



**Minutes of the Council Meeting held in the Council Chambers on
Wednesday, 19th April, 2017 commencing at 9:35am**

Min. No. **Present** Cr. Matthew Hannan (Mayor)

Crs: Ross Bodey, John Bruce, Denis Glanville, Colin Jones, Daryll Morris, Bernard Curtin, John Taylor, Director of Corporate Services (Matthew Hansen), Director of Technical Services (Fred Exton), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

Apology

Nil

Declaration of Items of Pecuniary and other Interests

Nil

4. CONFIRMATION OF MINUTES

60 **RESOLVED** Crs Glanville and Morris that the Minutes of the meeting held in the Council Chambers on Wednesday 15th March, 2017 and the Extraordinary meeting held in the Council Chambers on Thursday 6th April, 2017 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

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

61 **RESOLVED** Crs Jones and Bodey that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 March 2017, be received and that the accounts paid as per Warrant No. 03/17 totalling \$1,993,200.39 be confirmed.

**5.2 COUNCILLORS AND OFFICERS LIABILITY
INSURANCE**

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.034.1

Min. No.

62 **RESOLVED** 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?

All Councillors individually replied in the negative.

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?

All Councillors individually replied in the negative.

3. Is any Councillor or officer after enquiry, aware of any circumstances which might give rise to a prosecution proceeding, under any Work Health & Safety Act, any Environmental Protection Legislation, or any other similar Act or Legislation?

All Councillors individually replied in the negative.

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?

All Councillors individually replied in the negative.

5.3 LOCAL POLICY FOR THE RELOCATION OF PREVIOUSLY USED RESIDENCES

AUTHOR: **Development Manager**

STRATEGIC OUTCOME: **Good government**

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

FILE NO:

63 **RESOLVED** Crs Morris and Jones that the Council:

- Revoke its Policy for the Relocation of Previously Used Residences; and
- Adopt the Policy for the Relocation of Previously Used Residences set out below.

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**36 LOCAL POLICY FOR THE RELOCATION OF PREVIOUSLY
USED RESIDENCES**

File Reference No:

Strategic Outcome: Good government

Date of Adoption: 19/04/2017

Date for Review: 19/04/2021

Responsible Officer: Development Manager

1. POLICY STATEMENT

This policy is to ensure the following:

- A consistent style of dwelling within an area.
- Some certainty to owners of existing properties that there is a minimum acceptable standard of dwelling development within an established streetscape.
- To prevent low cost; poor quality and inappropriate development.
- That genuine developers have the opportunity to undertake alternative residential construction in appropriate locations by re-using existing resources.
- That such projects are completed in an appropriate period of time with minimal impact on adjoining residents.
- To minimize potential exposure to previously used building products now banned from sale or use in residential construction (such as asbestos cement or lead paint) in the interests of environmental health.
- The protection of public interest.

2. PURPOSE

The purpose of this policy is to ensure that previously used residences should only be relocated to areas where upon completion they will be compatible with surrounding structures and be of a satisfactory quality, design, size and appearance which will positively contribute to the built environment of the proposed locality.

3. SCOPE

This policy applies to the RU5 - Village Zones of Barooga, Berrigan, Finley and Tocumwal; and to the R5 Large Lot Residential Zones throughout the Shire of Berrigan, under the provisions of Berrigan Local Environmental Plan 2013.

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4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 1.1.1.3

In accordance with relevant legislation, codes and policies – process and approve / refuse development applications.

5. DEFINITIONS

Previously used residence – These are dwellings which have at some time been occupied. They may have been constructed as transportable buildings or conventionally constructed on a site with piers and platform floor.

Relocation - The physical moving of a residence from one site to another for the purposes of being used as a dwelling house.

6. POLICY IMPLEMENTATION

6.1 Application

Previously used residences must be compatible with the existing surroundings upon completion.

All residences must make a positive contribution to the built environment.

Previously used residences will generally only be considered appropriate as infill development in older established areas, not in newly established subdivisions or housing estates.

Where the proposed (previously used) residence is located on a site outside the Shire, the applicant must provide the Council with clear and current photographs of the structure and a written report from a suitably qualified and experienced building professional to state that the building is structurally sound and suitable for transportation by a competent person.

Any building which was constructed elsewhere more than five years previously will be carefully scrutinized by the Council and applicants will need to provide a compelling submission to support the proposal to relocate. Such buildings may not satisfy the present construction standards required by the Building Code of Australia (for water proofing; glazing; framing, etc); but must satisfy the performance requirements of the Code.

