



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 **16th April, 2014**, when the following business will be submitted:-

9.00AM

Public Question Time

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

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday, 16th April, 2014

BUSINESS PAPER

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

3. **VISITORS ATTENDING MEETING**

Mr Geoff Manson and Ms Tina Maxwell – presentation of Certificates of Appreciation - Royal Live Saving Society Australia.

4. **CONFIRMATION OF MINUTES**

RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 19th March, 2014 be confirmed.

- 5.1 **FINANCE – ACCOUNTS**

AUTHOR: Finance Manager

RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31st March, 2014, be received and that the accounts paid as per Warrant No.03/14 totalling \$2,149,725.91 be confirmed.

REPORT

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31st March, 2014 will be certified by the Finance Manager.
- b) The Finance Manager will certify that the Cash Book of the Council was reconciled with the Bank Statements as at 31st March, 2014.
- c) The Finance Manager will certify the Accounts, including the Petty Cash Book made up to 31st March, 2014, totalling \$2,149,725.91 and will be submitted for confirmation of payment as per Warrant No. 03/14

Items requiring Council Resolution

- d) The Finance Manager certifies that all Investments have been placed in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993 (as amended), the Minister's Amended Investment Order gazette 11 January 2011, clause 212 of the Local Government (General) Regulations 2005 and Third Party Investment requirements of the Department of Local Government Circular 06-70.
- e) March has shown a small increase in total funds held at the end of February. The increase is pleasing, in comparison to a decrease in funds in the same period last year, but still represents the general pattern in cash holdings over the year. Total funds held are expected to remain stable in April.

Prior Financial Institution	Amount	Interest Rate	Current Financial Institution	Amount	Interest Rate
Bendigo Bank	\$2,000,000.00	3.80%	Bendigo Bank	\$2,000,000.00	3.50%
Central Murray Credit Union	\$1,000,000.00	4.15%	Central Murray Credit Union	\$1,000,000.00	4.00%
			Central Murray Credit Union	\$1,000,000.00	4.00%

Items requiring Council Resolution

Statement of Bank Balances as at 31 March 2014

Bank Account Reconciliation

Cash book balance as at 1 March 2014	\$2,309,998.20
Receipts for March 2014	\$ 1,249,192.31
Transfers from NAB at Call Account	\$ -
	<u>\$3,559,190.51</u>
Less Payments Statement No 03/14	
Cheque Payments V75274-V75291	\$ 37,117.34
Electronic Funds Transfer (EFT) payroll	\$ 354,966.98
Electronic Funds Transfer (EFT) creditors E017790-E017948	\$ 1,744,340.09
Transfers to NAB At Call Account	
Loan repayments, bank charges, etc	\$ 13,301.50
Total Payments for March 2014	\$ 2,149,725.91
	<u>\$1,409,464.60</u>
Cash Book Balance as at 31 March 2014	
Bank Statements as at 31 March 2014	\$ 1,419,142.13
Plus Outstanding Deposits	
Less Outstanding Cheques	\$ 9,677.53
Reconciliation Balance as at 31 March 2014	\$1,409,464.60

INVESTMENT REGISTER

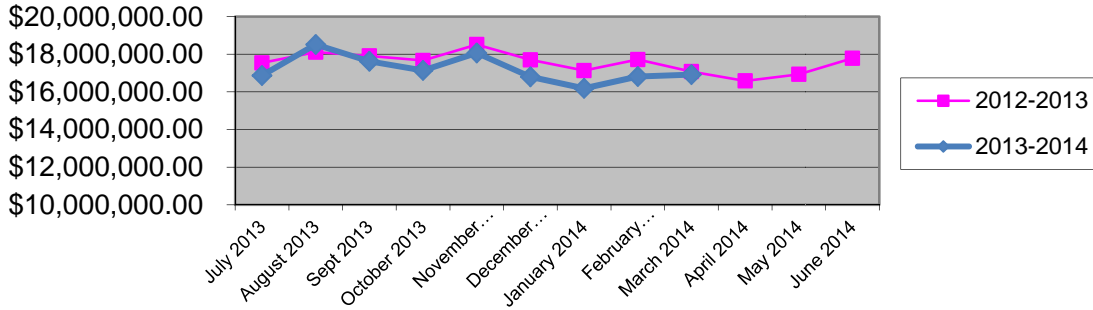
INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
National Australia Bank	01/09	At Call	2.60%		\$ 506,581.08
Central Murray Credit Union	94/13	180	4.15%	10/05/2014	\$ 1,000,000.00
Central Murray Credit Union	95/13	90	4.00%	14/06/2014	\$ 1,000,000.00
Central Murray Credit Union	100/14	90	4.00%	20/06/2014	\$ 1,000,000.00
Bendigo Bank	85/11	90	3.50%	12/06/2014	\$ 2,000,000.00
WAW Credit Union	83/11	180	3.80%	27/04/2014	\$ 2,000,000.00
Commonwealth Bank Australia	98/13	180	3.90%	26/05/2014	\$ 1,000,000.00
Hume	91/12	270	3.80%	9/09/2014	\$ 1,000,000.00
Hume	87/11	180	3.70%	27/07/2014	\$ 1,000,000.00
Hume	97/13	180	3.70%	3/06/2014	\$ 1,000,000.00
Bank Of Queensland	90/12	270	3.80%	11/07/2014	\$ 2,000,000.00
AMP	99/13	270	3.90%	12/09/2014	\$ 1,000,000.00
Goulburn Murray Credit Union	76/09	180	3.75%	26/05/2014	\$ 1,000,000.00
					\$ 15,506,581.08
Total Funds Held at 31 March 2014					\$16,916,045.68

Carla von Brockhusen - Finance Manager

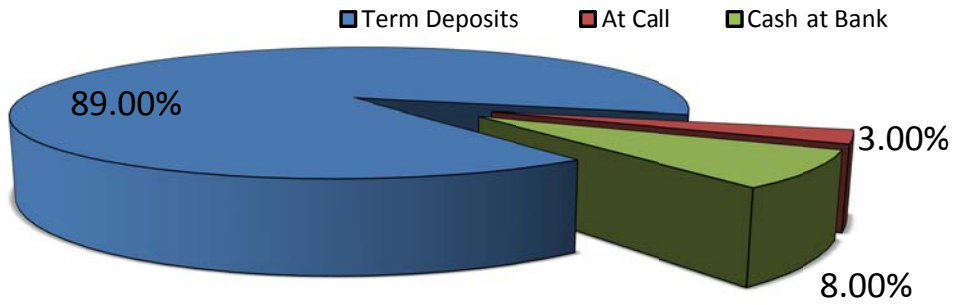
R E S O L U T I O N

Items requiring Council Resolution

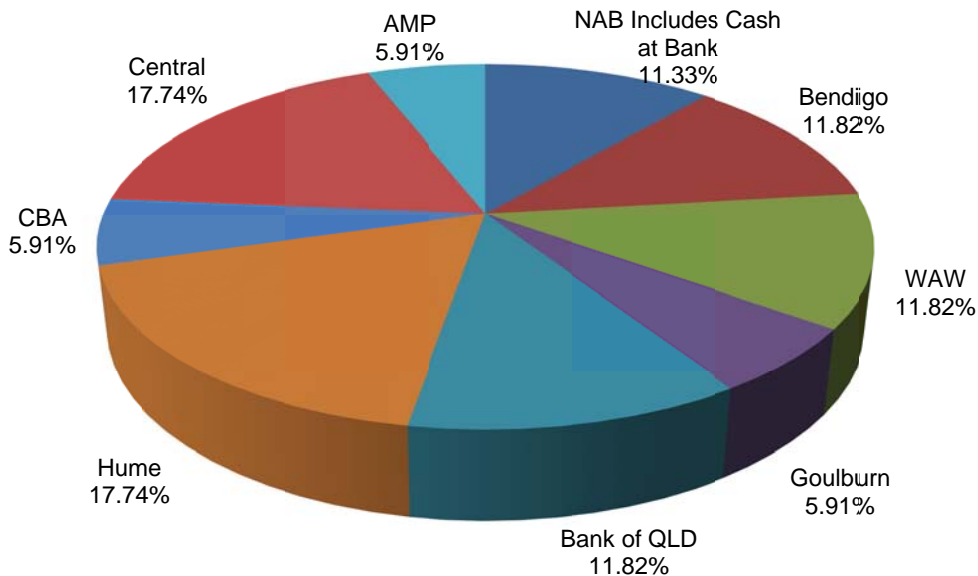
Summary of Total Fund Held at Month End



Funds Held By Council at Month End



Funds held with each Institution Company at Month End



RESOLUTION

Items requiring Council Resolution

5.2 USER FEES AND CHARGES POLICY**AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** 12.049.1**RECOMMENDATION:** - that the Council adopt the following Policy for User Fees and Charges.**1. POLICY STATEMENT**

Berrigan Shire Council offers a range of services for which it is entitled to charge a fee or charge. This policy provides guidance to Council and its staff regarding the setting of those user fees and charges – inside the statutory restrictions of the *Local Government Act 1993* and other legislation.

The setting of user fees and charges is the only major revenue source over which the Council has full and free influence. As such, the setting of fees and charges play an important part in the Council's budget, long term planning and financial sustainability.

2. PURPOSE

The purpose of this policy is to:

- Develop a framework for setting user fees and charges in a systematic, transparent, consistent and justifiable manner, based on relevant, reliable and robust costing information
- Provide guidance to Council staff on:
 - principles for fee and charge setting and their relationship to service delivery objectives;
 - appropriate fee and charge setting methods, including factors to be considered in determining the required level of cost recovery;
 - procedures for assuring compliance with competitive neutrality requirements;
 - procedures for monitoring service costs and fees and charges

Items requiring Council Resolution

3. SCOPE

This policy applies to all user fees and charges set by the Council with the exception of the rates and annual charges set under Chapter 15, Part 1 of the *Local Government Act 1993*

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.2.2.3:

Coordinate Council investments, financial management, financial operations and processing.

5. DEFINITIONS

Competitive Neutrality is aimed at eliminating any net competitive advantages accruing to government businesses as a result of their public sector ownership. Such action removes potential market distortions and promotes an efficient allocation of resources between public and private businesses.

Full Cost represents the value of all the resources used or consumed in the provision of a service. In addition to the costs directly associated with the service, full cost includes an appropriate allocation of indirect cost, including capital costs.

6. POLICY IMPLEMENTATION

6.1 General principle

Where legally possible, the Council intends to charge users for the provision of **all** goods and services that it provides.

As a general rule the Council will set its fees and charges at a rate to generate the maximum amount of revenue possible to offset the cost burden of the provision of services borne by other sources of revenue such as rates and untied grants.

Therefore, the Council will at a minimum seek to recover the full cost of service provision from its customers and clients. This general principle will only be modified where the other specific fee and charge setting principles apply,

6.2 Specific principles

The following principles will be considered by the Council when setting their fees and charges:

Items requiring Council Resolution

- Efficiency: the fees are simple and not cumbersome to administer
- Legality: the fees are set in line with legislation and/or other legal restrictions.
- Transparency: the nature and use of the service is understood by users
- Effectiveness: the fees provide value for money for users
- Clarity: users are clear about when & how fees apply
- Equity: the fees are fairly applied across a range of users
- Ethics: users with special service needs are not charged exorbitant fees directly in accord with the cost of higher servicing requirements

6.3 Costing and recovery

The Council will review and where necessary, enhance its current cost allocation practices by developing a costing model and related processes to allocate indirect cost and recognising and reporting the full cost of their services.

While full cost recovery represents the optimum pricing outcome, it is important to note that there will be situations where it is appropriate for the Council to recover less than the full cost, or not to recover costs through fees and charges at all.

For example, where:

- users receive only some of the benefits of the service, with the balance going to external, unrelated third parties
- social policy or access considerations outweigh the objectives of full cost recovery

Fee setting decisions must be evidence based and demonstrate consideration of:

- both the direct and indirect cost of goods and services to establish the full cost and
- "Best Value" principles including:
 - accessibility,
 - affordability, and
 - the efficient cost of services.
- The level of commercial risk, if any, borne by the Council.

6.4 Rationales

Every fee or charge set by the Council will be based on a clear fee setting rationale. This rationale will be shown for each fee in the Fees and Charges Register.

The rationales applicable include:

Items requiring Council Resolution

- **Statute Limited** – Priced at the figure stipulated by law as applicable to this activity
- **Cost Recovery** – Priced so as to return full cost recovery for the activities provided
- **Commercial Basis** – Priced to cover the cost of the item plus a commercial mark-up
- **Community Service Obligation** – Priced at below the cost of providing this activity as provision of the activity meets a social or economic objective of the Council

The Council will also identify those fees where the maximum amount charged does not cover the cost to the Council of providing the service.

6.5 Price setting model

Taking into account the above, The Council will use the following price setting model when setting its fees and charges.

$$P = C - G + M - S - D$$

Where:

P – The price ultimately charged by the Council to the user

C – The full cost (direct and indirect) of providing the goods or service

G – Any grants provided by third parties to fund the provision of the goods or service

M – A commercial margin (may be zero)

S – Any subsidy provided by the Council to meet a social or economic objective.

D – A mandatory discount applied to reduce the fee to an amount mandated by law

6.6 Goods and Services Tax (GST)

The Council will use its best endeavours to determine the Goods and Services Tax (GST) status for each user fee and charge that it sets. However there may be fees and charges for which the Council is unable to confirm the GST status.

Accordingly, if a fee that is shown as being subject to GST is subsequently found not to be subject to GST, then that fee will be amended by reducing the GST to nil.

Conversely, if the Council is advised that a fee which is shown as being not subject to GST becomes subject to GST, then the fee will be increased but only to the extent of the GST.

Items requiring Council Resolution

6.7 Council services provided by delegated authorities

The Council has delegated care, control and management of some of its facilities such as Recreation Reserves, Swimming Pools and Public Halls to volunteer committees of management established under the provisions of s355 of the *Local Government Act 1993*.

The delegation to these committees includes the power to set the fees and charges relating to the use of these facilities.

While these committees are not expected to follow the fee setting model established in this policy, they should be guided by the general principle of full cost recovery where possible and the other specific fee setting principles where appropriate.

7. RELATED POLICES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government Regulation 2005*
- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*
- *Companion Animals Act 1998*
- *Government Information (Public Access) Act 2009*
- *A New Tax System (Goods and Services Tax) Act (Cwth) 1999*
- National Competition Policy guidelines

7.2 Other plans, policies and strategies

- Long Term Financial Plan
- Financial Strategy 2012
- Social Justice Framework
- Commercial Credit Policy

REPORT:

This policy has been designed in order to provide some guidance to Council and its staff regarding the setting of user fees and charges – inside the statutory restrictions of the *Local Government Act 1993* and other legislation.

The purpose of this policy is to:

- Develop a framework for setting user fees and charges in a systematic, transparent, consistent and justifiable manner, based on relevant, reliable and robust costing information

Items requiring Council Resolution

- Provide guidance to Council staff on:
 - principles for fee and charge setting and their relationship to service delivery objectives;
 - appropriate fee and charge setting methods, including factors to be considered in determining the required level of cost recovery;
 - procedures for assuring compliance with competitive neutrality requirements;
 - procedures for monitoring service costs and fees and charges

The policy is based around a general principle:

*Where legally possible, the Council intends to charge users for the provision of **all** goods and services that it provides.*

As a general rule the Council will set its fees and charges at a rate to generate the maximum amount of revenue possible to offset the cost burden of the provision of services borne by other sources of revenue such as rates and untied grants.

Therefore, the Council will at a minimum seek to recover the full cost of service provision from its customers and clients. This general principle will only be modified where the other specific fee and charge setting principles apply,

The policy also provides reasons why the Council may choose not to apply the general principle.

