses expected within the Berrigan Shire Council area.

In its letter the Union has asked the Council to consider a range of actions, being:

- Discussing the issue as a matter of urgency and adopting a resolution of the council to take action;
- Make representations to meet with your local Member of Parliament;
- Make representations to the Premier;
- Make representations to and demand answers from Essential Energy management;

Items requiring Council Resolution

- Refer the issue to your Regional Organization of Councils;
- Make a public statement, generate local media stories or undertake paid advertising demanding that Essential Energy stop job cuts in your local community; and
- Engage with local community to highlight the economic impact of job losses.

It is also worth noting the significant cost increase being applied to street lighting.

For discussion.

RESOLUTION

Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.9 inclusive be received and noted.

6.1 RATES AND CHARGES - 2015/2016 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 1ST QUARTER REPORT TO COUNCIL

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

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

FILE NO: 25.138.1

REPORT:

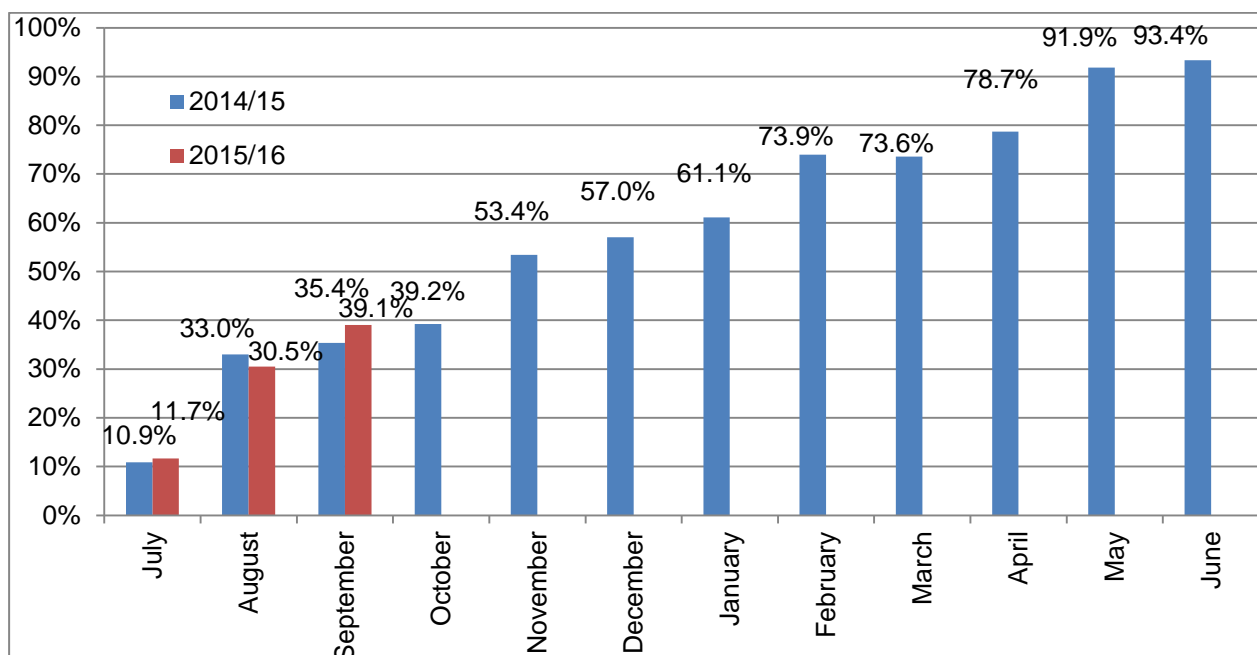
1. Rates & Charges

Rates collection at the end of the first quarter of the 2015/16 financial year is 39.1% of the total rates, service charges, arrears and water raised in 2015/16, which is a considerable increase on the 35.4% collected for the same period last year.

The increase is due to a number of large outstanding debts being paid or part paid, so I am confident Council is on track to lower our outstanding debts moving forward. The last time the collection rate was this high at the end of the first quarter was 2007/08 financial year.

Below is a Rates Collection Ratio comparison graph for Councillor's information.

RATES COLLECTION COMPARISON GRAPH



Items for Noting

2. Debtors

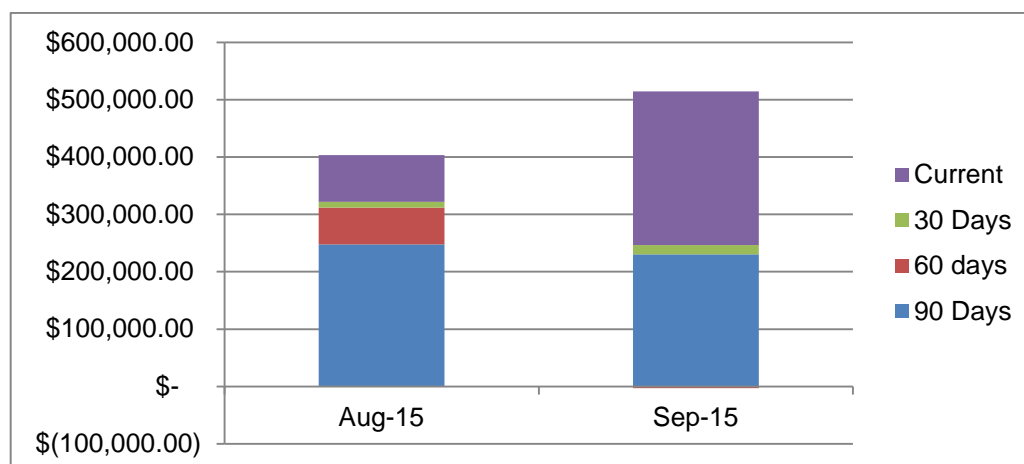
A brief list of outstanding debtors as at the end of August 2015, and for the end of September 2015, is as follows:-

DEBTORS	<u>2015/16</u> <u>END</u> <u>AUGUST</u>	<u>2015/16</u> <u>END</u> <u>SEPTEMBER</u>
GENERAL/SUNDRY/OTHER DEBTORS	\$132,318	\$75,970
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	\$517	\$363
HALF COST K&G/FOOTPATH DEBTORS	\$58,849	\$57,206
SEC 355 COMMITTEE LOANS	\$143,652	\$143,642
SWIMMING POOLS	-\$5,373	-\$4,231
CEMETERY DEBTORS	\$8,811	\$4,659
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$1,313	\$235,021
STAFF DEBTORS	\$408	\$431
STAFF SUPERANNUATION	-\$2,547	-\$2,174
HACC SERVICES	\$0	\$0
SHIRE LAND SALE DEBTORS	\$62,448	-\$100
TOCUMWAL AERODROME	\$2,678	\$152
TOTAL	\$403,074	\$510,937

Please note that the comparison graph is a comparison of August 2015 to September 2015 and the length of outstanding debtors accounts. The format has been changed to give a better view of outstanding debtors and how collection of these accounts is moving forward.

As can be seen from the graph below, the debtors 90 day balance, made up of mainly half cost debtors, 355 loan commitments and one individual long-term debtor is decreasing slightly, as is the 60 day & 30 day balances. Current debtors have increased due almost entirely to the Pensioner Concession subsidy of \$233,708.00, which is due to be received from the State Government in January.