Any building constructed before 1987 may potentially contain asbestos building products. Work Health & Safety Regulations now prohibit the use of asbestos and lead based paint in residential construction work. The relocation of a previously used residence is

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considered to be construction work and may therefore require the safe treatment or removal of such products.

Developers will need to satisfy the Council that the project will be completed within an acceptable period of time. This will vary depending upon the age, style and location of the building and may involve the payment of a ten thousand dollar (\$10,000) refundable cash bond or provision of a bank guarantee prior to commencement of any work. In any event, the Council will require the structure to have the external appearance of a new dwelling within three months of its relocation to any site.

6.2 Concessions

It is expected that all development should positively contribute to the public domain. Buildings should be attractive when viewed from public places.

In developing policies, the Council hopes to provide guidance to potential developers and the general community as well as to development assessment staff.

The Council may choose to vary this plan at any time without further community consultation upon assessment of an individual development application. All proposals will be given a merit based assessment by authorised staff and proposals which fail to satisfy the requirements of this policy will be referred to the Council for final determination.

Applicants must satisfy the Council that there will be a positive community benefit gained from varying this plan.

Examples of this may include:

- Dwellings which were constructed more than five years previously, that are to be relocated and modified by substantial additions or by cosmetic modernization such as brick veneering, replacement of windows, re-pitching and replacement of roofing.
- A concession for relocation of a manufactured home from an approved caravan park or manufactured home estate onto a single residential allotment as a separate dwelling, granny flat, or accommodation for an additional member of the family
- A concession may also be granted by the Council on the grounds of genuine financial hardship, where alternative accommodation is unattainable and the proposal will be an improvement to existing circumstances. This may be seen to be in the public interest where it will result in an improvement to the neighbourhood.

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6.3 Community Consultation

The relocation of previously used dwellings into residential areas of the Village zone can often be quite a sensitive matter to the existing residents. It is important for the Council to ensure that an informed assessment of the merits of each proposal is made in the public interest. In order to achieve this, every application for relocation of a used residence, which was constructed more than five years previously and is proposed within the Village zone, will be publicly advertised and adjoining landowners invited to make comment.

6.4 Council Requirements for submitting an Application

All development proposals for relocation of previously used residences are required to obtain development consent from the Council in accordance with the provisions of the *NSW Environmental Planning & Assessment Act 1979*.

If development consent is granted to the applicant, it will then be necessary to obtain a construction certificate and to appoint a Principle Certifying Authority, prior to the commencement of any work.

Failure to do so is an offence under the Act, for which substantial penalties apply.

6.5 Additional Requirements

Additional information to be submitted with application:

- Plans
- Photographs
- Professional building condition report
- Approximate age or year of original construction (where a building is less than 5 years old a copy of the previous construction approval documents or occupation certificate must be provided).
- Detailed specification of materials used in construction (including linings and cladding materials)
- Details of any proposed modifications
- Expected time table for completion of specified work
- Written submission in support of the proposal
- Council requirements for submitting a development application are specified on the back of the development application form.

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7 RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Environmental Planning & Assessment Act 1979*
- *Berrigan Shire Council Local Environmental Plan 2013*
- *Work Health and Safety Act 2011*

7.2 Council policies

- Berrigan Shire 2023 (Community Strategic Plan)
- Berrigan Shire Council Development Control Plan 2014

5.4 BERRIGAN COMMUNITY GARDEN

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 11.128.1

- 64 RESOLVED** Crs Glanville and Curtin that the Council agree to allow the Berrigan Conservation Group and Tidy Towns Committee of Management to use an apportion of Barooga Street, Berrigan, between Momalong Street and Horsfall Street, for the purposes of a community garden subject to satisfaction and any conditions of the General Manager, at the Council's pleasure.

Rowan Perkins declared a conflict of interest in this item and left the Chambers at 9:40am. Rowan Perkins has an interest in a property in the vicinity of the subject land.

5.5 DEVELOPMENT APPLICATION 82/17/DA/D1 – TRANSPORTABLE DWELLING

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 82/17/DA/D1

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65 **RESOLVED** Crs Jones and Bruce that the Development Application 82/17/DA/D1 for the installation of a Transportable Dwelling be approved subject to the following conditions:

1. Approved Plans

The development shall be implemented in accordance with the details set out on the plans Craig Corfield Building Designs Job No CC 1324 (Sheets 1-5), BSC-001, the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Critical Stage Inspections

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

3. Occupation

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

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.