- Efficiency: the fees are simple and not cumbersome to administer
- Legality: the fees are set in line with legislation and/or other legal restrictions.
- Transparency: the nature and use of the service is understood by users
- Effectiveness: the fees provide value for money for users
- Clarity: users are clear about when & how fees apply
- Equity: the fees are fairly applied across a range of users
- Ethics: users with special service needs are not charged exorbitant fees directly in accord with the cost of higher servicing requirements

The policy provides a general model for the setting of fees and charges;

$$P = C-G+M-S-D$$

Where:

P – The price ultimately charged by the Council to the user

C – The full cost (direct and indirect) of providing the goods or service

G – Any grants provided by third parties to fund the provision of the goods or service

Items requiring Council Resolution

M – A commercial margin (may be zero)

S – Any subsidy provided by the Council to meet a social or economic objective.

D – A mandatory discount applied to reduce the fee to an amount mandated by law

Finally, the policy provides some guidance around the applicability of the Goods and Services Tax (GST) and some guidance to the Council's volunteer management committees around the setting of their own fees and charges for their respective facilities.

While having a structured framework around the setting of fees and charges would be useful, the Council is under obligation to adopt such a policy outside of its general Revenue Policy adopted in the its Operational Plan each year.

The Council may choose to adopt this policy, adopt a modified version or not adopt a policy at all.

RESOLUTION

Items requiring Council Resolution

5.3 EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT STRATEGY

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.121.2

RECOMMENDATION: that the Council:

1. Adopt the Equal Employment Opportunity Policy as below:

1. POLICY STATEMENT

Berrigan Shire Council has a statutory obligation and is committed to the principles of Equal Employment Opportunity (EEO) and ensuring employment practices and workplace decisions are fair and free from discrimination. This policy is developed in line with legislation, and Council's Social Justice Framework.

2. PURPOSE

The purpose of this policy is to outline the Berrigan Shire Council's commitment to EEO, ensuring Council's procedures and processes are fair and do not disadvantage people because they belong to marginalised groups (EEO target groups).

3. SCOPE

This policy applies to all Berrigan Shire Council workers including volunteers, work experience students, contractors and prospective job applicants. Equal Employment Opportunity applies to:

- Access to employment
- Conditions of employment
- Workplace decisions
- Performance evaluation
- Training and career development opportunities

4. OBJECTIVE

This policy is designed to assist the Council to meet the following Delivery Plan objective:

2.2.2 Council operations support ethical, transparent and accountable corporate governance.

5. DEFINITIONS

***Direct Discrimination** is when an employer takes "adverse action" against an employee because of such things as their race, colour, sex or age. For example, an*

Items requiring Council Resolution

employee tells her employer that she is pregnant and will be soon taking her entitled parental leave; and her employer terminates her employment because she is pregnant.

Equal Employment Opportunity refers to the principle which ensures that all employees and potential employees of Council are treated equitably and fairly, regardless of their race, sex or disability. Everyone has an equal chance when applying for jobs or promotions, training opportunities and in their working conditions.

EEO Target Groups are those people belonging to groups identified as Aboriginal and Torres Strait Islanders; people who have migrated to Australia and whose first language is a language other than English, and the children of those people; people who have or have had a disability; and women.

Indirect Discrimination is less obvious than direct discrimination. It is when a work requirement, condition or practice seems the same for all staff, but actually disadvantages certain people because of such things as a disability, their race, colour, sex, age. To be discrimination, the work requirement must also be unreasonable. For example, to pass probation for an office job, all new employees must pass an eye test, even though first rate vision is not needed for the role. An employee has vision impairment and fails the probation because he can't pass this test.

Social justice is about inclusivity and fairness. It is based on four interrelated principles of equity, rights, access and participation. In the workplace, it is based on the idea that all people should be able to compete for employment or opportunity on the basis of their ability to do the job. In particular, it is about being more inclusive and focusing on those groups most likely to be marginalised or in vulnerable situations such as Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds, people with disabilities, older people, women and young people.

Systemic Discrimination is widespread and long-term. It happens to a group of people because of a shared characteristic such as disability, race or sex. It is often part of a workplace policy, practice or culture. For example, it is workplace policy that anybody who wishes to be promoted must attend training in the evenings and on the weekends. This is likely to disadvantage people with family or carer's responsibilities.

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Items requiring Council Resolution

6. POLICY IMPLEMENTATION

6.1 Council Responsibilities

Council is responsible for ensuring:

- All staff selection and appointments are based on merit;
- Workplace conditions and career opportunities are fair and equitable;
- All employees are given assistance to achieve their full potential with respect to their positions;
- That the workplace is free from unlawful discrimination;
- Equity of access to training and career development.

Staff

Whilst staff have rights they also have responsibilities to ensure:

- They work to the best of their ability and in line with Council's Values and Code of Conduct;
- The skills and talent of other staff members are recognised, and actions are taken to prevent discrimination of others in the workplace;
- The differences amongst fellow workers and customers such as cultural and social diversity are respected;
- All people are treated fairly.

Managers and Supervisors

Whilst Managers and Supervisors are afforded the same rights as all staff members, they have additional responsibilities to ensure:

- That all work practices and behaviours are fair;
- The work environment is free from all forms of unlawful discrimination;
- Employees are consulted on decisions that affect them;
- All employees are provided with equal opportunity to be considered for available jobs, higher grade duties, job rotation schemes and flexible working arrangements;
- Selection processes are transparent and the methods used are consistent.

Items requiring Council Resolution

- All employees are provided with equal access to fair, prompt and confidential processes to deal with complaints and grievances;
- All employees are given equal access to relevant training and development opportunities;
- That the training and development needs of EEO Target Groups are identified, and assistance is provided to help them gain access to training and development opportunities;
- Participate in learning opportunities and seek feedback to help manage staff effectively;
- Address actions in the EEO Management Plan to achieve specific EEO outcomes;

6.2 EEO Management Plan

The requirement for EEO Management Plans is set out in the *NSW Local Government Act 1993*.

The EEO Management Plan outlines Council's objectives in achieving legislative compliance and to eliminate discrimination in the workplace. It is a dynamic program of action to achieve EEO outcomes which will be reviewed and reported on annually.

6.3 Breaches of Policy

It is Council's responsibility to ensure that EEO practices are adhered to and any incidents of discrimination are addressed. Reports of incidents relating to discrimination will be handled in accordance with the Berrigan Shire Council's Discrimination, Workplace Bullying and Harassment Policy.

7. RELATED POLICIES OR STRATEGIES

Work Health and Safety Act 2011

Work Health and Safety Regulations 2011

Fair Work Act (Cwealth) 2009

NSW Anti-Discrimination Act 1977

Sex Discrimination Act 1984

Disability Discrimination Act 1992

Local Government (State) Award 2010

Berrigan Shire Council Code of Conduct

Berrigan Shire Council Social Justice Framework

Berrigan Shire Council Workforce Development Plan

Berrigan Shire Council Privacy Management Plan

Berrigan Shire Council Equal Employment Opportunity Management Plan

Discrimination, Workplace Bullying and Harassment Policy

Work Health and Safety Policy

Items requiring Council Resolution

Employee Assistance Program Policy
Internal Reporting Policy
Social Media Policy

2. Adopt the Equal Employment Opportunity Management Plan as below:

1. EXECUTIVE SUMMARY

1.1 Introduction

Berrigan Shire Council is committed to establishing a workplace that is free from discrimination, which is fair and just and provides prospects and opportunities for all existing and future employees.

The NSW *Local Government Act* 1993 (Sections 344 – 345) requires the Council to prepare and implement an Equal Employment Opportunity Management Plan (EEO Management Plan). The objectives of the legislation are:

- To eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in councils, and
- To promote equal employment opportunity for women, members of racial minorities and persons with disabilities in Councils.

The Council has developed the Equal Employment Opportunity Policy, the Discrimination, Workplace Bullying and Harassment Policy, and this EEO Management Plan to ensure Council is meeting its legislative requirements, to create an equitable and positive environment, and to promote the Council as an employer of choice.

1.2 Definitions

Disability, under the Disability Discrimination Act 1992, is defined as:

- *The total or partial loss of the person's bodily or mental functions; or*
- *Total or partial loss of a part of the body; or*
- *The presence in the body of organisms causing disease or illness; or*
- *The presence in the body of organisms capable of causing disease or illness;*
or
- *The malfunction, malformation or disfigurement of a part of the person's body;*
or
- *A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or*
- *A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour;*

Items requiring Council Resolution

And includes a disability that:

- *Presently exists; or*
- *Previously existed but no longer exists or*
- *May exist in the future (including because of a genetic predisposition to that disability); or*
- *Is imputed to a person*

It also includes behaviour that is a symptom or manifestation of the disability.

Equal Employment Opportunity (EEO) means equitable access to jobs and benefits and services for all employees and prospective employees in the workplace. EEO aims to ensure fair and equitable outcomes in all areas of employment which relate to recruitment, selection, access to information, supervision and management.

Equal Employment Opportunity is about:

- *Fair practices in the workplace;*
- *Management decisions being made without bias;*
- *Recognition and respect for the social and cultural backgrounds of all staff and customers;*
- *Employment practices which produce staff satisfaction, commitment to the job and delivery of quality services to customers;*
- *Improving productivity by guaranteeing that:*
 - *Skilled staff are retained*
 - *Training and development are linked to employee needs and customer needs; and*
 - *The workplace is efficient and free from harassment and discrimination.*

1.3 Provisions of the EEO Management Plan

In accordance with the *Local Government Act 1993*, the Council will incorporate into this EEO Management Plan, the following provisions:

1. Prepare, implement, communicate and maintain policies, procedures and practices that are consistent with EEO principles, legislation and guidelines;
2. Collect and record appropriate information;
3. Review Council practices (including recruitment techniques, selection criteria, training and staff development programs, promotion and transfer policies and patterns, and conditions of service), with a view to the identification of discriminatory practices;
4. The setting of goals or targets, where these may reasonably be determined, against which the success of the EEO Management Plan in achieving the objectives may be assessed;

Items requiring Council Resolution

5. Review and amend Council policies, procedures, practices and the EEO Management Plan.

2. EQUAL EMPLOYMENT OPPORTUNITY PRINCIPLES

To ensure EEO is integrated into all Council activities, the following principles are to be applied:

- A transparent, merit based recruitment process is used that ensures fairness and equity;
- Internal recruitment practices are unbiased and fair, with opportunities for promotion or applying for alternative roles are made available to existing staff, with appointments based on merit;
- Access to training and awareness is encouraged and made available to all employees;
- All reasonable steps are taken to ensure a working environment is established that is free from harassment, bullying and discrimination;
- Complaints are handled in a fair, expedient and confidential manner.

2.1 Supporting Frameworks

Council has in place the following to further support the EEO principles:

- Established Council values of:
 - Integrity
 - Leadership
 - Selflessness
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Respect
 - Trust and Teamwork
 - Advocacy
 - Partnership
- Code of Conduct
- Equal Employment Opportunity, Workplace Bullying and Harassment Policy
- Social Justice Framework
- Workforce Development Plan

Items requiring Council Resolution

3. EEO MANAGEMENT PLAN OBJECTIVES

The Berrigan Shire Council's Workforce Management Strategy and Plan 2013 – 2017 contributes to Council's Berrigan Shire 2023 Strategic Outcome of Good Government. The Workforce Management Strategy and Plan 2013 – 2017 actions that promote the objectives of the EEO Management Plan include:

2.2.2.5.1 Identify, attract and employ an appropriately qualified and flexible workforce;

2.2.2.5.2 Increase the engagement and retention of Council's professional and technically skilled workforce;

2.2.2.5.3 Strengthen workplace training and skills;

The Equal Employment Opportunity objectives outlined in this plan are aligned to those of the Workforce Management Strategy and Plan but are targeted to EEO outcomes. These objectives are to:

- 1. Establish policies and procedures that support EEO principles;*
- 2. Ensure all managers and employees understand EEO principles and their rights and responsibilities in relation to EEO;*
- 3. Ensure recruitment, selection, development and career progression practices conform with EEO principles;*
- 4. Create opportunities for all staff, based on merit, for career development through promotion, transfer and acting in higher positions;*
- 5. Allow all employees equal access to training and development opportunities relevant to their employment;*
- 6. Improve employment access, participation and retention for EEO target groups;*
- 7. Ensure that relevant information in relation to EEO is collected and recorded to measure the success of EEO initiatives;*
- 8. Review and evaluate the EEO Management Plan, policies, procedures and supporting programs.*

These objectives have been identified as the key areas for Council to achieve compliance with the *Local Government Act 1993*, and to eliminate discrimination and barriers to employment in the workplace.

Items requiring Council Resolution

The Action Timetable is designed to assign activities to meet these objectives, assign responsibilities and to develop a mechanism to measure progress towards achieving our EEO management goals.

RESOLUTION

Berrigan Shire Council Business Paper, 16th April, 2014

Items requiring Council Resolution

4. EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN – ACTION TIMETABLE			
<i>Action</i>	<i>Target Date</i>	<i>Responsibility</i>	<i>Performance Indicator</i>
1. Establish policies and procedures that support EEO principles			
1.1 Review the EEO, Workplace Bullying and Harassment Policy, and develop separate policies: <ul style="list-style-type: none"> • Equal Employment Opportunity Policy • Discrimination, Bullying and Harassment Policy. 	June, 2014	ERM	Review completed. Identified changes made.
1.2 Adopt and implement the EEO Management Plan.	June, 2014	Council	Plan adopted.
1.3 Review existing Council policies and procedures to ensure that they conform with EEO principles, including: <ul style="list-style-type: none"> • 1.3.1 Salary Policy 	December 2014	DCS	Review completed and identified changes made.
<ul style="list-style-type: none"> • 1.3.2 Induction 	December 2014	DCS	Review completed and identified changes made.
<ul style="list-style-type: none"> • 1.3.3 Training Policy 	December 2014	DCS	Review completed and identified changes made.
<ul style="list-style-type: none"> • 1.3.4 Internal Reporting Policy 	June 2015	DCS	Review completed and identified changes made.
<ul style="list-style-type: none"> • 1.3.5 Performance management systems 	June 2015	DCS	Review completed and identified changes made.
<ul style="list-style-type: none"> • 1.3.6 Acting appointments to higher grade positions 	December 2014	DCS	Review completed and identified changes made.
<ul style="list-style-type: none"> • 1.3.7 Recruitment and selection policy 	June 2015	DCS	Review completed and identified changes made.

Berrigan Shire Council Business Paper, 16th April, 2014

Items requiring Council Resolution

4. EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN – ACTION TIMETABLE			
<i>Action</i>	<i>Target Date</i>	<i>Responsibility</i>	<i>Performance Indicator</i>
2. Ensure all managers and employees understand EEO principles and their rights and responsibilities in relation to EEO.			
2.1 Post the EEO Management Plan and policies on Council's website.	June 2014	DCS	Management Plan available on website.
2.2 All aspects of EEO are covered during the induction process.	December 2014	DCS	Induction incorporates EEO principles.
2.3 Information relating to EEO is distributed as required to staff via various methods including: <ul style="list-style-type: none"> • Posting on noticeboards • Email • Including with payslips 	September 2014	DCS	Information is regularly disseminated and staff are kept fully informed.
3. Ensure recruitment, selection, development and career progression practices conform with EEO principles.			
3.1 Review and update Position Descriptions to: <ul style="list-style-type: none"> a) Remove any non-essential position requirements which may deter members of target groups from applying; b) Include EEO accountability in General Manager, Directors, Managers and Supervisors responsibilities 	May 2015	DCS	Position Descriptions reviewed and identified changes made.
3.2 Develop and implement succession planning and career progression programs that encourage the development of staff in EEO target groups to take up more senior positions.	June 2015	DCS	Training and progression programs in place.
4. Create opportunities for all staff, based on merit, for career development through promotion, transfer and acting in higher positions.			
4.1 Appointments, promotions, transfers are monitored to ensure that they do not breach EEO principles.	Ongoing	DCS	Monitoring system developed and implemented.
4.2 Opportunities to act in higher grade positions are assigned, and are made in accordance with EEO principles.	Ongoing	DCS	Monitoring system developed and implemented.