DEBTORS COLLECTION COMPARISON GRAPH



NOTING

Items for Noting

6.2 DEVELOPMENT DETERMINATIONS FOR MONTH OF SEPTEMBER 2015

AUTHOR: Executive Support Officer

STRATEGIC OUTCOME: Good government

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

REPORT: APPLICATIONS DETERMINED FOR SEPTEMBER

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken		
30/13/DA/D3	Modification to Grain Receiveal, Storage, Packing and Distribution Facility	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot315//DP1121397)	Hoa Dinh Hang	87 ACRES PTY LTD	Modified 21-09-2015	\$ 100000.00	Active 43	Active 43	
17/16/DA/D7	Inground Fibreglass Swimming Pool	115-117 DENILIQVIN STREET, TOCUMWAL NSW 2714 (Lot5/3/DP758981)	Poolside Cobram	THOMAS LODGE MOTEL PTY LTD	Approved 04-09-2015	\$ 42500.00	Active 11	Active 11	
13/16/CD/M6	Additions to Dwelling- Carport	23 CLAIRE DRIVE, TOCUMWAL NSW 2714 (Lot18//DP844053)	Mr Neville Rees	MR NC REES AND MRS MGJ REES	Approved 10-09-2015	\$ 20000.00	Active 11	Active 11	
21/16/DA/D1	BV Dwelling & Attached Garage	4 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot65//DP1131677)	Kennedy Builders P/L	BANGAROO ESTATE PTY LTD	Approved 10-09-2015	\$ 220000.00	Active 5	Active 5	
22/16/DA/DM	Storage Dam	131 CAMERONS LANES ROAD, BOOMANOOMANA NSW 3644 (Lot67//DP752280)	Mr Chris Kelly	MR B GRANT AND MRS L GRANT	Approved 17-09-2015	\$ 300000.00	Active 10	Active 10	
23/16/DA/D2	2 Additional Ensuities & Extensions to Activities Centre and Dining Area	26 DAWE AVENUE, FINLEY NSW 2713 (Lot245//DP1016411)	Mr Shane Jenkins	BERRIQUIN NURSING HOME	Approved 17-09-2015	\$ 400000.00	Active 9	Active 9	
24/16/DA/D5	Residential Storage Shed	EDWARDS ROAD, FINLEY NSW 2713 (Lot218//DP40843)	Mr Douglas Willshire	MR D J WILLSHIRE	Approved 14-09-2015	\$ 20000.00	Active 4	Active 4	
15/16/CD/M4	Residential Storage Shed	11 RUSSELL COURT, BAROOGA NSW 3644 (Lot14//DP1102913)	Mrs Amy & Mr Luke Paroissien	MR LD & MRS AL PAROISSIEN	Approved 11-09-2015	\$ 9900.00	Active 2	Active 2	
16/16/CD/M4	Residential Storage Shed	6 MURRAY GROVE, BAROOGA NSW 3644 (Lot16//DP1092267)	Mr Jamie Nye	MR J NYE & MRS R NYE	Approved 21-09-2015	\$ 7000.00	Active 5	Active 5	
17/16/CD/M4	Patio	11 FINLEY STREET, TOCUMWAL NSW 2714 (Lot1//DP513049)	Apollo Patios	MR J F LYNAS & MRS N E LYNAS	Approved 21-09-2015	\$ 15471.00	Active 5	Active 5	
28/16/DA/D5	Residential Storage Shed	2 PUTTER COURT, BAROOGA NSW 3644 (Lot108//DP1133352)	Mr Timothy Brennan	MR TJ & MRS SG BRENNAN	Approved 24-09-2015	\$ 8000.00	Active 5	Active 5	
18/16/CD/M4	Residential Storage Shed	27 AMAROO AVENUE, BAROOGA NSW 3644 (Lot4//DP237525)	Mr John Rodgers	MR JA RODGERS	Approved 23-09-2015	\$ 9200.00	Active 1	Active 1	
19/16/CD/PC	New Dwelling & Gara	1 MURRAY GROVE, BAROOGA NSW 3644 (Lot21//DP1092267)	Master Builders Association	MR DF GOSS & MRS DG GOSS	Approved 01-09-2015	\$ 347385.00	Active 1	Active 1	
20/16/CD/M4	Carport/Pergola	28-30 BRUTON STREET, TOCUMWAL NSW 2714 (Lot3//DP521298)	Mr Dennis Sutton	MR D M SUTTON AND MRS K T SUTTON	Approved 25-09-2015	\$ 8500.00	Active 2	Active 2	
21/16/CD/M4	Residential Storage Shed	38-40 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot10//DP546121)	Mr Gerard F Lawson	MR GERARD LAWSON	Approved 25-09-2015	\$ 14000.00	Active 1	Active 1	

Items for Noting

APPLICATIONS PENDING DETERMINATION AS AT 06/10/2015

Application No.	Date Lodged	Description	Property Location
30/15/DA/DD	12-09-2014	Upgrade of Skate Park	82-96 DENISON STREET, FINLEY NSW 2713 (Lot1/18/DP758412)
125/15/DA/D9	30-06-2015	22 Lot Subdivision	HUGHES STREET, BAROOGA NSW 3644 (Lot21//DP1090571)
14/16/DA/D9	28-07-2015	Weighbridge & Sampling Stand	118 SILO ROAD, TOCUMWAL NSW 2714 (Lot218//DP752296)
18/16/DA/D2	13-08-2015	Vinegar Plant Installation	139 HUGHES STREET< BAROOGA NSW 3644 (Lot 12//DP1143435)
19/16/DA/DM	24-08-2015	Underpass	895 WOOLSHED ROAD, FINLEY NSW 2713 (Lot65//DP752285)
25/16/DA/D2	10-09-2015	Extension of Existing Shed	160 MURRAY STREET, FINLEY NSW 2713 Lot 12//DP735548)
26/16/DA/DM	15-09-2015	Strawberry Fields Music Festival	LOWER RIVER ROAD, TOCUMWAL NSW 2714 (Lot 17//DP752304)
27/16/DA/D9	17-09-2015	2 Lot Subdivision	2 CLEMENT COURT, TOCUMWAL NSW 2714 (Lot 4//DP285573)
29/16/DA/DM	18-09-2015	Extension of Verandah at Tocumwal Recreation Reserve Old Clubhouse	KELLY STREET, TOCUMWAL NSW 2714 (Lot 7045//DP1019566)
30/16/DA/D2	23-09-2015	Hostel Addition/Training Room	51-53 DAVIS STREET, BERRIGAN NSW 2712 (Lot 13//DP739679)
31/16/DA/D5	28-09-2015	Carport	32 TUPPAL STREET, FINLEY NSW 2713 (Lot 1//DP844298)
32/16/DA/D2	29-09-2015	Extensions of Existing Freight Transport Facility – Grain Bunker	14 STRATHVALE ROAD, BERRIGAN NSW 2712 (Lot 12//DP819654)
34/16/DA/D1	30-09-2015	BV Dwelling & Attached Garage	HOWE STREET, FINLEY NSW 2713 (Lot 127/752283)
36/16/DA/DM	30-09-2015	Relocated Dwelling and Garage	12-16 BRUCE BIRRELL DRIVE, TOCUMWAL NSW 2714 (Lot 111//DP1069289)