(Section 109C(1)(c) and 109H EP&A Act 1979)

4. Permitted hours for building work

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

5. Compliance with Building Code of Australia

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

6. Excavations and backfilling

- a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

7. Signs to be erected on building & demolition site

- a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited, and

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- (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

8. Toilet facilities

- a. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- b. Each toilet provided:
 - (i) must be a standard flushing toilet, and
 - (ii) must be connected:
 - to a public sewer, or
 - if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- c. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

9. Waste

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

10. Smoke Alarms

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all existing buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly.

11. Protection of public places

- a. If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed.

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12. Erosion & Sediment Control

Prior to the commencement of any site works appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.

13. Stormwater

Stormwater from the dwelling must be directed to an appropriate on-site system to allow storage and to ensure that runoff does not cause damage to occur to neighbouring properties.

14. Screening

Additional landscaping of the site must be undertaken and implemented prior to the issue of an Occupation Certificate so as to enhance the appearance of the development.

Division:

In Favour: Nil

Against: Crs: Ross Bodey, John Bruce, Bernard Curtin, Denis Glanville, Colin Jones, Daryll Morris, John Taylor, Matt Hannan

Rowan Perkins returned to the Chambers at 9:53am.

**5.6 DEVELOPMENT APPLICATION 108/17/DA/D3 -
WORKSHOP / SHED**

AUTHOR: TOWN PLANNER

**STRATEGIC OUTCOME: Sustainable natural and built
landscapes**

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

FILE NO: 108/17/DA/D3

66 RESOLVED Crs Morris and Bodey that the Development Application 108/17/DA/D3 for a Workshop / Shed be approved subject to the following conditions:

1. Approved Plans

The development shall be implemented in accordance with the details set out on the plans Vanderhoek Engineering (Drawing Nos 0150-0152), the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

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2. Appointment of PCA and Notice of Commencement

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

- a) obtained a Construction Certificate for each structure
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY
- c) has notified the Council of the appointment
- d) has given the Council at least 2 days' notice of the intention to commence erection of the building.
(Section 81A EP&A Act 1979)

3. Critical Stage Inspections

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

4. Occupation

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

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.

(Section 109C(1)(c) and 109H EP&A Act 1979)

5. Permitted hours for building work

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

6. Compliance with Building Code of Australia

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

7. Stormwater

Roofwater from the building must be piped underground to the Deniliquin Road kerb in accordance with the Building Code of Australia and Relevant Australian Standards.

8. Excavations and backfilling

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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9. Signs to be erected on building & demolition site

- (a). A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b). Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

10. Protection of public places

- (a). If the work involved in the erection or demolition of a building:
- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (b). If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c). The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d). Any such hoarding, fence or awning is to be removed when the work has been completed.

11. Fencing of Rear Property Boundary

Prior to the issue of an Occupation Certificate a solid fence must be erected along the rear property boundary to ensure that articles are contained within the property and to assist with noise mitigation on adjacent properties.

12. Closing of access doors during operation

The rear door to the Workshop / Shed is to remain closed during business operations to ensure that noise generated from the engineering works does not impact on neighbouring residents.

Division:

In Favour: Crs: Ross Bodey, John Bruce, Bernard Curtin, Denis Glanville, Colin Jones, Daryll Morris, John Taylor, Matt Hannan

Against: Nil

Rowan Perkins again declared a conflict of interest in this item and left the Chambers at 9:59am.

- 67** **RESOLVED** Crs Morris and Glanville that the Council refuse Development Application 87/17/DA/D1 for a transportable dwelling as the development does not meet the desired outcomes and objectives contained in the Berrigan Development Control Plan

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2014 in particular with regard to form and character of the residential area.

Rowan Perkins returned to the Chambers at 10:00am.

5.7 AUDIT CLIENT SERVICE PLAN

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.019.1

68 RESOLVED Crs Glanville and Morris that the Council:

1. accept the Client Service Plan and Terms of Engagement as provided by the Audit Office of New South Wales for the audit of the Berrigan Shire Council for the year ending 30 June 2017 and
2. authorise the General Manager to sign the Agreement of Terms.