Berrigan Shire Council Business Paper, 16th April, 2014

Items requiring Council Resolution

4. EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN – ACTION TIMETABLE			
Action	Target Date	Responsibility	Performance Indicator
5. Allow all employees equal access to training and development opportunities relevant to their employment.			
5.1 Ensure all staff are aware of training opportunities including management training.	Ongoing	DCS	A range of staff are getting the opportunity to undertake professional development as confirmed by the Performance Review process.
6. Improve employment access, participation and retention for EEO target groups.			
6.1 Incorporate awareness programs into existing induction and training programs to increase acceptance and understanding within the workplace of physical and mental health issues.	December 2014	ERM/DCS	Training programs are continually provided and extended to all staff.
6.2 Part-time, job-sharing and alternate working arrangements considered on a case by case basis and provided where possible.	Ongoing	DCS	Arrangements exist that meet the needs of EEO target groups.
7. Ensure that relevant information in relation to EEO is collected and recorded.			
7.1 Expand the Workforce Management Strategy and Plan – Staff Survey to include questions relating to the principles of EEO and Council activities including training and staff appointments.	February, 2016	SSPC	Survey altered and data collected to assess Council's activities.
8. Review and evaluate the EEO Management Plan, policies, procedures and supporting programs.			
8.1 EEO Management Plan objectives are reviewed every four years as part of the Workforce Development Plan, with the plan and associated policies and procedures updated to reflect changes in best practice and legislation.	2018	DCS/ERM/SSPC	Reviews conducted, recommendations made and adopted by Council.

Items requiring Council Resolution

REPORT:

Upon reviewing Council's Equal Employment Opportunity, Workplace Bullying and Harassment Policy, it became apparent that in order to establish a clear and succinct policy statement, Equal Employment Opportunity had to be treated separately to the issues of Discrimination, Bullying and Harassment, and therefore required a separate policy.

It also became apparent that Council did not have in place an Equal Employment Opportunity Management Plan, which is a requirement of the *Local Government Act 1993, Chapter 11, Part 4*.

In accordance with the *Local Government Act 1993 (Act)*, Council must prepare and implement an equal employment opportunity management plan that includes, amongst other provisions, the devising of policies and programs that:

- a) eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in councils, and
- b) promote equal employment opportunity for women, members of racial minorities and persons with disabilities.

As stated in the Act, where the Minister is dissatisfied with any matter relating to the preparation, amendment or implementation of an equal employment opportunity management plan by a council or any failure or omission of a council with respect to the preparation, amendment or implementation of any such plan, the Minister may refer the matter to the Anti-Discrimination Board or Public Service Commissioner.

According to the Anti-Discrimination Board NSW, legal responsibility for unlawful discriminatory acts committed by or on behalf of the council often rests with the council itself. This means that council may be legally liable for unlawful harassment, discrimination, vilification and/or associated victimisation that happens:

- * between elected members;
- * between employees;
- * from a councillor/s to an employee/s;
- * from an employee/s to a councillor/s;
- * from council itself, from a particular councillor, or from a council employee to a member of the public;
- * between members of the public –when this happens on council premises or at council organised occasions.

Items requiring Council Resolution

Council will be legally liable for any such discrimination, harassment or vilification – unless it can show that it took all reasonable steps to prevent discrimination, harassment or vilification from happening.

To ensure Council's compliance, and to demonstrate Council has taken "reasonable steps", the EEO Policy and EEO Management Plan have been developed, and must be adopted.

The EEO Policy outlines Council's commitment to EEO practices, and responsibilities for ensuring our workplace is fair and free from discrimination.

The EEO Management Plan incorporates the provisions as outlined in the Act, and states Council's objectives for achieving compliance and eliminating discrimination in the workplace. It also includes an Action Plan on how specific EEO outcomes will be achieved.

The EEO Management Plan is designed to work in with the Berrigan Shire Council Workforce Development Plan. It is a dynamic document and will be reviewed in conjunction with the Workforce Development Plan, or where changes in legislation necessitate a review.

The existing Equal Employment Opportunity, Workplace Bullying and Harassment Policy has been revised as the Discrimination, Workplace Bullying and Harassment Policy and will be tabled at the Work Health and Safety Committee meeting on Thursday, 10th April, 2004 for approval, before being sent to the Risk Management Committee meeting in May for Council adoption.

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Items requiring Council Resolution

5.4 COUNCILLORS AND OFFICERS LIABILITY INSURANCE

AUTHOR: Accounts Receivable/Payable Officer

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.034.1

RECOMMENDATION: - that the Councillors individually answer the following questions:

1. Has there been or is there now pending against any Councillor or officer of the council or its Subsidiary Companies or against any outside director a Claim against them in their capacity as such? Yes No
If 'Yes', provide full details:
2. Is any Councillor or officer after enquiry, aware of any circumstances which might give rise to a Claim, including but not limited to any act, error, omission, misrepresentation, breach of duty or misconduct? Yes No
If 'Yes', provide full details:
3. Is any Councillor or officer after enquiry, aware of any circumstances which might give rise to a prosecution proceeding, under any Occupational Health & Safety Act, any Environmental Protection Legislation, or any other similar Act or Legislation? Yes No
If 'Yes', provide full details:
4. Is any Councillor or officer after enquiry, aware of any facts or circumstances which might affect the ability of the Council or its Subsidiary Companies to meet its debts as and when they fall due? Yes No
If 'Yes', provide full details:

REPORT:

The Council's *Councillors and Officers Liability Policy* will expire on 30 June 2014.

The administrators of Statewide Mutual, Jardine Lloyd Thompson, has asked Council to answer several questions that will help them in negotiating terms with insurers for the renewal of this Policy.

Items requiring Council Resolution

The questions asked in the recommendation specifically require answers from individual Councillors and are selected from a larger group of questions which require detailed answers from the Council.

RECOMMENDATION

Items requiring Council Resolution

**5.5 DEVELOPMENT APPLICATION 54/14/DA/D3
HARD ROCK QUARRY 123 YARRAWONGA
ROAD, BERRIGAN****AUTHOR:** Town Planner**STRATEGIC OUTCOME:** Diverse and resilient business**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** 54/14/DA/D3**RECOMMENDATION:** that development application 54/14/DA/D3 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 plans provided by Frank Rennick & Company Pty Ltd nos. 3654-2A.PDF, 3654-2B.PDF and 3654-2C.PDF and on the application form and any supporting information received with the application except as amended by the conditions specified hereunder.

2. Quarry Operations

Operations on site must be conducted by suitably qualified and accredited personnel and in accordance with the *Technical Basis For Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration* produced by the Australian and New Zealand Environment Council.

3. Impact on Adjoining Properties

The use of the quarry must not interfere unreasonably with the amenity of the area or enjoyment of adjoining land by reason of noise transmission, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, wastewater, waste products or otherwise.

4. Property Access

All heavy vehicles must access the site from the east along Old Cobram Road. Heavy vehicles are not permitted on the portion of McClellands Road west of the site in order to prevent degradation of this shared access road.

5. Road Construction and Maintenance

McClellands Road must be constructed in accordance with Councils standards and specifications and maintained via a Road Maintenance Agreement with Council from the quarry entrance up to and including

Items requiring Council Resolution

the intersection with the Old Cobram Road which is to incorporate a 375mm diameter culvert.

6. Rate of Extraction

Approval is granted for no more than 30,000m³ of rock to be extracted per annum. Should this figure be exceeded the development would constitute 'designated development' and further approval would be required to be obtained from Council.

7. Dust Suppression

Measures must be taken as necessary to minimise and control the emission of dust from the property in order to ensure that this does not cause a nuisance to adjoining properties.

8. Earthen Barrier

The height of the proposed earthen barrier must be at least 3 metres in order to mitigate noise and dust impacts on adjoining properties.

9. Control of Blast Rock

Blast rock must be contained on site at all times and under no circumstances be deposited on adjoining properties.

10. Stormwater

Measures must be taken to ensure provision is made on site to contain stormwater from at least a 1 in 10 year event with sediment traps cleaned out as necessary to prevent stormwater flowing on to adjoining properties and mitigate localized flooding impacts.

11. Works in Road Reserve

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

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

12. Permitted Hours for Work

All work shall be carried out only between the hours of 7am and 6pm Monday to Friday inclusive, 8am and 5pm Saturdays. No work shall be carried out on Sundays and public holidays.

Voting in favour

Voting against

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Items requiring Council Resolution

REPORT:

Site

The subject site consists of Lot 1 DP126657 and Lot 15 DP752291 within a wider holding known as 123 Yarrowonga Road, Berrigan. It is situated within the RU1 – Primary Production Zone under the provisions of the Berrigan Local Environmental Plan 2013. The property is currently utilised for agricultural grazing purposes and includes of a number of large above ground rock formations. The subject site is located on the corner of the unsealed MacPhersons and McClellands Roads and is approximately 7km south of the township of Berrigan. The nearest dwellings are approximately 1km north west and 1.6km north of the subject site. An existing operational quarry is located on an adjacent property to the south however there is no history of quarry works on site. The rock formations and surrounding areas include a significant amount of native vegetation species. The area drains to the north west and a catch drain directs overland flow to two dams on the west side of the paddock. See plan below.



Items requiring Council Resolution

Proposal Details

In general terms, the proposal is to establish a hard rock quarry in an area measuring approximately 16ha indicated by the star in the above plan. The development is to be implemented in 6 stages with total volume of granite material available being 280000cu.m. Rate of extraction will be approximately 28000cu.m. per year therefore the quarry will have a lifespan of approximately 10 years. The granite material is to be processed according to demand with large rocks used for stabilization of farm and Murray River irrigation channels and smaller material utilised in road construction.

Plans of the proposal are included as Appendix "A"; the applicant has also prepared a statement of environmental effects included as Appendix "B".

Advertising / Notification

The development proposal was advertised with a notice placed in the Southern Riverina News on 12th February inviting written submissions until Friday 28th February 2014. All property owners in the vicinity of the proposed development were also notified and sent a copy of the plans.

At the close of the exhibition period two objections had been received from adjoining property owners. The main points of contention were:

- Impacts of vibrations caused by blasting on neighbouring dwellings
- Potential for heavy vehicles to access the site from the west
- Noise impacts of blasting and crushing on neighbouring residences
- Proposed earthen curtain considered not high enough to reduce impacts
- Potential for blast rock to be deposited on adjoining properties
- Potential for stormwater to flow on to adjoining properties

The proposal was also referred to Council's Director of Technical Services for consideration of traffic impact, road works, site access and stormwater drainage upon which the following was submitted:

- Proponent is to construct and maintain via a Road Maintenance Agreement McClellands Road from the quarry entrance up to and including the intersection with the Old Cobram Road which is to incorporate a 375mm diameter culvert.
- Council will continue to maintain the Old Cobram Road and intersection with Yarrowonga Road however should production increase to 50000m³ per annum or greater the proponent is to carry out 2.5m road widening works 100m either side from the centre point of the intersection on the Yarrowonga Road and including the turn area on to Old Cobram Road up to 20m.

Items requiring Council Resolution

The first of these points will be added as a condition of consent. Should extraction exceed 30000m³ a further development application will be required and the second point conditioned appropriately on that consent.

Response to issues raised by objectors

Impacts of vibrations caused by blasting on neighbouring dwellings

In response to this issue raised by objectors the applicant has provided calculations based on weight of explosive being 100kg, significantly higher than the 30kg maximum charge which is expected to be utilised. The basic equation for blast vibration is Peak Particle Velocity (PPV) which factors in weight of explosive and distance to the nearest dwelling. Using this equation a PPV of 0.72 millimeters per second was calculated. The *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration* produced by the Australian and New Zealand Environment Council recommends a maximum level for ground vibration of 5mm/sec. As such it can be concluded that the proposal is not likely to have a negative impact on neighbouring dwellings from ground vibration. Conditions of consent will ensure compliance with these guidelines and protect the amenity and enjoyment of adjoining land.

Potential for heavy vehicles to access the site from the west

It was noted in a submission that for heavy vehicles travelling from Cobram it will be quicker for them to access the site from the west of McClellands Road with potential dust impacts on adjoining properties and causing damage to a shared access road. However this is not in any way proposed. The submitted Statement of Environmental Effects (Appendix "B") states that all trucks will travel from the entry to the east and this portion of McClellands Road is to be upgraded to accommodate this use. Vegetation and hard rock outcroppings which restrict heavy vehicle access from the west will remain. A condition of consent will require all vehicles to access the site from the east and appropriate enforcement action will taken if found to be in breach of this condition.

Noise impacts of blasting and crushing on neighbouring residences

48 hours notice will be given to neighbouring residences prior to any blasting and the applicant has proposed earthen barriers to mitigate any potential noise and dust impacts. Calculations done at 100kg of explosive and not factoring in the earthen barriers indicate noise levels could reach 92.5db during blasting at the nearest residence; this will obviously be less with a maximum 30kg charge. The maximum recommended by The *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration* produced by the Australian and New Zealand Environment Council is 115db. Therefore it can be concluded that whilst the nearest residence is likely to experience some noise disturbance at times of blasting

Items requiring Council Resolution

this will not exceed the recommended level for the minimization of annoyance and discomfort.

Proposed earthen curtain considered not high enough to reduce impacts

Plans demonstrate that from the location of the earthen barriers rock will be extracted in stages to a depth of 8.5m below existing surface level, thereby improving the effectiveness of the barriers as the development is implemented. Furthermore, the barrier was not factored in to calculations estimating the impact of noise which demonstrate that guidelines for acceptable limits will not be exceeded. The applicant has agreed to raise the height of this barrier from the 2m indicated on plans to 3m which will be enforced via a condition of consent.

Potential for blast rock to be deposited on adjoining properties

This impact should not occur in any instance where quarrying is carried out by qualified and accredited personnel following correct procedure. The applicant has indicated that this is to be the case and it is worth noting that the direction of blasting is unlikely to result in rock being deposited on adjoining properties. The impact can be avoided by the implementation of smaller and more frequent blasting as opposed to large heavy blasting. A condition of consent will specify that blast rock must not be deposited on adjoining properties and appropriate enforcement action taken if found to be in breach.

Potential for stormwater to flow on to adjoining properties

All run off will be directed to at least one 1000m³ sedimentation dam and then via two farm dams over a distance of 1100m before leaving the property. This is considered to be an adequate level of retention. A condition of consent will require appropriate measures to be undertaken to ensure the site has the capability to contain stormwater from a 1 in 10 year event and ensure no stormwater is able to flow on to adjoining properties.

Discussion

It is considered that the concerns of the objectors have been adequately addressed and can be enforced via conditions of consent. The applicant has prepared a detailed Statement of Environmental Effects as well as response to issues raised by objectors which it will be a requirement for the development to be implemented in accordance with.

The proposed extraction level of 28000cu.m. year does not constitute designated development and is not a scheduled activity under the Protection of the Environment Operations Act 1997. However the proposal must be assessed against the provisions of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Items requiring Council Resolution

The State Environmental Planning Policy (SEPP) lists various matters for consideration in the assessment of development applications. These include the significance of the resource including potential economic benefits. A demand for this resource has been demonstrated in the area and assessments have suggested the material to be suitable for road construction use. The output of this quarry is likely to be utilised by Roads and Maritime Services, local government, Murray Irrigation, West Cororgan Irrigation and private land owners.

Other matters for consideration listed in the SEPP include noise, vibration, air quality and aquifer interference. Potential noise and vibration impacts are discussed above. Dust impacts are likely to be minimal with prevailing winds in a south westerly direction away from adjoining residences, the earthen barrier and proposed vegetation planting will mitigate such impacts. The proposed works will not interfere with any aquifer as the process is a dry one which will not have any adverse effects on groundwater. No groundwater is expected to be encountered with the implementation of the development as an MIL Channel west of the site runs at 117.6 AHD which is below the floor of the proposed quarry in the final stages.