Items for Noting

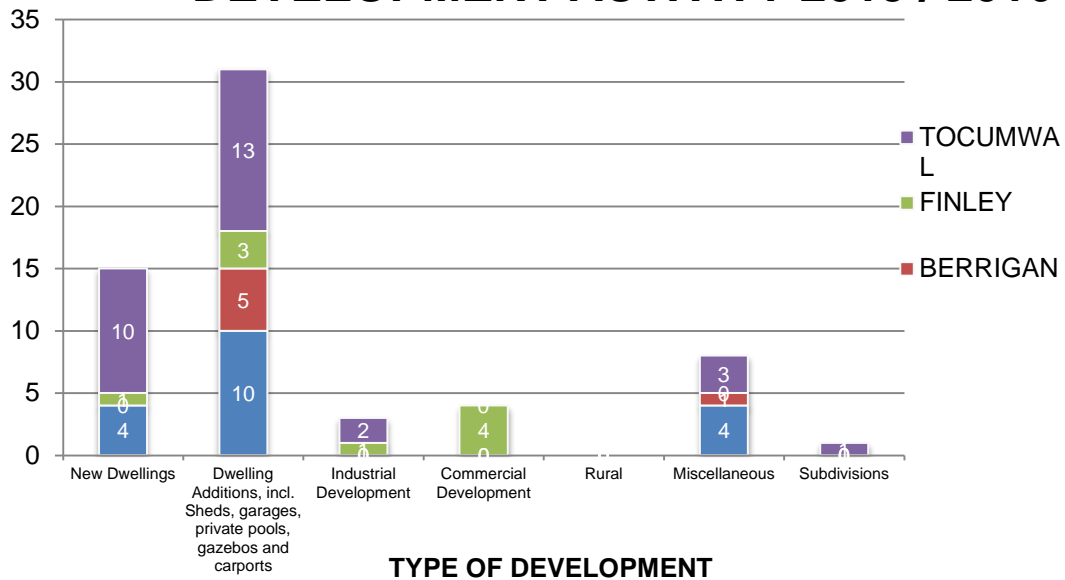
TOTAL APPLICATIONS DETERMINED / ISSUED

	This Month (September)	Year to Date	This Month Value	Year to Date Value
<i>Development Applications Determined</i>	7	23	\$1,090,500	\$20,948,715
<i>Construction Certificates Issued</i>	6	16	\$2,850,490	\$4,628,545
<i>Complying Development Cert. Issued</i>	8	24	\$431,456	\$2,279,421
<i>Local Activity Approvals Issued</i>	8	21	0	0

OTHER CERTIFICATES ISSUED FOR SEPTEMBER

	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	Sept	Year Total	Sept	Year Total	Sept	Year Total	Sept	Year Total	Sept	Year Total	Sept	Year Total
BAROOGA	10	34	3	7	0	4	0	4	0	0	0	0
BERRIGAN	5	13	0	0	1	2	0	0	0	0	0	0
FINLEY	3	19	0	2	1	1	0	0	0	0	0	0
TOCUMWAL	14	31	0	0	0	2	0	0	0	0	1	2
TOTAL	32	97	3	9	2	9	0	4	0	0	1	2

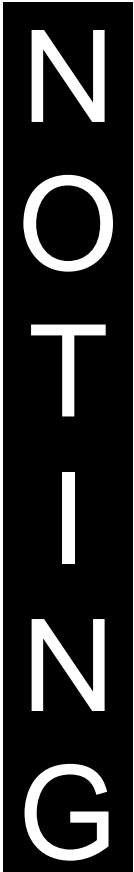
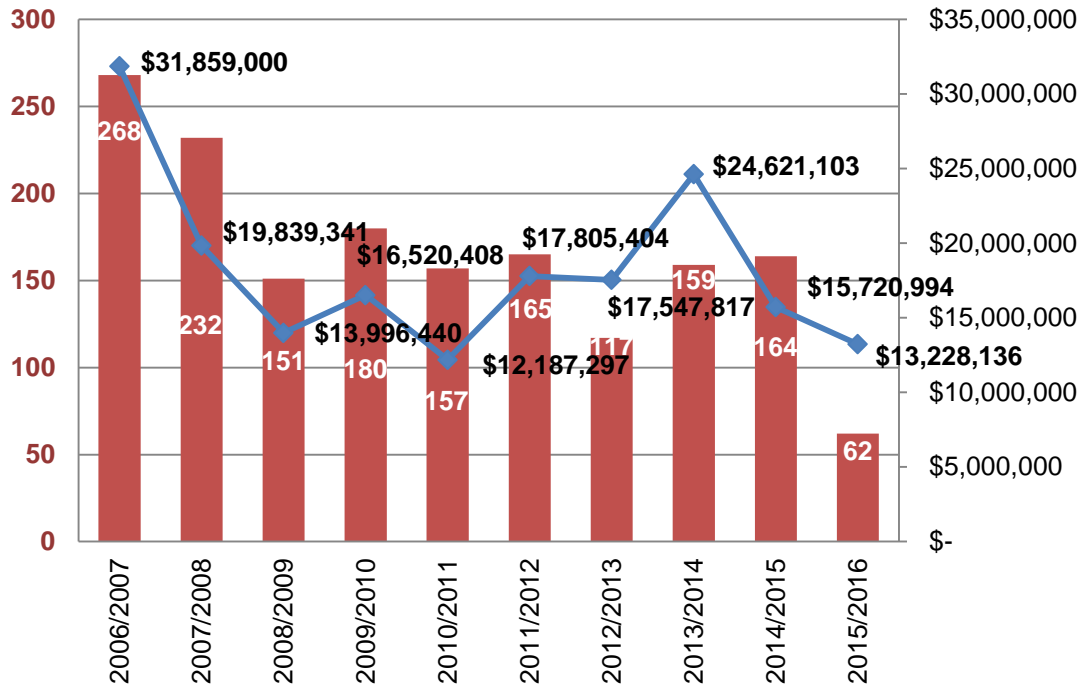
DEVELOPMENT ACTIVITY 2015 / 2016



NOTION

Items for Noting

DEVELOPMENT ACTIVITY



Items for Noting

**6.3 BERRIGAN SHIRE LIBRARY SERVICE –
QUARTERLY REPORT**

AUTHOR: Library Manager

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 3.095.2

REPORT:

Recent activities

Library Branches are enjoyed and respected as ‘community hubs’ and utilised by groups to provide socialisation and friendship within areas of interest, such as Mah-jong, Scrabble, Tai Chi, Knitting and Book Clubs.

Training is continually provided by volunteers for the following activities:

1. iPads,
2. Broadband for Seniors, and
3. Ancestry.com.

Holiday programs attracted 290 primary school children and we hosted several class visits to the libraries

Weekly Story Time sessions within this last quarter were enjoyed by 228 Preschool children.

All branches hosted pasta-making classes run by the *Wow, its Italian!* authors in September with varying levels of interest. The exercise was worthwhile, however.

The Tocumwal branch won the “Wrap with Love” Liz McLaurin shield for 2015 with knitters in all branches making over 6,000 squares to be made into blankets for the homeless.

Administration

The Library Service has updated its “Libero” operating software to the latest version – which required the installation of a new server. While there are some teething problems we are working through – the new software should make running all our branches much more efficient.

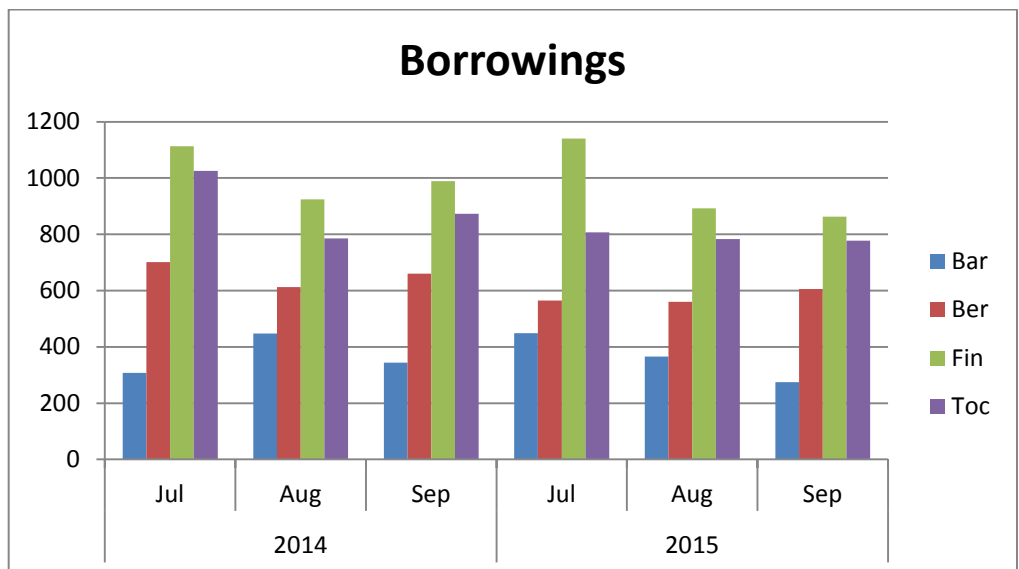
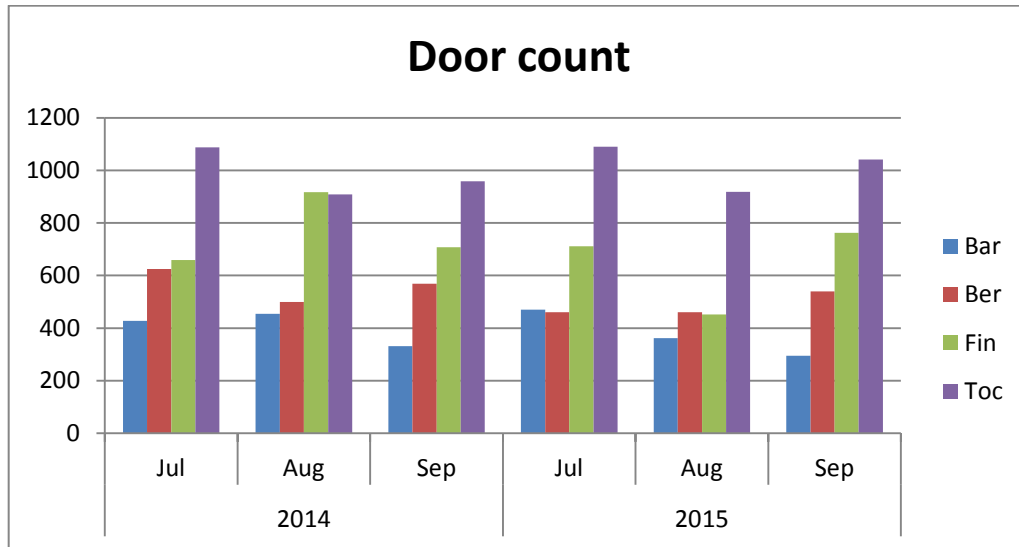
We have lodged a grant application for Seniors Week focusing on a information campaign around “Healthy Food Choices” and we are waiting to see if has been successful.

Items for Noting

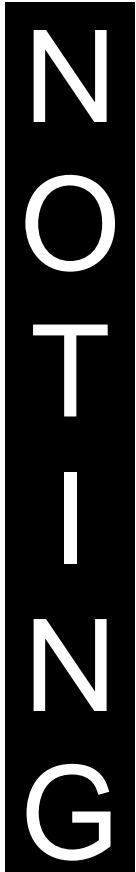
Statistics

Free WiFi Access remains a huge asset to our service as an attraction for tourists and students although usage has slipped 47% compared to same quarter last year.

Loans and Door Count are on a slow decline when compared with the same quarter last year; 1.2% and 1.4% respectively, as the digital age expands and the community become more efficient with technology.



Membership currently totals 3,766 after deletion of members who have not borrowed within the last two years.



Items for Noting

6.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE

AUTHOR: Environmental Engineer

STRATEGIC OUTCOME: Good government

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

FILE NO: 09.106.2

REPORT:

The Minutes of the last Local Emergency Management Committee meeting held on 9th October, 2015 are attached for information as Appendix "O".

Items for Noting

6.5 EXECUTIVE CERTIFICATE FOR ELECTED MEMBERS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 14.165.3

REPORT:

Local Government NSW is providing a five day training course for elected members.

Topics covered through the program will include the following:

- Day 1 – Working as an Elected Member;
- Day 2 – Integrated Planning and Reporting;
- Day 3 – Community Engagement and Land Use Planning;
- Day 4 – Focus on Governance;
- Day 5 – Working Strategically through Collaboration.

All participants will receive a LGNSW Certificate of Attendance for the five day program.

Participants will engage in a range of discussions, problem-solving tasks and activities throughout the course that will enable assessment of their achievement of course competencies and learning outcomes.

On successful completion of assessment activities participants will receive a TAFE NSW Statement of Attainment for the National Elected Members' Skill Set as well as a UTS Executive Certificate for Elected Member.

The course will be conducted on 30th & 31st October, 2015 and 1st November, 2015 and 27th & 28th November, 2015 at Sydney.

Cost of the course is \$3,500 plus travel and sustenance expenses.

Any Councillor interested in attending should obtain an appropriate resolution from the Council.

NOTING

Items for Noting

6.6 COUNCILLORS WEEKEND SEMINAR

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO:

REPORT:

Local Government NSW is providing a training course Councillors.

The program has a strong practical focus with workshop sessions and ample time for exchanges of views and networking.

Topics include:

The changing role of a local government Councillor;
Thinking strategically with IP&R;
Working with your GM and staff;
Engaging with your community;
Principles of good governance;\nUnderstanding the planning system; and
Preparing for elections. Facilitators.

The Roundtable will be led by experienced local government facilitators including:

Genia McCaffery – LGNSW Mayoral Mentor and former Mayor of North Sydney;

Felicity Ann Lews – former President ALGA, Mayor of Marion in SA and SA Australian of the Year 2014;

Graham Sansom – former Director, UTS Centre for Local Government and chair, ILGRP

Norm Turkington – Consulting Psychologist, LGNSW Learning Solutions;

Jennifer Dennis – LGNSW Senior Policy Officer, Planning;

Martin Bass – LGNSW Learning Solutions presenter; and

Sarah Artist– Manager, LGNSW Learning Solutions

The course will be conducted on 5th & 6th December 2015 at Sydney.

Cost of the course is \$1,320 plus travel and sustenance expenses.

Any Councillor interested in attending should obtain an appropriate resolution from the Council.

Items for Noting

6.7 LOCAL GOVERNMENT INTERNAL AUDIT FORUM

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO:

REPORT:

The Institute of Internal Auditors Australia is conducting a two day forum covering local government internal audit and governance issues.

Key issues to be covered in the forum include:

- Managing risk through change;
- Council mergers and amalgamations;
- Strategic asset management – reducing risk and delivering value from assets;
- Getting IT governance right;
- Auditing capital projects;
- Assurance mapping;
- Disaster recovery readiness; and
- Assessing organizational governance.

The forum will be held on 5th & 6th November, 2015 at Sydney

Cost of the forum is \$840 plus travel and sustenance expenses.

Any Councillor interested in attending the forum should seek an appropriate resolution from the Council.

NOTING

Items for Noting

6.8 LOCAL GOVERNMENT NSW ANNUAL REPORT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 16.136.1

REPORT:

Local Government NSW has forwarded a copy of its 2014/2015 Annual Report for the Council's information.