Compatibility of the proposed development with other land uses in the vicinity as well as other quarrying operations is also required to be considered. The proposed quarry is located on an ideal site in the RU1 – Primary Production Zone. Conditions of consent will ensure that it is compatible with adjoining residential and agricultural uses and it is not considered that the operation of the facility will be incompatible with that of the adjoining quarry to the south by way of impeding access to or limiting assessment of those resources. The cumulative impacts of two quarries in close vicinity is also a consideration, the proposed development if implemented in accordance with industry standards and recommended conditions of consent will not add unreasonably to the impacts of the existing quarry in the area.

Before granting development consent for the purposes of an extractive industry the consent authority must aim to ensure that the development is undertaken in an environmentally responsible manner. The property is identified as biodiversity significant in mapping associated with Berrigan Local Environmental Plan 2013. As such any assessment must consider adverse impacts on flora and fauna species. Although the area is not a noted habitat for protected fauna species there are numerous examples of native vegetation species on site. In this regard inspection of the site was carried out by Murray Catchment Management Authority (Local Land Services) on the 19th September 2013. It was confirmed that separate approval will not be required from this organization for the removal of trees and that the trees which are proposed to be removed are of low value with crown diameters of 7m or less, no hollows observed and evidence of dieback in crowns and limbs. Tree plantings will be undertaken on site to offset those to be removed and native

Items requiring Council Resolution

species will be selected which are suited to the shallow soil rocky ridge environment.

Other matters for consideration listed in the SEPP include the efficiency of resource recovery and potential impacts involved with transportation of materials. In this instance it has been demonstrated that the resource will be extracted in an efficient manner by packing explosive into 30-40mm drill holes, conditions of consent will require road construction and potential upgrade works to cope with the impacts of transportation.

Finally the proposed end use and rehabilitation of the site upon cessation of the quarrying works must be taken into consideration. Expectations based on demand suggest a lifespan of ten years for the quarry after which rehabilitation is proposed which will involve pushing available material and top soil over the top of the quarry. This will then gather on the benches activating ground cover. The sedimentation ponds and catch drains will be backfilled and the stockpile area east of the extraction zone will be returned to agricultural use. Planned plantings west and north of the work area will minimize long term visual impacts.

Conclusion

The relevant parts of Section 79C of the Environmental Planning and Assessment Act 1979 have been incorporated into the assessment of this development application.

There are no prohibitive constrains posed by adjacent developments. The proposal is suitable for the locality and meets the objectives of the RU1 – Primary Production Zone in particular the following:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

All potential impacts which could render the operation of the proposed facility unacceptable have been mitigated and the proposal satisfactorily meets the requirements of all the relevant state and local planning instruments and policies. The proposed development is ultimately considered to be in the public interest by stimulating and diversifying the local economy.

Appendix A – Plans

Appendix B – Statement of Environmental Effects

Items requiring Council Resolution

**5.6 DEVELOPMENT APPLICATION 49/14/DA/D9
10 LOT SUBDIVISION, 1-35 HAMILTON
STREET, FINLEY****AUTHOR:** Town Planner**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our
natural resources and built landscapes**FILE NO:** 49/14/DA/D**RECOMMENDATION:** that development application No. 49/14/DA/D9 be
refused for being incompatible with planning legislation and not in the
public interest.**Voting in favour:****Voting against:**

REPORT:Site

The subject site is 1-35 Hamilton Street, otherwise known as Lot 1165 of Deposited Plan 875732, Finley. The property has recently been rezoned from the 1(a) General Rural Zone under the provisions of Berrigan Local Environmental Plan 1992 to the R5 Large Lot Residential Zone under the provisions of Berrigan Local Environmental Plan 2013. The northern boundary of the property fronts the Riverina Highway and the western boundary fronts a large Murray Irrigation Limited supply channel offshoot from the Mulwala Canal. It is 19.12ha located on the north western side of the Finley township. The property is largely comprised of vacant / agricultural land with a single residential dwelling and associated structures fronting Hamilton Street. See aerial plan below.

Items requiring Council Resolution

that after careful consideration Council officers were of the opinion that the size, shape and design of allotments as indicated on the submitted plan does not represent a functional utilisation of the land.

Where Council previously have approved large lot residential subdivision into allotments measuring approx. 50m wide the maximum length of these allotments has been 150m. It was advised that residential lots on this scale in a semi-rural setting will result in significant wasted space requiring ongoing maintenance and that construction of an internal road would result in both improved lot layout and design as well as produce a higher lot yield. An amended plan demonstrating a more functional layout was requested or written confirmation that the applicant wishes to proceed with the application in its current form in which case it was advised that the proposal may not be supported.

Further to this letter a meeting was arranged with the applicant on 26th February 2014 in which various alternative layouts were discussed. At this meeting the applicant advised that they have had several enquiries to purchase the properties as fenced and that there was no demand in Finley for smaller allotments. The applicant was advised that a more functional layout would not necessarily mean smaller allotments and an alternative similar to that attached as Appendix "D" was suggested. With this alternative arrangement there is no significant change in the size of the lots but the layout allows for greater privacy and more functional open space associated with the erection of future dwellings. The applicant was again advised that should they wish to proceed with the application in its current form the proposal may not be supported. Written confirmation was received on 19th March 2014 that this was the intention of the applicant.

Section 79C Evaluation

Section 79C of the Environmental Planning and Assessment Act 1979 outlines what matters a consent authority is required to take into consideration in determining a development application. An assessment against the relevant parts of s.79C is provided below.

79C (a)(i) the provisions of any environmental planning instrument

Berrigan Local Environmental Plan 2013 is the applicable environmental planning instrument in this instance. The property is within the R5 – Large Lot Residential Zone under this instrument with a minimum lot size of 5000m². Relevant objectives of this zone are as follows:

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

Items requiring Council Resolution

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

With regards to the first point the proposed layout essentially precludes any future subdivision of the lots. At 50m in width and over 300m in length if a dwelling were to be erected in the centre of one of these lots it would be impossible to achieve an acceptable outcome from any future subdivision. However with the suggested alternative layout (Appendix “D”) each of the lots could potentially be subdivided into smaller lots with the benefit of shared battle axe handle driveways. It is worth noting that this land is in a prime location for future subdivision being easily accessible and serviceable and is one of only two larger blocks of land in Finley zoned for this purpose with the intention of accommodating long term demand for large lot residential blocks.

With regards to the second point the proposed layout creates the potential for land use conflict within the zone associated with the development of the blocks. For example, with elongated rectangular shaped lots there is potential for one property owner to erect a dwelling towards the front of the lot and the next to erect one towards the rear. Should the first property owner then decide to erect a large machinery shed towards the rear of their property it will create a conflict of use. With lot widths of 50m appropriate separation distances between such uses cannot be achieved and impacts such as noise, dust, visual amenity etc cannot be mitigated.

79C (b) the likely impacts of that development

Primary Matters	Comment
Access, Transport and Traffic	The proposal will have a significant impact on traffic movements along Hamilton Street with potential for nine new access driveways. Shared driveways and the minimisation of access points to Hamilton Street would be preferable. Should an acceptable lot layout be achieved it will be a condition of consent for all weather access driveways to be provided at least to the property boundary of each lot.
Public Domain	The proposed layout essentially sterilises large sections of each lot. Upon construction of dwellings a significant portion of each property will remain vacant which if not maintained will result in wider impacts upon the public domain including weed dispersal, dust and visual amenity. Should a future owner decide the property is too large to maintain in conjunction with residential use there will be no potential for further subdivision.
Utilities	Should an acceptable lot layout be achieved it will be the responsibility of the subdivider to provide all services to the allotments.
Social Impact	The suggested alternative layout allows for greater separation distances between dwellings initially and for appropriate subdivision in the future thereby improving social cohesion and community structure.

RESOLUTION

Items requiring Council Resolution

Economic Impact	Appropriate subdivision of this land is encouraged and would be beneficial to the local economy. The land has recently been rezoned having been identified for many years as an ideal location for rural residential subdivision with the Riverina Highway to the north and MIL supply channel to the west. The proposed design does not represent the highest use of the land and best outcome in terms of long term economic demand for rural residential blocks.
Site Design and Internal Design	The shape and design of allotments as proposed is not considered appropriate or functional for the utilisation of rural residential land. Internally the lot design encourages the irregular positioning of dwellings with associated land use conflicts and adverse impacts on the streetscape.

79C (c) the suitability of the site for the development

Primary Matters	Comment
Does the proposal fit in the locality?	The proposed layout does not fit with the pattern and form of allotments in the locality or in other large lot residential areas throughout the Berrigan Shire.
Are the site attributes conducive to development?	Site attributes are conducive to subdivision generally. The property does not constitute prime agricultural land and is not subject to natural hazards.

79C (d) any submissions made in accordance with this Act or the Regulations

Primary Matters	Comment
Public Submissions	Adjoining landowners were notified and given opportunity to comment. At the close of the exhibition period no submissions had been received.

79C (e) the public interest

Primary Matters	Comment
Community Interests	An improved lot layout is in the interests of future owners and occupiers of the land.

Conclusion

The submitted plan of subdivision conflicts with the relevant planning legislation. As well as the specific provisions of s.79C of the Environmental Planning and Assessment Act discussed above, the proposed plan of subdivision also conflicts with two of the primary objectives of the Act as follows:

Items requiring Council Resolution

- the proper management, development and conservation of natural and artificial resources for the purpose of promoting the social and economic welfare of the community and a better environment
- the promotion and co-ordination of the orderly and economic use and development of land

The applicant has been given opportunity to amend the plan in order to achieve an improved layout which allows for greater privacy, more functional open space and future subdivision potential however wishes to proceed with the application in its current form.

Whilst the submitted plan may be in the interests of the current property owner and potential buyers it is not likely to be in the interests of future owner and occupiers of the land and therefore cannot be supported as being in the public interest.

It is recommended that the application be refused.

Appendix “C” – Proposed Plan
Appendix “D” – Suggested Plan

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Items requiring Council Resolution

5.7 HALF COST SCHEME 04/13/14 KERB AND GUTTER CONSTRUCTION – BUCHANANS ROAD, BAROOGA (WEST SIDE, GUNNAMARA STREET TO WIRUNA STREET)**AUTHOR:** Executive Engineer**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities**FILE NO:** 28.167.3 & HCS 04/13/14**RECOMMENDATION:** - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Buchanans Road, Barooga (West Side), between the Gunnamara Street and Wiruna Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 04/13/14 as set out below.**SCHEDULE: SCHEME NO. 04/13/14****KERB AND GUTTER CONSTRUCTION – BUCHANANS ROAD, BAROOGA (WEST SIDE, GUNNAMARA STREET TO WIRUNA STREET)**

Estimated full unit rate is \$120.00 excluding GST per linear metre, inclusive of survey, design, construction and supervision.

Berrigan Shire Council Business Paper, 16th April, 2014

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost Excl GST \$
Lot 1 DP262961 27 Gunnamara Street	0%	35.000	\$4,200.00	\$0.00	\$0.00	\$0.00	\$4,200.00
Lot 2 DP262961 25 Gunnamara Street	25%	27.320	\$3,278.40	\$819.60	\$81.96	\$901.56	\$2,458.80
Lot 7 DP262961 98-100 Buchanans Road	50%	27.600	\$3,312.00	\$1,656.00	\$165.60	\$1,821.60	\$1,656.00
Lots 5&6 DP262961 94-96 Buchanans Road	50%	42.700	\$5,124.00	\$2,562.00	\$256.20	\$2,818.20	\$2,562.00
Lot 1 DP394098 82-84 Buchanans Road	50%	73.430	\$8,811.60	\$4,405.80	\$440.58	\$4,846.38	\$4,405.80
Lot 2 DP394098 86-88 Buchanans Road	50%	83.040	\$9,964.80	\$4,982.40	\$498.24	\$5,480.64	\$4,982.40

Berrigan Shire Council Business Paper, 16th April, 2014

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost Excl GST \$
Lot 114 DP752274 70-80 Buchanans Road	25%	151.230	\$18,147.60	\$4,536.90	\$453.69	\$4,990.59	\$13,610.70
	0%	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		440.320	\$52,838.40	\$18,962.70	\$1,896.27	\$20,858.97	\$33,875.70

Items requiring Council Resolution

REPORT:

In accordance with Council's policy and its earlier resolution, a meeting was held on site on Wednesday 5 February, 2014 at 5:00pm.

The meeting was attended by Council representatives: James Sorraghan (Executive Engineer) and Councillor John Bruce.

Property owners from all properties affected by the scheme were in attendance.

All property owners were in favour of the scheme and used the occasion to explain to Council the problems in the street. The main issue was speeding and the Executive Engineer has already forwarded the residences fears to police.

At the end of the meeting those who attended were in support for the scheme to go ahead.

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Items requiring Council Resolution

5.8 HALF COST SCHEME 06/13/14 KERB AND GUTTER CONSTRUCTION – TUPPAL ROAD, TOCUMWAL (ROUNDBOUT TO RAILWAY LEVEL CROSSING)**AUTHOR: Executive Engineer****STRATEGIC OUTCOME: Supported and engaged communities****STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities****FILE NO: 28.167.4 & HCS 06/13/14****RECOMMENDATION: - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Tuppal Road, Tocumwal (both sides) between the roundabout and the railway crossing and make a charge on abutting property owners in accordance with the Schedule for Scheme 06/13/14 as set out below.****SCHEDULE: SCHEME NO. 06/13/14
KERB AND GUTTER CONSTRUCTION – TUPPAL ROAD, TOCUMWAL
(ROUNDBOUT TO RAILWAY LEVEL CROSSING)**

Estimated full unit rate is \$120.00 excluding GST per linear metre, inclusive of survey, design, construction and supervision.

Berrigan Shire Council Business Paper, 16th April, 2014

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
Lot 104 DP1141944 76-78 Deniliquin Road Tocumwal	50%	14.220	\$1,706.40	\$853.20	\$85.32	\$938.52	\$853.20
Lot 105 DP1141944 80-86 Deniliquin Road	50%	37.550	\$4,506.00	\$2,253.00	\$225.30	\$2,478.30	\$2,253.00
Tuppal Road Railway land	50%	145.740	\$17,488.80	\$8,744.40	\$874.44	\$9,618.84	\$8,744.40
Council park	0%	68.250	\$8,190.00	\$0.00	\$0.00	\$0.00	\$8,190.00
Roadways	0%	7.00	\$630.00	\$0.00	\$0.00	\$0.00	\$630.00
	Total	265.760	\$31,891.20	\$11,850.60	\$1,185.06	\$13,035.66	\$20,040.60

Items requiring Council Resolution

REPORT:

Council's 2013/14 Capital Works Program includes the construction of kerb and gutter at Tuppal Road, Tocumwal.

Most of these works were planned to be partially funded from contributions from owners in accordance with Council's policy 'Administration of Contributory Footpath and Kerb and Gutter Schemes pursuant to clauses 217, 218 & 219 of the Roads Act 1993'.

Affected owners have been advised of the proposed works and contributions in accordance with the policy and have been asked to advise us of their agreement or otherwise to participate in the scheme. The notification advised them that if they did not respond by Monday 31 March, 2014 for Kerb and Gutter Scheme 06/13/14, it would be assumed there was no objection.

Set out below are the details of scheme **06/13/14**, along with a map showing the affected properties. Red shading indicates that the landowner is NOT in agreement. Green shading indicates that the landowner IS in agreement and Yellow shading indicates those that are yet to respond to the Council's notification letter.

Vic Track has advised that they are not in agreement with the proposal and have requested additional information to justify the works as set out below:

- *We question whether the proposed works are actually required and on what grounds. Has a report been prepared by a suitably qualified transport consultant that justifies the proposed need for these works? If so we would request to see a copy of this report.*
- *We would also like to see the detailed costing calculations of the proposed works. Will Council be completing these works internally? Has there been a competitive tender for the work?*
- *We also question the contribution of the proposed works to the areas amenity as justification for the works.*

Section 217 of the Roads Act does not require Council to justify its decision to construct kerb and gutter or to market test the costings.