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

Items for Noting

6.9 MAYORS WEEKEND SEMINAR

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 04.039.1

REPORT:

Local Government NSW is providing a training course for Mayors, Deputy Mayors and aspiring Mayors.

The program will explore some of the key challenges facing councils and communities, and will cover three broad aspects of the work of Mayors in today's local government environment:

- The Mayor as community leader;
- The Mayor as Council leader;
- The Mayor and General Manager.

The seminar will focus on a Toolkit designed to help Mayors achieve their objectives. All the content is based on real-world experiences. It draws on recent reviews of local government in NSW, South Australia and New Zealand, interviews with Mayors carried out by the Australian Centre of Excellence for Local Government, and lessons emerging through the LGNSW Mayoral Mentoring Program.

Presenters and panelists will include:

Genia McCaffery: LGNSW Mayoral Mentor and former Mayor of North Sydney;

Graham Sansom: Former Director, UTS Centre for Local Government and former ALGA CEO;

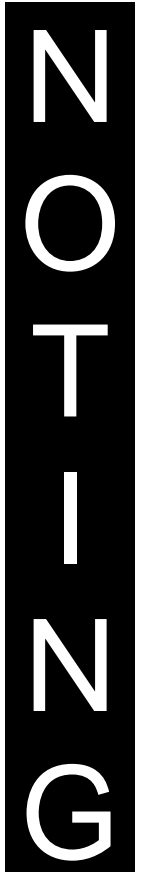
Glenn Inglis: Former General Manager of Tamworth Regional Council and Panel Member, ILGRP;

Tim Rogers; Former Deputy Director-General, NSW Office of Local Government;

Maire Sheehan, Senior Research Officer: TAFE Transformation, Former Mayor Leichhardt Council;

Sarah Artist: Manager, LGNSW Learning Solutions; and

former Deputy Director, UTS Centre for Local Government • Narayan van de Graaff: LGNSW Learning Solutions Presenter – Governance and Leadership



Items for Noting

The course will be conducted on 14th & 15th November, 2015 in Sydney.

Cost of the course is \$1,320 plus travel and sustenance expenses.

Any Councillor interested in attending should obtain an appropriate resolution from the Council.

Items requiring Council Resolution

7 CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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Items requiring Council Resolution

7.1 TENDER NO. T05/15/16 SUPPLY OF ROAD BASE – SILO ROAD

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It is not in the public interest to reveal the commercial information provided to the Council regarding individual tender prices.

7.2 RESIGNATION FROM FINLEY SHOWGROUNDS COMMITTEE OF MANAGEMENT

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

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

It is not in the public interest to reveal details regarding individuals.

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

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

7.1 TENDER NO. T05/15/16 SUPPLY OF ROAD BASE – SILO ROAD

7.2 RESIGNATION FROM FINLEY SHOWGROUNDS COMMITTEE OF MANAGEMENT

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

Confidential Items requiring Council Resolution

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Items requiring Council Resolution

Open Council resumed at

**RESOLUTIONS FROM THE CLOSED COUNCIL
MEETING**

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

RESOLUTION

Committee meeting reports

8.1 MINUTES FOR LOCAL TRAFFIC COMMITTEE MEETING HELD ON MONDAY 26TH SEPTEMBER, 2015 COMMENCING AT 11AM

RECOMMENDATION – that recommendations numbered 1 to 12 inclusive of the Local Traffic Committee Meeting held on 26th September, 2015 be adopted.

FINLEY ANGLICAN CHURCH ANNUAL FETE ROAD CLOSURE-COREE STREET, FINLEY FROM PINNUCK STREET TO ULUPNA STREET

All agreed that the application be approved provided the following items are carried out and documentation provided to all traffic committee parties:

- Risk Assessment
- TCP is amended to incorporate a detour and no turning signs
- RMS and NSW Police are to be listed as interested parties on the certificate of currency.

RECOMMENDATION NO.1- The closure of Coree Street, Finley from Pinnuck Street to Ulupna Street be approved for the Finley Anglican Church Annual Fete on 10th of October 2015 between 9:00am and 3:00pm subject to receipt of the following additional documentation:

- Risk Assessment
- TCP is amended to incorporate a detour and no turning signs
- RMS and NSW Police are to be listed as interested parties on the certificate of currency.

INTERSECTION OF JERILDERIE STREET NORTH AND BRUTON STREET, TOCUMWAL

All parties agreed to install line marking closer to the intersection of Bruton Street, Tocumwal to highlight the point of yield to drivers.

RECOMMENDATION NO.2- that the hold line for the Give Way sign on Jerilderie Street, Tocumwal be marked closer to the intersection of Bruton Street to allow greater visibility for vehicle drivers from the point of yield.

2015/2016 COBRAM BAROOGA CYCLE CLUB RACE PERMIT APPLICATION

All parties agreed that it is necessary to have a proper staging area where riders would have a safe area to commence the race and finish the race. This area needs to be provided as part of a traffic management plan

Further information is required for approval:

- Traffic Control Plan
- Traffic Management Plan
- RMS to be listed as an interested party on the certificate of currency

Items requiring Council Resolution

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RECOMMENDATION NO.3- That the application for Cobram Barooga Cycle Club be approved for 1 year and a defined staging area be used for starting and finishing all cycling events subject to the submission of:

- Traffic Control Plan
- Traffic Management Plan
- RMS to be listed as an interested party on the certificate of currency

PROPOSED NO STOPPING SIGN AT INTERSECTION OF MEMORIAL PLACE AND JERILDERIE STREET, BERRIGAN

All agreed that it is necessary to prevent vehicles parking close to the intersection to allow adequate sight distance for drivers exiting Memorial Place, Berrigan.

RECOMMENDATION NO.4- That two “NO STOPPING” signs be installed 25m north and south of the intersection of Memorial Place and Jerilderie Street Berrigan, to allow for improved sight distance along Jerilderie Street.

JERILDERIE STREET BERRIGAN SPEED ZONE

All parties agreed to move the 50km/hr zone further south on Jerilderie Street to the intersection of Osbourne Street. RMS is to conduct a speed review of the section of road in question on Jerilderie Street .Berrigan Shire is to conduct a community consultation regarding the speed zone.

RECOMMENDATION NO.5- That the speed limit of 50km/hr is pushed south along Jerilderie Street to the intersection of Osbourne Street, Berrigan to slow traffic earlier when approaching the residential area.

PROPOSED PEDESTRIAN SHARED ZONE AT THE INTERSECTION OF DENILQUIN ROAD- MURRAY STREET INTERSECTION

Both RMS and Police are reluctant to install a shared pedestrian zone at the intersection in question. There are adequate facilities to cross the road at this intersection; however, it is up to the pedestrians to make use of these facilities.

RECOMMENDATION NO.6 - That a third refuge island be installed on the northern leg of the roundabout on Murray Street, Tocumwal if additional crossings are required.

TRUCKS PARKING ON JERILDERIE STREET BERRIGAN

All parties agreed that truck parking needs to be restricted along this section of residential housing. A suitable location for truck parking needs to be identified by RMS and Berrigan Shire Council.

RECOMMENATION NO.7- To install trees in the parking lane along Jerilderie Street, Berrigan on the western side similar to what has been done on Dean Street, Tocumwal. Also, consultation is to be carried out with the affected residents regarding the location of trees.

Committee meeting reports

INSTALLATION OF CHEVRONS ALONG STATE HIGHWAYS

All agreed that chevrons are to be installed along state highways to highlight intersections. Berrigan Shire Council is to determine the appropriate size of chevrons and install them at corresponding intersections at the expense of RMS.

RECOMMENDATION NO.8-That chevrons be organised and installed at intersections along state highways within the Berrigan Shire area by Berrigan Shire Council at the expense of RMS.

BUS PARKING FOR YALLAMBEE, 2 COREE STREET, FINLEY

Further information required regarding:

- Bus times
- Number of buses
- Sizes of bus zones required

No objections from any parties regarding pram ramp review for 2016-2017 financial year.

RECOMMENDATION NO.9 - That bus parking signs and line marking are installed along Coree Street, Finley once additional information regarding bus types, times and signs is provided. Also, pram ramps should be installed in the 2016-2017 Financial Year for pedestrian access to the bus stop on Coree Street.

CAR PARKING CHANGES AT FINLEY PRE SCHOOL

RMS is to forward information to Safety Around Schools (SAS) for comment regarding the requested 40km/hr speed zone. Response to be addressed at the next traffic committee meeting.

RECOMMENDATION NO.10-That bus stop signs be installed as requested by Finley preschool and the speed zone be addressed at the next traffic committee meeting with comment from SAS.

REDUCING THE SPEED LIMIT ON LOWER RIVER ROAD TO 60KM/H FOR DURATION OF STRAWBERRY FIELDS FESTIVAL

No objections from any parties provided:

- RMS and Police to be listed as interested parties on the certificate of currency
- An application is submitted for Works, Structures and Activities on a Council road as the event is classed as a special event due to the speed changes
- A risk assessment is carried out regarding vehicle movements and speed changes etc.
- A suitable traffic control plan and traffic management plan needs to be provided.

Items requiring Council Resolution

RECOMMENDATION NO.11-That the speed limit is reduced to 60km/hr for the Strawberry Fields Festival from the 18th November, 2015 to the 23rd November, 2015 along Lower River Road from 300m east of the first narrow bridge crossing to 2km west of the venue subject to receipt of additional information and application for event on road.

FURTHER BUSINESS

Dean Street Tocumwal Tree Planting and Truck Parking

Both RMS and Berrigan Shire Council need to determine a suitable location for truck parking as tree planting is addressing the resident's issues about noise pollution but is creating an issue for truck parking. This item will be on the next traffic committee agenda.

RECOMMENDATION NO.12- That proposed sites for truck parking along Dean Street Tocumwal are identified and brought to the next traffic committee meeting.

Committee meeting reports

8.2 MINUTES FOR CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 7TH OCTOBER, 2015 COMMENCING AT 9:25AM

RECOMMENDATION – that recommendations numbered 1 to 7 inclusive of the Local Traffic Committee Meeting held on 7th September, 2015 be adopted.

5.1 FENCING, SIGNAGE ETC BAROOGA CEMETERY
AUTHOR: General Manager
STRATEGIC OUTCOME: Supported and engaged communities
STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities
FILE NO: 24.030.7

RECOMMENDATION NO. 1 - that the Council agree to contribute \$2,850 to the cost of providing a 1 metre high powder coated front picket fence, refurbishment and powder coating of the existing entry gates and construction of a new laser cut and powder coated entry sign at the Barooga Cemetery subject to the Barooga Advancement Group Committee of Management contributing \$15,000 to the project.

5.2 CHRISTMAS OFFICE CLOSURE AND DECEMBER COUNCIL MEETING
AUTHOR: General Manager
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting
FILE NO: 13.044.1

RECOMMENDATION NO. 2 - that the Council:

- Close the Shire Office from 4.00 pm on Thursday 24th December, 2015 reopening on Monday 4th January, 2016 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- Close the Shire Libraries from close of business on Thursday 24th December, 2015 until Monday 4th January, 2016 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 16th December, 2015.

5.3 FINLEY PIONEER RAIL PRECINT
AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation
FILE NO: 26.109.1

Items requiring Council Resolution

RECOMMENDATION NO. 3 - that the Council:

1. endorse the termination of the Heritage Asset Custody Agreement – Finley Pioneer Rail Precinct from 21 October 2015;
2. revoke its delegation to the Finley Pioneer Rail Precinct Committee of Management, and
3. dissolve the Finley Pioneer Rail Precinct Committee of Management.
4. Assist NSW Transport Heritage to coordinate with interested members of the public to recruit and establish an independent committee to maintain the precinct.

5.4 FINLEY SCHOOL OF ARTS AND WAR MEMORIAL HALL
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: MQ05/15/16

RECOMMENDATION NO. 4 - that the Council

1. note the report regarding the Finley School of Arts and War Memorial Hall.
2. endorse the project brief for the Finley School of Arts attached as set out below, and
3. appoint two members of the Finley War Memorial Hall and School of Arts Committee of Management, as nominated by the Committee of Management, to the working party progressing the redevelopment of the School of Arts site.
4. Reconsider redevelopment of the kitchen fit out being undertaken as a community project.

1. PRELIMINARIES

This brief applies to the provision of heritage advice and development of concept plans for the redevelopment of the Finley School of Arts.

Quotations and project plans are being sought from invited consultants.

2. PROJECT OUTLINE

The consultancy required in this instance relates to:

- the provision of general advice and assistance regarding the preservation and enhancement of the heritage values associated with the Finley School of Arts Hall, and

Committee meeting reports

- the development of concept plans for the redevelopment of the Finley School of Arts Hall and the broader site

3. PROJECT BACKGROUND

Berrigan Shire Council has proposed a redevelopment of the Finley War Memorial Hall and School of Arts Hall site. The aim of the redevelopment is to provide modern toilets, disabled access and off-street parking at the site.

The site currently consists of two buildings,

- The Finley School of Arts Hall (built 1904), and
- The Finley War Memorial Hall (built 1957)

The two buildings are linked by an annex built at some stage between 1960 and 1990.

A plan of the existing site is attached as Appendix A

The Council has made a decision to demolish and remove the Finley War Memorial Hall and the associated annex and male toilet building to allow for the redevelopment of the Finley School of Arts Hall. While the War Memorial Hall is not listed on the Berrigan Shire Heritage inventory, the Council is working with the Finley community to determine an appropriate method of recognising its significance to the town.

The Finley School of Arts Hall is listed on the Council's Heritage Inventory. The building is still used for theatrical and other cultural events as well as a standard community hall.

An extract of the Inventory Listing is attached as Appendix B

The School of Arts Hall itself is structurally intact and in reasonable condition.

A floor plan of the School of Arts Hall is attached as Appendix C.

Photographs of the School of Arts Hall are available as Appendix D. Additional photographs are available on request.

4. EXTENT OF PROPOSED WORKS

The Council proposes to:

- Demolish and remove the Finley War Memorial Hall, the annex and the existing toilet block
- Refurbish the newly exposed exterior area of the Finley School of Arts Hall in a manner sympathetic with the heritage value of the building.
- Construct new toilet facilities meeting current building standards and community expectations as an extension the School of Arts Hall
- Construct an off-street parking area on the site to service the School of Arts Hall

Items requiring Council Resolution

5. BASIC CRITERIA

In the provision of advice and development of concept plans, the following items must be considered.

1. The redevelopment must preserve and where possible enhance the heritage value of the Finley School of Arts Hall and associated site
2. The new toilet facilities must satisfy current building standards and meet modern community expectations. They must also be sympathetic with the heritage values of the School of Arts Hall
3. The new carpark must be sympathetic with the general streetscape and surrounds of the site.
4. The design must allow for disabled access to the building from the carpark.
5. The design of the site must allow for passive surveillance from the street as far as possible.
6. The removal and/or redevelopment of the kitchen on the southern wall of the School of Arts Hall is specifically excluded. However, advice on improving the exterior of the kitchen area is sought – noting that this is not a priority item of the Council.
7. Excluded from the project scope is the demolition of the War Memorial Hall and/or recognition of the heritage value of that hall.