It is recommended that the scheme be proceeded with and Vic Track advised of the decision and provided with details of the costings.

Items requiring Council Resolution



NO-HUTCHISON

 Items requiring Council Resolution

5.9 ARIAL BUNDLED CABLE PROPOSAL – VERMONT STREET, BAROOGA
AUTHOR: Director Technical Services
STRATEGIC OUTCOME: Sustainable natural and built landscapes
STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes
FILE NO: 28.167.1
RECOMMENDATION: that the Council fund the replacement of the existing low voltage conductors with aerial bundled cable on the south side of Vermont Street, Barooga between Golf Course Road and McFarland Street at a cost of \$11,985 incl GST.

REPORT:

Council has allowed \$100,000 in the current budget for the replacement of low voltage conductors on the west side of Murray Street, Finley with aerial bundled cable.

Preliminary costings were obtained to replace the conductors on the west side of Murray Street, Finley between Wollamai Street and the south side of Burton Street and also for the replacement of the conductors on the east side of Vermont Street, Barooga between Golf Course Road and McFarland Street as there was a need identified in this area to protect trees planted several years ago. The preliminary costings were \$34,000 to \$36,000 for Finley and \$11,000 to \$12,000 for Barooga.

I have since received the final quotation for the Barooga work of \$11,985 inclusive of GST and it is recommended that these works proceed using the existing budget provision for Murray Street.

Below are some recent photographs of Vermont Street showing the area concerned and also the next block which should be programmed for similar work in the future.

Unfortunately Essential Energy have slipped under our guard and pruned some of the trees in Vermont, Street already and this emphasizes the need to have this work carried out as soon as possible.

I am working with Essential Energy to try to improve the communication regarding tree management within our towns.

Items requiring Council Resolution



RESOLUTION

Items requiring Council Resolution

RESOLUTION



Items requiring Council Resolution

**5.10 DOCUMENTS FOR SIGNING AND SEALING –
SALE OF 6 INGO RENNER DRIVE,
TOCUMWAL.****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural
resources and built landscapes**FILE NO:** 05.005.9**RECOMMENDATION:** - that the Council sign and seal all documents
related to the sale of lot 35 DP 790167 being 6 Ingo Renner Drive,
Tocumwal.

REPORT:

Councillors may recall that it previously agreed to take possession of 6 Ingo Renner Drive, Tocumwal in return for effectively waiving the outstanding rates of approximately \$11,000.

The Council made this agreement as the block was contaminated with tar presumably originating from the operations at Tocumwal Aerodrome during WW2 and beyond.

The Council has now had the block decontaminated at a cost of approximately \$40,000.

Given that decontamination the block was placed on the market and a buyer has agreed to a purchase price of \$55,000 which has been verbally accepted.

The sale is a good result and should see the Council end up about even on the project when legal and agents costs are included.

To complete the sale the Council needs to resolve to sign and seal all documents related to the sale.

As an aside in addition to the previous verbal advice regarding a land sale at Malone Mews, Finley and additional block has also been sold at Lewis Crescent, Finley. Two blocks remain available.

RESOLUTION

 Items requiring Council Resolution

5.11 ROAD SAFETY OFFICER POSITIONS AND PROJECTS.
AUTHOR: General Manager
STRATEGIC OUTCOME: Supported and engaged communities
STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities
FILE NO: 28.094.1
RECOMMENDATION: - that the Council not participate in the Local Government Road Safety Program.

REPORT:

The Hon Duncan Gay MLC, Minister for Roads and Ports has written to the Council inviting it to participate in the Local Government Road Safety Program.

The program broadly provides a 50% subsidy towards the cost of employment of a Road Safety Officer and access for competitive funding for road safety projects for a three year period.

The program provides \$5m funding for Road Safety Officers and \$15m for road safety projects over a 3 year term.

Road safety projects appear to include both physical and educational projects however this is not entirely clear.

The estimated cost of employment of a Road Safety Officer including oncosts and access to a vehicle would be in the \$80,000 - \$90,000 pa with the Council responsible for half of that.

If employed and projects developed the Council may or may not receive funding for those projects as these are judged competitively.

Over the five years to 2012 there were 65 crashes within the Shire area and 3 fatalities. Given those statistics it would be difficult to compete for grant funding.

The Council has previously resolved not to participate in the program as it believes that this a cost that should be met by the State and because if project funding is not guaranteed then the Council's cost of participation in the program may well exceed its 50% contribution to the cost of the Road Safety Officer.

Items requiring Council Resolution

No specific funding has been included for participation in the project in the draft budget that appears elsewhere in this agenda however the Council commits significant funds through its roads budget to road safety improvements.

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Items requiring Council Resolution

**5.12 RESTRICTED ACCESS VEHICLES,
OVERSIZE AND OVERMASS VEHICLES**

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 28.094.3

RECOMMENDATIONS:

1. That Council sub delegate its delegated powers from the National Heavy Vehicle Regulator as set out below to the General Manager.

Heavy Vehicle National Law

Section

661

INSTRUMENT OF DELEGATION- PERMITS

I, Bruce George Baird, Chairperson of the National Heavy Vehicle Regulator Board, pursuant to the Authorisation of the National Heavy Vehicle Regulator Board made 3 February 2014, hereby delegate under section 661(1)(b) of the Heavy Vehicle National Law as applied in participating jurisdictions (the National Law) to each road manager in New South Wales those functions specified in Column 1 and Column 2 of the Schedule 1, subject to the limitations specified in Column 3 of Schedule 1.

The Delegate may sub delegate the functions specified in Schedule 1 to suitably qualified persons who are subject to the direction and control of the delegate, for the purpose of giving effect to the National Law.

This instrument has effect for one year from the date of its execution.

This Instrument is comprised of the cover page, this page and Schedule 1, comprising 3 pages. No other material forms part of the Instrument.



BRUCE GEORGE BAIRD

CHAIRPERSON
National Heavy Vehicle Regulator

Items requiring Council Resolution

DATED AT Sydney THIS 21st day of February, 2014

SCHEDULE 1 – Table of Sub-delegated Functions of Chief Executive Officer

Column 1 Reference	Column 2 Function	Column 3 Limitation
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Chapter 4 Vehicle operations-mass, dimension and loading

Part 4.5	Exemptions for particular overmass or oversize vehicles	The delegate is authorised to issue a permit under Division of Part 4.5, including doing all things reasonably necessary or incidental in connection
Division 3	Exemptions by Permit	with the issue of a permit, In respect of any road for which the delegate may exercise the functions of a road manager under the Heavy Vehicle (Adoption of National Law) Act 2013 (NSW).
Part 4.7	Particular provisions about mass or dimension authorities	The delegate is authorised to exercise the functions of the Regulator under Division 4 or Division 5 of Part 4.7 in connection with a mass or dimension authority issued in respect of any road for which the delegate may exercise the functions of a road manager under the Heavy Vehicle (Adoption of National Law) Act 2013 (NSW)
Division 4	Amendment, cancellation or suspension of mass or dimension authority granted by permit	
Division 5	Provisions about return of mass or dimension authorities	

Chapter 11 Reviews and appeals

Part 11.2	Internal Review	The delegate may issue a certificate with respect to a permit it has issued under Part 11.2 in respect of any decision it has made in accordance with this delegation, under Part 4.5 or Part 4.7.
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Chapter 13 General

711(1)(g)	Evidence by certificate by Regulator generally	The delegate may issue a certificate with respect to a permit it has issued under Part 4.5 or Part 4.7.
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RESOLUTION

Items requiring Council Resolution

713	Evidence by certificate by Regulator about matters stated in or worked out from records	The delegate may issue a certificate with respect to any matter relevant to a decision made in accordance with this delegation, as specified in this section.
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- 2. that Council add to the 2014/15 Fees and charges: \$70 (GST inc) application fee for Class 1 and Class 3 heavy vehicle permit applications and that fees for route assessments and for structural assessments be at costs plus 10%.**

REPORT:

On February 10th, 2014 applications for Heavy Vehicle routes and permits were taken over by the new National Heavy Vehicle Regulator (NHVR) with applications for access to Council roads being forwarded to Council for consideration and response within 28 days.

This system proved to be unworkable and by February 25th, 2014 we were advised by email that Class 1 and Class 3 permits were delegated to Council for council roads for approval. The official delegation has only recently been received and is included in the recommendation above for the authority of the delegation to be sub delegated to the General Manager.

The current legislation allows for fees to be charged for processing applications and they are a basic fee of \$70 for straight forward applications and for higher fees where the application requires a route assessment or structural assessment. In these cases the fee should reflect the actual cost of carrying out the assessment.

Refer below, a copy of the letter recently received from Roads and Maritime services concerning this delegation along with the attached 'Frequently Asked Questions – Local Councils and Heavy Vehicles' document. These provide a good explanation of the current situation and support the recommendation.

Reference SF/2013 138103

Dear General Manager

I am writing to provide additional information about the delegation powers for New South Wales Road Managers under the Heavy Vehicle National Law (HVNL) which came into effect on Tuesday 25 February 2014. As you are aware, the HVNL and the National Heavy Vehicle Regulator (NHVR) came into effect in NSW on 10 February 2014.

Items requiring Council Resolution

From that day, the NHVR started processing access permits and notices for all vehicles above 4.5 tonnes gross mass. There has been significant disruption to the heavy vehicle industry as a result of delays by the NHVR issuing permits.

On 21 February 2014, in response to widespread industry concerns, NSW sought a delegation from the NHVR to provide all road managers in NSW the power to issue heavy vehicle access permits for Class 1 and 3 heavy vehicles. Acting under the delegation, local councils can issue permits directly to heavy vehicle operators for journeys within their local government area. Roads and Maritime can issue permits directly to heavy vehicle operators for journeys on state roads within NSW. For interstate journeys, the NHVR will continue to issue the permits.

Under the delegation councils will be able to:

- Charge \$70 for the issue of a permit;
- Charge a fee for any route assessments necessary to make an access decision;
- Use pre-approved templates for receiving and issuing permits (attached).

Roads and Maritime acknowledge the short time frame and disruption which this may cause councils and is committed to working with local government to ensure a smooth transition.

The delegation is a temporary measure put in place until the NSW government, along with other state governments, is satisfied the permit application process through the NHVR can operate effectively and efficiently for all stakeholders.

The delegation to all road managers was the closest replication of the former access system which could be implemented to help industry under the HVNL. As you would be aware, before the commencement of the HVNL within NSW, any vehicle or combination which alone or together with its load exceeded the mass and dimensions as defined in the former NSW road transport legislation was considered to be a restricted access vehicle and required a notice or permit to travel on NSW roads. Under the former process, Roads and Maritime would issue applications that clearly stated the requirement of operators to obtain separate approvals for local government roads.

We appreciate your patience and will make every endeavour to work with you to develop resources and systems to help manage applications and issue permits.

In the interim, attached are some frequently asked questions, provided to help you understand the changes. If you have any inquiries please

Items requiring Council Resolution

contact Kim Denyer, Senior Manager, NHVR Project Management Office, Roads and Maritime Services on 02 8588 5592.

Peter Wells
Director
Safety and Compliance Division

FREQUENTLY ASKED QUESTIONS LOCAL COUNCILS AND HEAVY VEHICLE ACCESS.

Why is the heavy vehicle access permit process changing in NSW?

With the introduction of Heavy Vehicle National Law (HVNL) in participating jurisdictions around Australia on 10 February 2014, issuing permits became the responsibility of the National Heavy Vehicle Regulator (NHVR). The HVNL requires the NHVR to obtain consent from all road managers before a permit can be issued.

After the commencement of the HVNL the NHVR experienced systems problems which led to delays in issuing permits to the transport industry. In order to assist the NHVR, on 21 February 2014 the NSW Government accepted a delegation from the NHVR to allow road managers in NSW to issue permits. The delegation commenced on 25 February, 2014. This delegation returns the practice for issuing permits to a process which is as similar as possible to that in place in NSW before the introduction of the new law on 10 February, 2014.

What is the Legislative Delegation Permits?

The delegation provides all road managers in NSW with the power to issue heavy vehicle access permits for Class 1 and Class 3 heavy vehicles for travel within NSW. Acting under the delegation, councils can issue permits directly to heavy vehicle operators for journeys for roads managed by council within their local government area. Under the delegation, Roads and Maritime can only issue permits for travel on state managed roads. The NHVR will continue to issue permits for interstate journeys.

How long will the delegation be in place?

The delegation is an interim measure to assist the NHVR to improve the system to issue permits. The current delegation will expire on 21 February 2015, however, it is expected that the NHVR access management systems will be functioning successfully before this time.

How does this compare with the process in place before 10 February, 2014?

Under the previous Road Transport (General) Act, councils were delegated road managers by the Minister for Roads and Ports to make access decisions in relation to local roads. Roads and Maritime issued permits for approved access requests for the state managed roads only and a condition of the permit was that transport operators required the approval of other road managers as required. The new process resulting from the delegation is similar in concept to the former process.

What is the role of the 'road manager' under the Heavy Vehicle National Law (HVNL)?

Items requiring Council Resolution

The HVNL establishes the role of the 'road manager' for heavy vehicle access permits. Roads and Maritime is the road manager for state roads under the HVNL. Local councils are the road managers for local roads. As with the previous transport law in NSW, road managers including local councils have the right of approval or refusal of access requests to their roads.

Are there any impacts or changes to the Roads Act as a result of the HVNL?

No, council functions and obligations under the Roads Act remain unchanged. The Heavy Vehicle (Adoption of National Law) Act 2013 recognises council's role as a road manager.

Section 17 *Heavy Vehicle (Adoption of National Law) Act 2013* (NSW) provides that the road manager for a public road is the roads authority for that road as provided for in the *Roads Act 1993* (NSW).

Information on the delegation of council functions can be found in Sections 377 and 378 of the *Local Government Act 1993* (NSW).

What are the implications of the delegation from the NHVR for local government?

Roads and Maritime and local councils will be required to consider access applications as road managers but, in accordance with the delegation, they will also have the power to issue permits. The issuing of permits is the only additional expansion of duties under the delegation. Councils have always had similar road manager powers including the requirement to assess access applications.

In granting access permits local councils must have regard to the NHVR approved guidelines (available at <https://www.nhvr.gov.au>).

Templates councils may wish to use including industry permit forms are available from Roads and Maritime. These templates cover all potential access requests eligible for permits under the delegation and these templates have been approved for use by the NHVR. If you wish to use different council permit templates, these must be submitted by councils to the NHVR for approval. In considering access requests councils may seek any additional information that it requires to make a decision from the heavy vehicle operator.

Can a council deny an access application?

In accordance with the HVNL, a road manager can only deny an access application if the heavy vehicle journey will or is likely to:

- Cause damage to road infrastructure; or
- Impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
- Pose a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and,
- These effects cannot be managed by imposing road conditions or travel conditions

Where conditions are imposed on an access request or council declines to grant access, an information notice must be provided to the applicant explaining the reasons for the decision.

Can a council approve an access application subject to stated conditions?

If council decides to approve access but wants to apply conditions, there are three categories defined in the HVNL - travel conditions, road conditions and vehicle conditions.

Items requiring Council Resolution

Council must provide a written information notice to the applicant to explain the required conditions.

What is a road condition?

Road conditions ensure the use of a restricted access vehicle on particular routes does not endanger road infrastructure, impose adverse effects on the community or pose significant risk to public safety. Road conditions may include restricted access to certain routes or bridges, travel in certain lanes, or restrictions on the carriage of a load as well as the requirement of enrolment in the Intelligent Access Program.

What is a travel condition?

Travel conditions ensure the movement of restricted access vehicles is limited to certain times or in a certain direction on a route. These include travel restrictions during peak hours or on a school bus route or imposing a direction for travel (for example, northbound only).

What is a vehicle condition?

Vehicle conditions are applied to ensure a restricted access vehicle operates safely on a public road. Examples include requirements for a vehicle to be configured in a certain manner, such as having particular axle spacing. In addition vehicle conditions may include a described safety feature such as electronic stability control, or have noise mitigation equipment installed.

Is there a review process?

Under the HVNL, access decisions of road managers, including councils, concerning road access are subject to internal review to be conducted in accordance with specific requirements under the HVNL.

What is an information notice?

Access decisions to refuse access or approve access subject to conditions are reviewable internally. An information notice must be provided for these access conditions. The written information notice must set out the findings of material facts, the evidence or other material supporting these findings, and identify every document that is relevant to the decision.

For example, if the road manager has carried out a route assessment and determined the relevant road cannot handle the restricted access vehicle for which access is sought, it is required to set out in writing the reasons for the decision and refer to the route assessment report in its reasons.

Council must provide the information notice to the applicant with the permit if the permit is denied or contains conditions.

What if a Council does not respond to a consent request from the NHVR?

If council does not respond to consent requests, after 28 days in accordance with the HVNL, this is deemed to be a denial. A deemed denial may trigger the internal access review process.

What are Class 1 and 3 vehicles?

A heavy vehicle is a Class 1 heavy vehicle if it, together with its load, does not comply with a prescribed mass requirement or prescribed dimension requirement applying

Items requiring Council Resolution

to it, and:

- (a) it is a special purpose vehicle: or
- (b) it is an agricultural vehicle other than an agricultural trailer: or
- (c) it;
 - (i) is a heavy vehicle carrying, or designed for the purpose of carrying, a large indivisible item, including, for example, a combination including a low loader: but
 - (ii) is not a road train or 8-double, or carrying a freight container designed for multi-modal transport.

An agricultural trailer is a Class 1 heavy vehicle, irrespective of whether it, together with its load, does or does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it.

A heavy vehicle is a Class 3 heavy vehicle if it, together with its load, does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it and it does not fit into the description of the Class 1 vehicle.

How long do road managers have to make a permit decision?

Road managers have up to 28 days to make an access decision. Many heavy vehicle operators have business models which do not accommodate a 28 day turn around for approvals and require permits within 24 hours. Many of these requests are for the movement of equipment for construction projects and the mining and agricultural industries.

Can councils charge any fees under the Heavy Vehicle National Law?

Under the delegation, councils can charge the regulated fee (\$70) for issuing access permits. The fee is to assist local councils with the administrative costs of issuing permits and providing the services to industry.

As the road manager, council may determine a route assessment is required for consideration of the access application. A fee for completing a route assessment may be charged. The council is not required to process the application or carry out the route assessment until such time as the applicant has paid the route assessment fee. The applicant has 28 days to pay the route assessment fee and may ask for an extension of time to pay.

If the applicant does not pay the route assessment fee within 28 days, the application is treated as having been withdrawn and no further action is required by the road manager. Examples of route assessments which would attract a fee include those which include an independent bridge or pavement assessment. Councils may choose to continue using the Roads and Maritime published Freight Route Investigation Levels available at: [http://www.rms.nsw.gov.au/heavvvehicles/downloads/route assessment guide dl1.html](http://www.rms.nsw.gov.au/heavvvehicles/downloads/route%20assessment%20guide%20dl1.html) when considering applications as well as route assessments.

Why am I still receiving access applications from the NHVR?

The delegation only allows councils and Roads and Maritime to issue permits for journeys within NSW. Interstate journeys, as well as Class 2 vehicles (for example PBS, road trains and B Doubles), are still managed by the NHVR. Councils are required to respond as road managers to access requests they receive from the NHVR for interstate journeys. Information on how to respond to access requests from the NHVR is available on the NHVR website at <https://www.nhvr.gov.au/>.

In this situation local councils cannot charge the \$70.00 fee for considering an access

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Items requiring Council Resolution

request as the NHVR is issuing the final permit. Councils may charge a route assessment fee, if applicable.

If council receives an access application from a transport operator which includes roads in other states, council should advise the transport operator that they are not able to process the application and refer the transport operator to the NHVR.

Is it necessary to refer council 'road manager' access request to Local Traffic Committee (LTC)?

Some councils currently invite the Local Traffic Committee (LTC) to provide advice on heavy vehicle traffic matters including approval of routes for heavy vehicle access. The Regulation of Traffic Guideline, which establishes the LTC, stipulates that 8-double and other access approvals are not part of the delegation to Traffic Committee.

Further information can be found in Section 05 of the Route Assessment Guidelines available at
[http://www.rms.nsw.gov.au/heavvvehicles/downloads/route assessment guide.pdf](http://www.rms.nsw.gov.au/heavvvehicles/downloads/route%20assessment%20guide.pdf)

What if I need more information?

To assist the NHVR, Roads and Maritime is working with Local Government NSW to develop information for councils. If you have further queries on this information, contact roadfrei@rms.nsw.gov.au.

Information is also available on the Roads and Maritime web page at:

<http://www.rms.nsw.gov.au/heavvvehicles/index.html>

Information on the National Heavy Vehicle Regulator is on their web page at:

<https://www.nhvr.gov.au/>

Items requiring Council Resolution

5.13 QUARTERLY REPORT ANNUAL OPERATIONAL PLAN

AUTHOR: Strategic and Social Planning Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO: 04.121.4

RECOMMENDATION: - that the Council note the March 2014 Quarter Progress Report of the Annual Operational Plan 2013/14 circulated as Appendix “E”.






REPORT:

Circulated with this Agenda as Appendix “E” is the March 2014 quarterly review of the Council’s *Annual Operational Plan 2013/14*: the first year of Council’s *Berrigan Shire 2023: 4-year Delivery Program 2013 – 2017*.

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

- Council actions that support and promote *Berrigan Shire 2023* outcomes (these are outcomes which match Department of Local Government’s quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program* Objectives;
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

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

 Complete	 On Target	 Not On Target	 Past Due	 No Status / Deferred
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Additional information in the Quarterly Review of the Annual Operational Plan includes:

1. A percentage target for each *Delivery Program*, *Annual Operational Plan* objective and or *Operational Plan* action – usually 100% though in some instances where it is reasonable to assume a degree of

RESOLUTION






Items requiring Council Resolution

‘slippage’:(i.e.: seasonality; carryover from previous years and or carry forward as is the case for ongoing capital works) the full year performance target may be lower

2. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target
3. Comments from the Responsible Council Officer highlighting service achievements and or the challenges relevant to the Council operation being reported and its status.

The review also includes the outcomes of the Council Workshop and actions adopted by Council at its Ordinary Council Meeting 19th March 2014 as these relate to Council’s 4-year Delivery Program and this financial year’s Annual Operational Plan.

This is the third quarter of Council’s 2013/14 Operational Plan and the following table provides a summary of progress. Officer comments and the detail of actions completed, on target and not on target are described in the attached review.

Outcome	 Complete	 On Target	 Not On Target	 Past Due	 No Status / Deferred	Total
Sustainable Natural and Built Environment	2	20	-	-	-	22
Good Government	-	27	2	-	0	29
Supported and Engaged Communities	5	32	-	-	2	39
Diverse and Resilient Business	-	24	-	-	4	28
Operational Plan Status	7	100	2	-	6	118

Items requiring Council Resolution

5.14 FINLEY WAR MEMORIAL HALL AND SCHOOL OF ARTS 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: 05.101.3

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Finley War Memorial Hall and School of Arts Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Committee of Management:

President/	Ross Whittaker
Treasurer	
Secretary	Jan Gray
Committee	Noel and Fran A'Vard, Heather Davis, Anne Hawkins, Robyn Purves, Christine Lawlor, Jim Cockayne, Ted Gray, Helen Armstrong, Jim Sibraa, Fay English

REPORT:

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

Items requiring Council Resolution

5.15 AUSTRALIA DAY 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:** 26.063.1**RECOMMENDATION:** - that the Council:

- A) Revoke existing members of the Australia Day Committee of Management.
- C) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Committee of Management:

President	Cr Bernard Curtin
Secretary	Chris Nevins
Treasurer	Bill Daly
Committee	Katrina Tehan, Wendy Lane, Lyndall Horne, Alice Kingham, Cr Andrea O'Neill.

REPORT:

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

Items requiring Council Resolution

5.16 AERODROME PROMOTION COMMITTEE OF MANAGEMENT**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Diverse and resilient business**STRATEGIC OBJECTIVE:** 4.2 Strengthen and diversify the local economy**FILE NO:** 39.160.3**RECOMMENDATION:** - that the Council:

1. Pursuant to s355 of the Local Government Act form a committee known as the Tocumwal Aerodrome Business and Economic Development Committee of Management with such Committee to have following complement

2 x business operators based at Tocumwal Aerodrome
1 x hangar owner (not being a business operator referred to above)
1 x Berrigan Shire Council Economic Development Officer
1 x ???

With the Committee having a quorum of 3 and all members having voting rights

2. Pursuant to s377 of the Local Government Act delegate to the Committee formed in (1), above, the power to promote the business and economic develop of the Tocumwal aerodrome and to use a budget of \$10,000 provided by the Council for this purpose.

REPORT:

The Mayor and General Manager recently met with two of the three business operators based at the Tocumwal Aerodrome. The operators requested the meeting, broadly, to express that in their view there is need to encourage more commercial activity at the aerodrome to both sustain the aerodrome itself and enhance the economic value that can be extracted from it for the community.

The operators believe that purchasers of the recently subdivided land are already based at the aerodrome and therefore are adding little additional economic value.

The operators highlighted that despite Tocumwal Aerodrome having superior facilities other aerodromes were successfully attracting new businesses despite having less facilities. These businesses would typically be those

Items requiring Council Resolution

facing operational difficulties at metropolitan aerodromes such as Moorabbin or Bankstown.

The operators advised that they would be prepared to work with the Council to form an economic development committee which with a small budget (\$10,000) could actively promote the aerodrome to potential business operators. The operators are prepared to directly promote the facility ie take the time to personally visit potential businesses.

The approach is a proactive one and jointly supports the Council's own goals and also those of the operators who would directly benefit from increased commercial activity at the Aerodrome.

The operators suggested forming the above committee with the following complement:

- 2 x business operators
- 1 x hangar owner
- 1 x Economic Development Officer
- 1 x town representative (Tocumwal Chamber of Commerce and Tourism)

The proposal has some merit as:

- The business operators and the hangar owner are well connected to the aviation industry and therefore are likely to have a working relationship with prospective business owners;
- The proposed budget could be offset against the Council's future advertising costs to promote the sale of the remaining lots at the aerodrome;
- It supports observations that development at the aerodrome has usually occurred through word of mouth rather than advertising; and
- The required promotion material can most likely be produced by the Council "in house".

If the Council supports the proposal it could form a Committee of Management and delegate it with the authority to promote the business and economic development of the Aerodrome and to expend the proposed budget in pursuit of that.

Again, assuming support for the concept, the Council could consider the suggested committee complement as it may be appropriate to have a Councillor representative in lieu of a town representative.

The requested budget for the proposed committee has been included in the draft budget.

Items requiring Council Resolution

From a staff perspective the proposal appears worthy of support as it represents a low risk option that could deliver on the Council's goal of developing activity at the aerodrome and would probably consume less funds than an advertising program.

RESOLUTION

Items requiring Council Resolution

5.17 DRAFT ANNUAL OPERATIONAL PLAN 2014 - 2015

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2023 objective and strategies inform Council planning and community led projects

FILE NO: 04.121.4

RECOMMENDATION: -: that the Council

1. Note amendments to the financial forecasts of the *Delivery Program 2013 – 2017* administratively reviewed as part of the development of the *Draft Annual Operational Plan 2014 -2015* attached as Appendix “K”
2. Adopt The Berrigan Shire Council Rating and Revenue Policy 2014 – 2015 attached as Appendix “L”
3. Adopt as the draft and endorse for public exhibition the following:
 - 3.1. Berrigan Shire Council Draft *Annual Operational Plan 2014 – 2015* inclusive of
 - 3.2. Berrigan Shire Council Draft Fees and Charges

Attached as appendix “M”.

REPORT:

In accordance with *Local Government Act 1993* and the NSW Division of Local Government Integrated Planning and Reporting requirements Council must review exhibit for at least 28 days and adopt by June 30 2014 its:

- *Annual Operational Plan 2014 - 2015*

The general requirements of Council are that its *Resourcing Strategy* make provision for the resources required to ‘implement the strategies established by the Community Strategic Plan that Council is responsible for’ (*Integrated Planning and Reporting Manual for Local Government in NSW* March 2013). The administratively reviewed and amended *Delivery Program 2013 – 2017* attached as Appendix “K” meets the general requirements of the *Local Government Act 1993* in that it is a 4-year plan that describes the ‘principal activities [Council] will undertake to achieve the objectives of the Community Strategic Plan, within the resources available [to it] under the *Resourcing*

Items requiring Council Resolution

Strategy' (Integrated Planning and Reporting Manual for Local Government in NSW March 2013).

Included in the administratively reviewed *Delivery Program* is a by strategic outcome update of the Delivery Program's forecast budget and a summary of Council's draft capital works program which is also being presented at this meeting.

Council's administratively reviewed *Delivery Program 2013 – 2017* meets the essential elements of the *Integrated Planning and Reporting Manual for Local Government in NSW March 2013* in that it:

- Directly addresses the objectives and strategies of the Community Strategic Plan: *Berrigan Shire 2023*
- Identifies action that Council will take in response to *Berrigan Shire 2023* objectives and strategies
- Addresses the full range of Council operations

The draft *Annual Operational Plan 2014 – 2015* attached as Appendix "M" meets the general requirements of the *Local Government Act 1993* in that it is a 1-year plan that outlines the activities Council will undertake in the upcoming year, as part of its *Delivery Program*.

The draft *Annual Operational Plan 2014 – 2015* includes:

- Budget commentary and a summary of actions to be taken by Council in the next 12 months
- Council's Revenue and Charging Policies to be adopted by a separate resolution at this meeting
- Maps and information describing Council Rating Categories
- Council's Fees and Charges 2014/15 to be adopted by separate resolution at this meeting (Extraordinary Meeting 24 April 2013)
- Council's Annual Budget; and a copy of the
- Detail of its draft Annual Capital Works Program 2014 – 2015 to be adopted by a separate resolutions at this meeting

The draft *Annual Operational Plan 2013 – 2014* meets the essential elements of the *Integrated Planning and Reporting Manual for Local Government in NSW March 2013* in that it:

- Includes a detailed budget and Statement of Council's Revenue Policy;
- Is a sub-plan of the *Delivery Program*; and it
- Addresses and assigns responsibility for the actions described in the *Delivery Program* and the activities that Council will undertake in the next 12 months.

Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.10 Inclusive be received and noted.

6.1 LOCAL GOVERNMENT SUPERANNUATION SCHEME

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 22.171.1

REPORT:

The Local Government Superannuation Scheme (LG Super) is the default industry superannuation fund for local government in New South Wales.

The fund operates a variety of schemes, of which Council contributes to two – the Accumulation Scheme and the Retirement Scheme.

The Retirement Scheme is a “defined benefit” scheme where the employee is entitled to a set amount on retirement, regardless of the performance of the fund. The Council, as the employer, is required to make sufficient payments into the fund to ensure this amount is available.

The Council has 16 Retirement Scheme members. As the scheme has been closed to new members for some time, these are mostly longer serving employees, relatively close to retirement.

Attached as Appendix “F” please find attached a copy of the latest employer investment report for the information of the Council

As a result of the Global Financial Crisis in 2008/09, the Council is currently required to make “double” contributions to the Retirement Scheme and this is expected to continue for at least three years.