6. DELIVERABLES

1. One (1) meeting with Council staff to discuss the parameters of the project,
2. One (1) consultation session with a sub-committee consisting of Council staff, Councillors and community members.
3. Draft concept plans suitable for broad public exhibition, identifying the works required for the project.
4. A final report on the proposed works. At a minimum, the report must include:
 - a. estimated cost of the proposed works
 - b. heritage and other planning considerations,
 - c. final concept plans

7. DELIVERABLES

All works under this agreement to be completed by **26 February, 2016**.

8. QUOTATIONS

Consultants shall provide:

Committee meeting reports

1. a quotation to deliver the above works
2. a projected program, outlining the stages and anticipated timing of the various components of the design process.
3. A sketch plan of an initial concept

9. LODGEMENT REQUIREMENTS

Quotations shall be submitted by either of the following methods:

Email: mail@berriganshire.nsw.gov.au

Quotations submitted electronically must be in a file format that can be read, and printed by Microsoft Word 2007, or in PDF format.

The Subject field is to contain "MQ05-15-16 Finley School of Arts Concept Plans & General Heritage Advice"

Any CAD files submitted must be in DWG, or DXF format. The Principal uses AutoCAD and quotations must ensure that any CAD files submitted will correctly display and print in AutoCAD. Alternatively drawing files can be converted to PDF format where such conversion allows interpretation of drawing detail.

OR

Mailed to the following address:

The General Manager
Berrigan Shire Council
56 Chanter Street, Berrigan NSW 2712

Submission documents are to be enclosed in a sealed envelope and the envelope marked legibly as follows:

"MQ05-15-16 Finley School of Arts Concept Plans & General Heritage Advice"

If more than one submission is made, mark each submission clearly as to whether it is a copy, an alternative, or whether the submission supersedes another submission.

Quotations close at **2PM - WEDNESDAY 28 OCTOBER, 2015.**

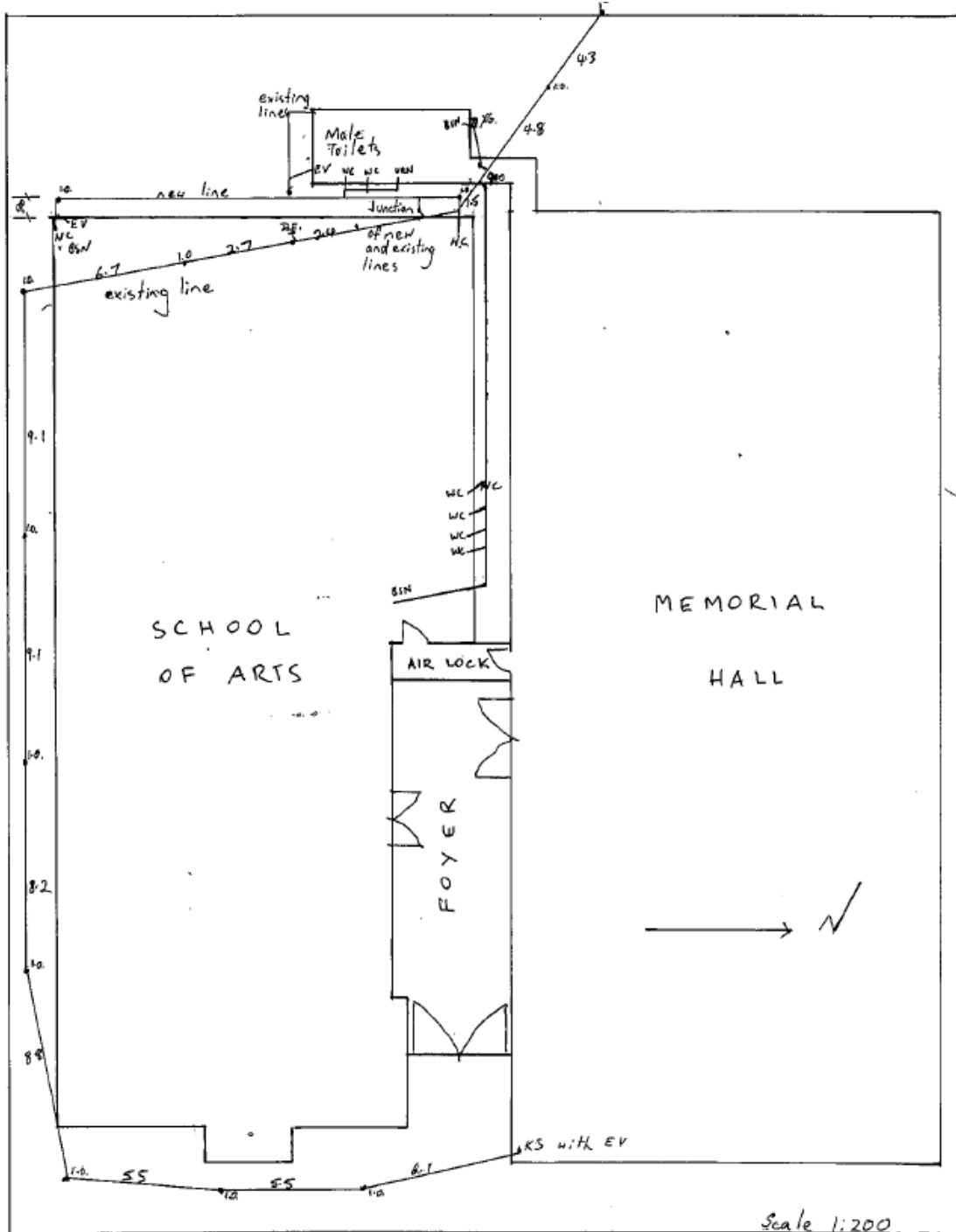
10. ENQUIRIES

Enquiries should be directed to Mr Matt Hansen, Council's Director Corporate Services, on Ph: 03 5888 5100.

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Items requiring Council Resolution