Councillors should also be aware that the Australian Prudential Regulatory Authority (APRA) – the body that regulates financial institutions including superannuation schemes – is considering a new solvency standard for

Items for Noting

defined benefit funds. This would require the Council to contribute more in the initial stages.

LG Super is seeking an exemption from this standard as it is effectively a multi-employer "pool" and there are equity issues if Councils are required to contribute more now and less later on.

NOTING

Items for Noting

6.2 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

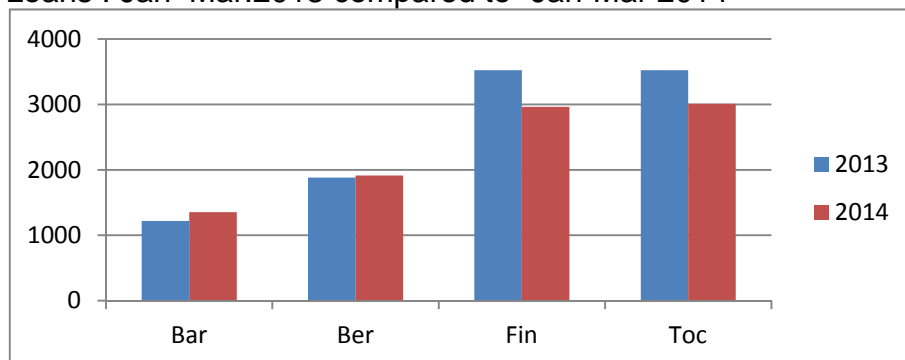
REPORT:

A busy quarter reflects successful events. The Summer Reading Program is gradually growing in all Branches, Berrigan being the leader with the most followers of primary students reading the most books during the summer. International Women's Day with three guest speakers attracted our highest number of participants and the inaugural Seniors Week Bake-Off was enjoyed by all. The NSW Library Funding Campaign is underway with support from the majority of NSW Councils.

Statistics

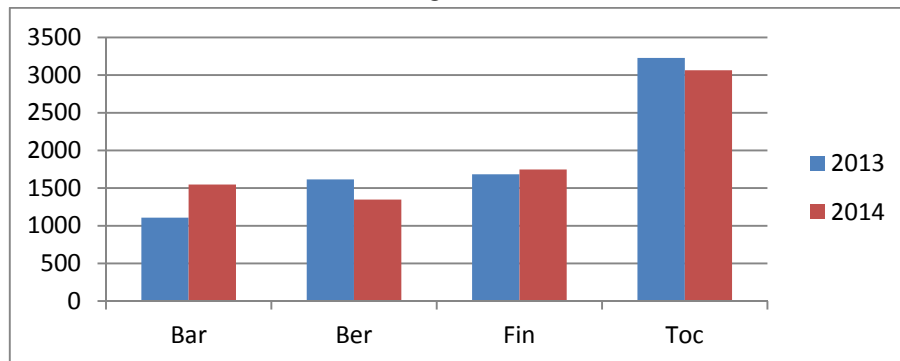
Library Services have had a very busy quarter, although the ebb and flow of the 'wave' of Loans and Door count is on the lower end for March, each Branch enjoyed the higher 'wave' in February. Loan comparisons of 2014 quarter are down by 907 and Door count is up by 70 across all Branches.

Loans : Jan–Mar.2013 compared to -Jan-Mar 2014



Items for Noting

DOOR COUNT: JAN-MAR.2013 COMPARED TO JAN-MAR.2014



DIGITAL LOANS

Bolinda eBooks and eAudio are growing in popularity with a total of 88 users. For the Jan-Mar 2014 quarter, a total of 73 loans were made.

Zinio digital magazine statistics for the 2014 quarter totalled 160.

Hotspot Traffic usage

Hi Tech offer a comprehensive reporting system for the Wifi ticketing at each Branch. Listed below is the login totals for March 2014 only:

March 2014	Total Logins	Daily Average	Weekly Average
Barooga	260.00	8.70	52.00
Berrigan	4,780.00	159.30	956.00
Finley	157.00	5.20	31.40
Tocumwal	216.00	7.20	43.20

(Berrigan Online Public Access Computers are connected by Wifi and thus the notable increase login total – all other logins are via ticket passwords).

The Wifi system is extremely popular with students, travellers and locals who wish to use their own devices to access the Internet. Barooga Library has the highest number of backpackers during summer who make the library their refuge and thus utilise all facilities. The use of all power points during these times can be a safety problem but one which is also a state wide library problem in most busy libraries.

International Women's Day

One hundred and nineteen guests were entertained by authors, Ber Carroll, Di Blacklock and Liane Moriarty Saturday 8th March who spoke about their lives and 'women who inspire us' during a tasty lunch provided by Blue Door. A Berrigan Cricket Club volunteer provided an efficient bar service culminating in a very enjoyable day. Many working women provided us with positive feedback regarding the day, and agreed that a weekend event suited them well.

Items for Noting

Seniors Week 15th – 22nd March

Berrigan Shire Bake-Off and High Tea was a success. A novel idea became a successful grant application and was well spent, in an intergenerational task involving the Finley High School, eight Year 10 students and eight Seniors from across the Shire, partnering up to produce a beautiful High Tea. Mayor Bernard Curtin welcomed everyone to the Finley Library and together with visiting seniors, everyone enjoyed afternoon tea.

Seniors were nominated to partner with a Year 10 student and together they baked fairy cakes, scones and made cucumber sandwiches. Independent cooking judge, Marge Maxwell, selected Team 3, consisting of Mrs Inara Fox and Miss Samatha Bauer, as the winners on the day. Finley High School Principal, Mr Bernie Roebuck presented special tea cup prizes to the winners, with Berrigan Shire keepsakes to all participants.

Tech Savvy Seniors

Telstra funded Tech Savvy Seniors iPad Training was again offered in February through to early March in all Library Branches. This course was an amended version due to funding remaining from the original 4 week iPad course. All participants gained valuable knowledge of their device and library eResources as we stipulated that all participants must be library members.

Tocumwal Library

Tocumwal is a very busy place. Lois Johnson has formed the 'iPad and Conversation support Group' which meets weekly to discuss technology and what is available via the Council Website. Participants are learning much about Library resources, especially e-resources and the broad range available to them. This is an informal group but it regularly hosts 6 participants.

The Tocumwal Preschool children visit fortnightly to enjoy Story time with Leanne and a craft activity. Leanne often hosts up to 30 children on these mornings – luckily she has a volunteer for this hour to assist.

Broadband for Seniors continues as a wonderful learning tool and Leanne facilitates and co-ordinates lessons with volunteer trainers for all seniors interested in technology.

'The Knitters and Knatters' meet at Toc Library each Thursday afternoon to knit for the needy and catch-up with their friends. 'Wrap-with-Love', Liz McLaurin competition continues to have strong support across all Shire towns.

New mobile shelving replaced the old static shelving in February. With lack of space and being a popular place, the Toc Library needs to be able to accommodate larger groups by moving shelving when necessary. It is interesting to note that many Toc residents added the 'need for more space' to their optional answers in the Library Survey although this was not a question.

Items for Noting

Story Time

Library weekly story time events are attracting huge numbers in Toc and Finley with Barooga growing gradually. Our Library Officers do a remarkable multi tasking job.

Library Funding Campaign

Forty-two NSW Councils, including Berrigan Shire, support the funding campaign which will be officially launched Monday 7th April.

Letters have been written to Hon George Souris and Mr John Williams MP highlighting the need to increase library funding. Petitions are at all Branches and the Shire front desk, with some community members especially visiting a library branch to sign the petition, showing great support for our libraries.

Items for Noting

6.3 RATES COLLECTIONS AND OUTSTANDING DEBTORS

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 as at 8th April 2014 is 74.3% of total rates, arrears and water raised in 2013/14, which compares to the 74.2% collected for the same period last year.

The collection difference to this point is only slightly favorable; however I am certainly hoping to turn the collection percentage around from the previous end of financial year's result. Please note there is no July result included in the graph as no report was done at this time.

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

2. Debtors

A brief list of outstanding debtors as at 8th April 2014, and for the same period last year, is as follows:-

DEBTORS	<u>2013/14</u> <u>END</u> <u>MARCH</u>	<u>2012/13</u> <u>END</u> <u>MARCH</u>
GENERAL/SUNDRY/OTHER DEBTORS	\$93,755	\$135,677
HALF COST K&G/FOOTPATH DEBTORS	\$89,801	\$67,010
SEC 355 COMMITTEE LOANS	\$27,117	\$35,850
SWIMMING POOLS	\$24,889	\$74,463
CEMETERY DEBTORS	\$5,142	\$5,786
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$1,908	\$986
STAFF DEBTORS	\$1,257	\$369
STAFF SUPERANNUATION	-\$9,888	-\$1,830
HACC SERVICES	\$0	\$0
SHIRE LAND SALE DEBTORS	-\$3,000	-\$3,000
TOCUMWAL AERODROME	\$0	\$9,128
	\$230,963	\$324,439

Items for Noting

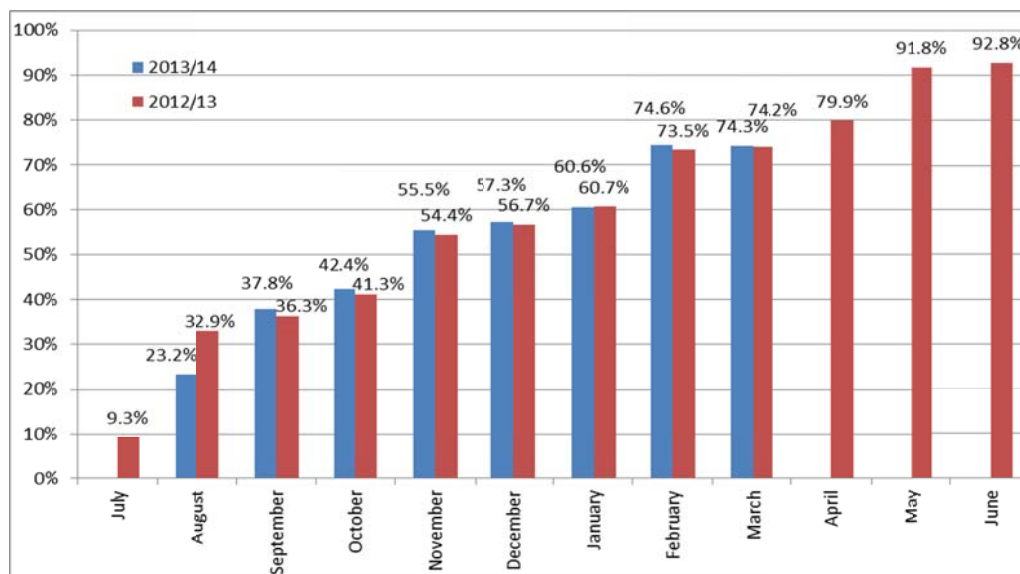
As can be seen from the table above, the debtors balance is significantly lower than this time last year, due to:-

- General Debtors are sitting almost \$42,000 less than the same time last year
- Swimming Pool debtors are also almost \$50,000 less than the same time last year.

Other points to note are the Half Cost K & G / Footpath debtors are increasing with new schemes being introduced.

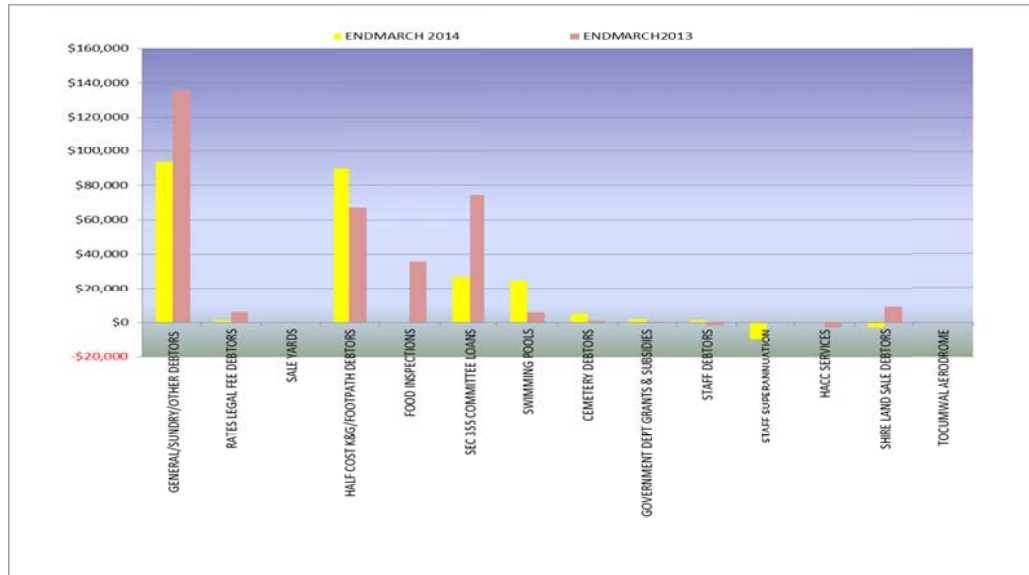
Also below is an Outstanding Debtors Balance comparison graph for Councilors' information.

RATES COLLECTION COMPARISON GRAPH



Items for Noting

DEBTORS COLLECTION COMPARISON GRAPH



Items for Noting

**6.4 COUNCILLOR WEEKEND – MINI SKILLS
MODULE FOR BUSY COUNCILLORS.****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by
Council of Council operations and
reporting**FILE NO:** 22.178.6

REPORT:

LGNSW has advised that it has developed a new training program for Councillors that is presented over a Friday and Saturday.

The “Councillor Weekend” explores the following topics:

- The role of the Councillor;
- Planning legislation;
- Managing time and stress;
- Good governance;
- Community leadership; and
- Handling difficult people.

Councillor weekends are designed to cater for both new and experienced Councillors. Each weekend will also contain an open forum to allow Councillors to pose questions and learn from their peers and counterparts from across NSW.

The next weekend will be held at Sydney on Friday 2nd and Saturday 3rd May 2014.

Cost is \$1,100 per registration with travel and accommodation additional.

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

Items for Noting

6.5 MEETING WITH LOCAL GOVERNMENT GRANTS COMMISSION.

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.3 Strengthen strategic relationships and partnerships with community, business and government

FILE NO: 15.128.5

REPORT:

The Local Government Grants Commission would like to meet with the Council on Wednesday 7th May 2014 at 2.30 pm which is the Council's normal Committee meeting day.

The purpose of the meeting is for the Grants Commission to explain its operations and the basis of its calculation of Financial Assistance Grants. The Council will also have the opportunity to present its particular issues to the Commission. The meeting is proposed to last approximately two hours.

Five members of the Commission would attend the meeting.

Given that the current Grants Commission allocation to the Council is approximately \$4.2m pa it is useful to both have an understanding of how the grant is calculated and also the Council to ensure that the Commission is fully aware of its circumstances.

A copy of the correspondence from the Commission regarding the meeting is attached as Appendix "G" as it provides more detail in relation to the above.

Assuming that the Council will participate in the meeting:

- It may need to adjust its Committee meeting time to co-ordinate with the Commission meeting;
- It would be useful to indicate those Councillors proposing to attend; and
- Staff will prepare an appropriate presentation for the Commission's benefit.

The Council would normally also have the quarterly RAMROC meeting on this date however that meeting has been rescheduled to 30th April 2014 to

Items for Noting

accommodate a meeting with the Minister for Local Government in relation to the final report of the Independent Local Government Review Panel.

NOTING

Items for Noting

6.6 BERRIGAN CWA IMPROVEMENTS**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities**FILE NO:** PF

REPORT:

The Berrigan Country Womens Association has written to the Council to thank it for its contribution of \$2,614.48 towards the renovations to the kitchen at the Chanter Street premises.

Items for Noting

6.7 RAMROC MEETING

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.3 Strengthen strategic relationships and partnerships with community, business and government

FILE NO: 14.099.2

REPORT:

Circulated with this agenda as Appendix "H" is a copy of the minutes of the most recent RAMROC meeting held on 5th March 2014.

Items for Noting

6.8 MUNICIPAL ASSOCIATION OF VICTORIA – NATIONAL SUMMIT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 04.039.2

REPORT:

The Municipal Association of Victoria will be holding its 10th National Summit on 21st and 22nd May 2014 at Melbourne.

The theme of the Summit is ‘The Future of Local Government.....is full of opportunity’ and has the aim of helping Councils develop their game plans to meet the future.

The Summit has an interesting range of national and international speakers around the theme.

Registration cost is \$594 with travel, accommodation and sustenance additional.

The May Council meeting will be held on 21st May 2014.

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

A copy of the Summit brochure is circulated with this agenda as Appendix “I”.

Items for Noting

6.9 WORK HEALTH & SAFETY COMMITTEE

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 22.122.1

REPORT:

Minutes of the last Work Health and Safety Committee are attached as Appendix "J" for Councillors information.

Items for Noting

6.10 DEVELOPMENT DETERMINATIONS FOR MONTH OF MARCH 2014

AUTHOR: Support Officer

STRATEGIC OUTCOME: Good government

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

REPORT: APPLICATIONS DETERMINED FOR MARCH

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken
54/14/CD/M1	BV Dwelling & Attached Garage	21-23 ANZAC AVENUE, TOCUMWAL NSW 2714 (LotD//DP358840)	Simonds Homes Pty Ltd	PHASE TRAINING & DEVELOPMENT P/L	Approved 24-03-2014	\$ 186726.00	<i>Active</i> 12 <i>Total</i> 12
60/14/DA/DM	Relocated Dwelling	RACECOURSE ROAD, BERRIGAN NSW 2712 (Lot54//DP1179688)	Malcolm Hill	MR M HILL	Approved 28-03-2014	\$ 55000.00	<i>Active</i> 14 <i>Total</i> 14
55/14/CD/M4	Residential Storage Shed	95-97 ADAMS STREET, TOCUMWAL NSW 2714 (Lot5/18/DP758981)	Grant O'Donnell	MR GR O'DONNELL & MS ND ROSE	Approved 18-03-2014	\$ 17000.00	<i>Active</i> 2 <i>Total</i> 2
61/14/DA/D5	Residential Storage Shed	89 ADAMS STREET, TOCUMWAL NSW 2714 (Lot32//DP748887)	Graeme Farrall	MR MA BUDGEN	Approved 27-03-2014	\$ 35000.00	<i>Active</i> 6 <i>Total</i> 6
62/14/DA/D5	Verandah	44 BARINYA STREET, BAROOGA NSW 3644 (Lot19//DP248812)	Annette Stanyer	MR P STANYER AND MRS A STANYER	Approved 27-03-2014	\$ 12000.00	<i>Active</i> 6 <i>Total</i> 6
63/14/DA/DM	Netball Shelter Sheds	1-3 ADAMS STREET, TOCUMWAL NSW 2714 (Lot10/22/DP758981)	Tocumwal Football Netball Club	TOCUMWAL SHOWGROUND TRUSTEES	Approved 26-03-2014	\$ 21340.00	<i>Active</i> 3 <i>Total</i> 3

APPLICATIONS PENDING DETERMINATION AS AT 04/04/2014

Application No.	Date Lodged	Description	Property Location
49/14/DA/D9	24-01-2014	10 Lot Subdivision	1-35 HAMILTON STREET, FINLEY NSW 2713 (Lot1165//DP875732)
54/14/DA/D3	06-02-2014	Hard Rock Quarry	123 YARRAWONGA ROAD, BERRIGAN NSW 2712 (Lot15//DP752291)
66/14/DA/DM	02-04-2014	Building Additions /Alterations	39-45 DAVIS STREET, BERRIGAN NSW 2712 (Lot130//DP1125223)

TOTAL APPLICATIONS DETERMINED / ISSUED

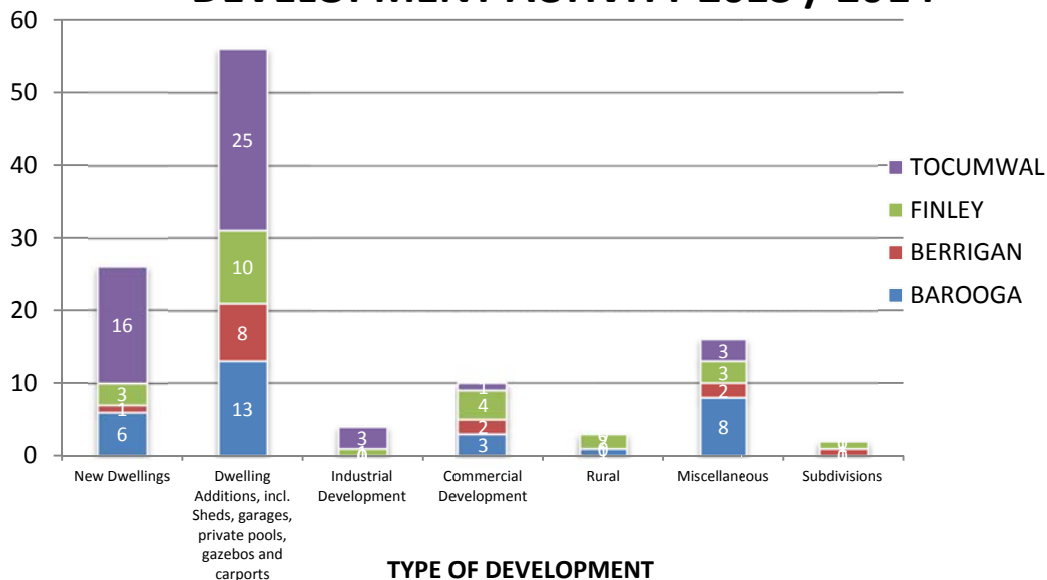
	This Month (March)	Year to Date	This Month Value	Year to Date Value
<i>Development Applications Determined</i>	4	64	\$123,340.00	\$14,303,089.00
<i>Construction Certificates Issued</i>	4	48	\$437,000.00	\$8,018,299.00
<i>Complying Development Cert. Issued</i>	2	53	\$203,726.00	\$3,918,778.00
<i>Local Activity Approvals Issued</i>	2	37	0	0

Items for Noting

OTHER CERTIFICATES ISSUED FOR MARCH

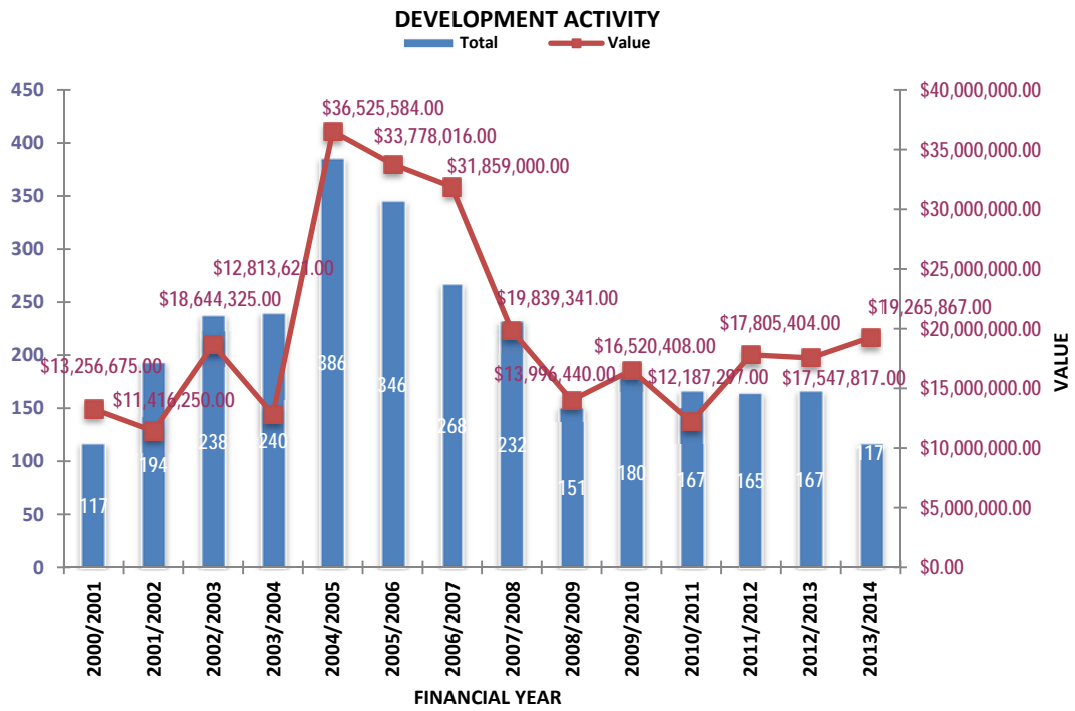
	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	March	Year Total	March	Year Total	March	Year Total	March	Year Total	March	Year Total	March	Year Total
BAROOGA	10	78	0	9	0	7	0	7	0	0	0	1
BERRIGAN	7	47	0	3	2	7	0	1	0	0	0	0
FINLEY	10	94	0	4	0	7	0	0	0	2	0	0
TOCUMWAL	13	129	4	23	2	8	1	4	0	3	1	2
TOTAL	40	348	4	39	4	29	1	12	0	5	1	3

DEVELOPMENT ACTIVITY 2013 / 2014



NOTION

Items for Noting



Committee meeting reports

7.1 MINUTES OF A CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 2ND APRIL, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 9.00 AM.

RECOMMENDATION – that recommendations numbered 1 to 4 inclusive of the Corporate Services Committee Meeting held on 2nd April, 2014 be adopted.

5. EXEMPTION FROM RATES AND UTILITY CHARGES – TOCUMWAL RSL SUB-BRANCH

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: PF, 02.163.1

RECOMMENDATION NO. 1 - that the Council advise that Tocumwal RSL sub-branch that it does not meet the statutory criteria for an exemption from Council rates and charges and that the Council is unable to meet its request for a donation in lieu of providing an exemption from Council rates and charges.

5.1 LOCAL ENVIRONMENT PLAN AND RATING CATEGORIES

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

RECOMMENDATION NO. 2 - that the Council:

- declare that it has made the following categorisations of rateable land shown in the table below In accordance with Section 514 of the *Local Government Act* 1993, with the categorisations to take effect from 1 July 2014.

Committee meeting reports

- provide notice in the approved form to the affected rateable persons regarding the Council's categorisations in accordance with Section 520 of the *Local Government Act 1993*

Assess #	Property	Rating Category
10104	67-69 Nangunia St, Barooga	Residential - BAR
10105	71-77 Nangunia St, Barooga	Residential - BAR
10106	79 Nangunia St, Barooga	Residential - BAR
10107	95 Nangunia St, Barooga	Residential - BAR
10121	Lot 171 Snell Rd, Barooga	Residential - BAR
70	36-42 Snell Rd, Barooga	Residential - BAR
71	44-48 Snell Rd, Barooga	Residential - BAR
72	50-56 Snell Rd, Barooga	Residential - BAR
73	58-62 Snell Rd, Barooga	Residential - BAR
74	64-68 Snell Rd, Barooga	Residential - BAR
75	70-74 Snell Rd, Barooga	Residential - BAR
76	76-78 Snell Rd, Barooga	Residential - BAR
77	82-88 Snell Rd, Barooga	Residential - BAR
948	2 Putter Ct, Barooga	Residential - BAR
949	3 Putter Ct, Barooga	Residential - BAR
947	1 Putter Ct, Barooga	Residential - BAR
950	4 Putter Ct, Barooga	Residential - BAR
951	5 Putter Ct, Barooga	Residential - BAR
819	6 Putter Ct, Barooga	Residential - BAR
942	7 Putter Ct, Barooga	Residential - BAR
943	8 Putter Ct, Barooga	Residential - BAR
944	9 Putter Ct, Barooga	Residential - BAR
945	10 Putter Ct, Barooga	Residential - BAR
946	11 Putter Ct, Barooga	Residential - BAR
952	12 Putter Ct, Barooga	Residential - BAR
10201	Buchanans Road	Residential - BAR
10504	25 Burma Road, Tocumwal	Residential - TOC
10475	Finley Road, Tocumwal	Residential - RURAL
10489	Dean Street, Tocumwal	Business - RUR TOC
10587	189 Newell Highway, Tocumwal	Business - RUR TOC
10589	187 Newell Highway, Tocumwal	Business - RUR TOC
10438	Tuppall Road, Tocumwal	Business - RUR TOC
10586	47 Tuppall Road, Tocumwal	Business - IND TOC
9256	42-46 High Street, Berrigan	Residential - BER
9255	34-40 High Street, Berrigan	Residential - BER
9257	48 High Street, Berrigan	Residential - BER
9258	50-56 High Street, Berrigan	Residential - BER
9254	16-32 High Street, Berrigan	Residential - BER
9253	16-18 Greggerys Road, Berrigan	Residential - BER
12901	10-12 Osborne Street, Berrigan	Residential - BER

Committee meeting reports

Assess #	Property	Rating Category
474	102-104 Barooga Street, Berrigan	Residential - BER

6. EARLY CHILDHOOD INTERVENTION SERVICE

AUTHOR: Early Intervention Officer

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 03.160.3

RECOMMENDATION NO. 3 - that the Council note the report of the Early childhood Intervention Service.

GENERAL BUSINESS:

RECOMMENDATION NO. 4 - that the Council arrange a meeting with Ms Sussan Ley, MP to discuss possible funding for the Food and Fibre Festival and other Council priorities from the \$32m NSW sign on fee for the Murray Darling Basin Plan.

Committee meeting reports

7.2 MINUTES OF A TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 2ND APRIL, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 10.21 AM.

RECOMMENDATION – that recommendations number 1 of the Technical Services Committee Meeting held on 2nd April, 2014 be adopted.

**4. LAND NOT IN A SAFE OR HEALTHY CONDITION –
86 WARMATTA STREET, FINLEY**

AUTHOR: Development Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 11.094.1 & 20.008.1

RECOMMENDATION NO. 1 - that the Council attempt to negotiate an agreement with the property owner of 86 Warmatta Street, Finley to clean up the property.

Committee meeting reports

7.3 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 18TH MARCH, 2014 AT THE BERRIGAN SHIRE COUNCIL OFFICE, CHANTER STREET, BERRIGAN COMMENCING AT 2:00 PM

RECOMMENDATION – that recommendations numbered 1 and 3 inclusive of the Local Traffic Committee Meeting held on 18th March, 2014 be adopted.

1. ANZAC DAY MARCH - CHANTER STREET, BERRIGAN

RECOMMENDATION NO. 1. – that Council approve the application received from the Berrigan RSL for the closure of Chanter Street, between Drummond Street and Jerilderie Street, Berrigan, on Friday 25th of April, 2014 between 8:30am and 10:00am, for the ANZAC Day March.

2. ANZAC DAY MARCH - MURRAY STREET, FINLEY

RECOMMENDATION NO. 2. – that Council approve the application received from the Finley RSL for the closure of Murray Street, between Townsend Street and Berrigan Road (Riverina Highway), Finley, on Friday 25th of April, 2014 between 11:15am and 12:15pm, for the ANZAC Day March.

3. ANZAC DAY MARCH - DENILQUIN STREET, TOCUMWAL

RECOMMENDATION NO. 3. - that Council approve the application received from the Tocumwal RSL for the closure of Deniliquin Street, between Murray Street and Hennessy Street, Tocumwal, on Wednesday 25th of April, 2014 between 10:00am and 10:45am, and for the closure of Deniliquin Street, between Hennessy Street and Morris Street, Tocumwal, on Friday 25th of April, 2014 between 10:45am and 12:00pm, for the ANZAC Day March.

Items requiring Council Resolution

8. MAYOR'S REPORT

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RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

9. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

10.

GENERAL BUSINESS

RESOLUTION