APPENDIX A – EXISTING SITE PLAN



MURRAY STREET

Drawn June 198

COMMUNITY

Committee meeting reports

Created by staff on Thursday, 5 February 2015



Map Zoom: 104 m | Scale: 1:400

COMM-TH-EMEM

Items requiring Council Resolution

COMMUNITY

Created by staff on Friday, 6 February 2015



Map Zoom: 51.99 m | Scale: 1:200

AFTER 1970
PRE 1970

1987


Committee meeting reports

APPENDIX B – HERITAGE INVENTORY EXTRACT

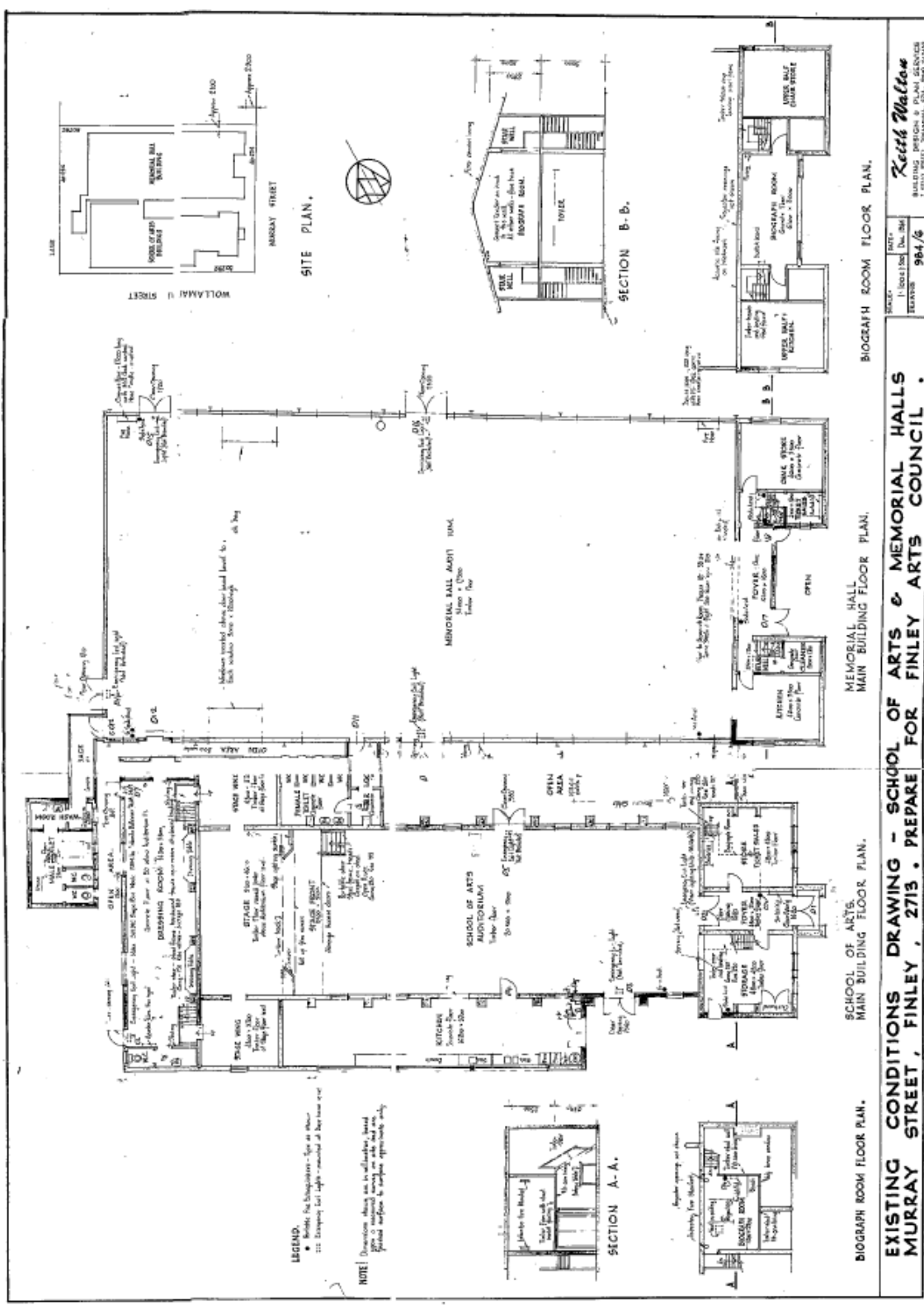
Berrigan Heritage Inventory			
Item Name	Finley School of Arts		SHI Number 1120122
Other Names/s	NA		
Group Name	Finley Conservation Area	Local Government Area/s	
Location	83-87 Murray Street FINLEY 2713	Berrigan	Assessed Significance Local
Corner location	NA Wollamai Street		
Item Type	Built	Statement of Significance A rare example of a 19th century school of arts that is still used for dramatic productions in a western NSW rural town. A very important social and cultural venue for the people of Finley and surrounding areas and a unique façade on Murray Street at the northern entrance to Finley business area	
Sub Type	School of Arts		
State Theme/s	Cultural sites		
Study Theme/s			
Property description	Lot 1 Section 3, DP 758412		
Owner	Local Government		
Current Use	Hall and Theatre		
Former Use	Hall and Theatre		
Years	1904	Circa No	
Designer	Unknown		
Builder	J T Close		
Physical Condition and/or Archaeological Potential	Good		
Modification Dates	NA		
Further Information	NA		
		Physical Description A rendered brick building with corrugated iron roof. The entrance is via a small porch with gable end and various details including a defined arch. Either side of the entrance are 2 double hung windows with additional detail under each of their sills	
		Historical Notes The first school of arts was originally 23 April 1894 at 20 Finley Street. It was destroyed by fire on 12 July 1894. The current building was opened by Jim Moodie on 24 August 1904. It was the first building in this section of the town and when open was basically a shell and little else. In 1912 the ceiling had been lined, a permanent stage had been installed and the walls had been lined. Dressing rooms were not provided until the adjacent Memorial Hall was constructed in 1957.	
Date: 19/05/2007	Date First Entered: 17/05/2007	Date Updated: 17/05/2007	Status: Partial Page: 1

This report was produced using State Heritage Inventory database software provided by the Heritage Office of New South Wales. [1]

Items requiring Council Resolution

Berrigan Heritage Inventory			
Item Name Finley School of Arts		SHI Number 1120122	
Other Names/s NA			
Group Name Finley Conservation Area		Local Government Area/s Berrigan	
Location 83-87 Murray Street FINLEY-2713		Assessed Significance	Local
Corner location NA Wollamai Street			
Images 		Listings	
Caption		References	
Copyright:		Author	Title
Image by: Berrigan Shire		Norman McAllister	Looking Back on Finley
Date:		Unknown	Finley 1983-1993
Number:			1978
			1993
		Studies	
Assessment Degree Criteria		Assessment Criteria	
Rarity	A rare example of a 19th century school of arts that is still used for dramatic productions in a western NSW rural town.	Historical Significance	A very important social and cultural venue for the people of Finley and surrounding areas
Representative	NA	Aesthetic Significance	A unique façade on Murray Street at the northern entrance to Finley business area.
Intactness / Integrity	Fair	Social Significance	A very important social and cultural venue for the people of Finley and surrounding areas
Recommended management	List in LEP	Technical/ Research Significance	NA
Date: 19/05/2007 Date First Entered: 17/05/2007 Date Updated: 17/05/2007 Status: Partial Page: 2			
<small>This report was produced using State Heritage Inventory database software provided by the Heritage Office of New South Wales. (1)</small>			

Committee meeting reports



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Items requiring Council Resolution

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APPENDIX D – PHOTOGRAPHS



Committee meeting reports

5.6 DRAFT ANNUAL REPORT 2014/15
AUTHOR: Strategic & Social Planning Coordinator
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION NO. 5 - that the Council review and provide comment on the draft Annual Report

5.7 EVENT FUNDING APPLICATION – GOLF NSW
AUTHOR: Economic Development Officer
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism
FILE NO: 08.063.3

RECOMMENDATION NO. 6 - that the Council allocates \$10,000 sponsorship from its Events Funds to the 2017 NSW Men's and Women's Mid-Amateur Championships to be held at Tocumwal Golf Club.

Cr Bruce declared a Pecuniary Interest and left the Chamber at 10.10 am as his daughter is employed by YMCA.

5.8 EVENT FUNDING APPLICATION – MASSIVE MURRAY PADDLE
AUTHOR: Economic Development Officer
STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism
FILE NO: 08.063.3

RECOMMENDATION NO. 7 - that the Council fund the Massive Murray Paddle at the requested amount of \$5000.

Cr Bruce returned to the Chamber at 10.11 am.

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Items requiring Council Resolution

9. MAYOR'S REPORT

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RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

10. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

11. GENERAL BUSINESS

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The meeting closed at