5.8 PROPOSED FEES AND CHARGES 2017/18

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 08.078.1

69 RESOLVED Crs Glanville and Morris that the Council adopt the Fees and Charges register shown in appendix "E" as a draft and incorporate into the draft 2017/18 Council Operational Plan.

5.9 NORTH SYDNEY COUNCIL CONCERN WITH LGNSW

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO:

Min. No.

70 **RESOLVED** Crs Morris and Jones that the Council receive the correspondence from the North Sydney Council in relation to LGNSW.

5.10 REQUESTS FROM COMMITTEES OF MANAGEMENT FOR INCLUSION IN FOUR YEAR DELIVERY PROGRAM

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 04.074.1

71 **RESOLVED** Crs Morris and Curtin that the Council include the following items as part of its Four Year Delivery Program:

Committee	Project	Estimated Costs
Berrigan War Memorial Swimming Pool Committee of Management.	Automate watering system	\$2,000
Berrigan Sportsground Committee of Management	New ride on mower	\$26,000 less Office of Sport contribution \$5,000 less other sources \$2,500 less user group contributions \$12,500. \$6,000 sought from the Council
Barooga Recreation Reserve Committee of Management	Develop 10 x day yards	\$6,700 + in kind less Club contribution of \$2,000 + in kind
Tocumwal Recreation Reserve Committee of Management	Construction of retaining wall near cricket nets	\$12,000 less \$4,800 Committee contribution – \$7,200

And further, that the applicants for other projects be advised that the Council is unable to support the projects at this time.

The meeting adjourned at 10:37am.

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Phil Delahunty, RSD Chartered Accountants spoke about Related Parties Disclosure.

The meeting reconvened at 11:20am.

5.11 SOUTH WEST ARTS

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 26.128.3

- 72 RESOLVED** Crs Glanville and Bodey that the Council renew its Partner Funding arrangement with South West Arts for 2017/18 and contribute \$9,108 including GST to its operations for the financial year.

5.12 FINLEY BASKETBALL ASSOCIATION – INSURANCE REQUIREMENTS

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 05.101.3

- 73 RESOLVED** Crs Morris and Curtin that the Council modify its terms of use of the Finley War Memorial Hall by Finley Basketball Association (FBA) to the following:

1. All users of the venue for basketball are to be members of Finley Basketball Association
2. The venue is to be booked and paid for using the systems set by the Finley War Memorial Hall and School of Arts Committee of Management
3. FBA must take out and hold a \$20 million Public Liability Insurance policy noting Berrigan Shire Council as an interested party and provide the Council with Certificates of Currency as required.
4. FBA must require all members to sign an indemnity agreement, indemnifying FBA and Berrigan Shire Council

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against any claim. The Council and FBA will agree on the content of the indemnity agreement.

5.13 DRAFT INTEGRATED PLANS

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

74 RESOLVED Crs Morris and Bodey that the Council adopt:

- The draft Community Strategic Plan: Berrigan Shire 2027 (appendix "I").
- The draft Resourcing Strategy 2017 – 2027 inclusive of:
 - the draft Long Term Financial Plan 2017 – 2027
 - the draft Asset Management Strategy 2017 – 2027
 - the draft Workforce Management and Development Plan 2017 – 2021
- The draft Delivery Program 2017 – 2021.
- And further that the Council meet after the May Committee meeting with Strategic & Social Planning Coordinator for a presentation of the draft Integrated Plans.

5.14 ACTIVE AGEING AND DISABILITY INCLUSION PLAN

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO:

75 RESOLVED Crs Glanville and Bodey that the Council adopts the draft Active Ageing and Disability Inclusion Strategy and Plan.

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**5.15 OPERATIONAL PLAN QUARTERLY REPORT
MARCH 2017**

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO:

- 76 RESOLVED** Crs Morris and Curtin that the Council note the Quarterly Report and review of the Annual Operational Plan 2016/17 circulated as appendix "O".

5.16 BANKING – EXPRESSION OF INTEREST

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.024.1

- 77 RESOLVED** Crs Glanville and Bodey that the Council
1. reconsider its objectives and requirements for its banking services, and
 2. retain its current banking arrangements in the interim.

5.17 TOCUMWAL AERODROME - SALE OF LAND

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

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

FILE NO:

- 78 RESOLVED** Crs Jones and Morris that the Council:
1. Market lots 39 - 48 at \$80,000 plus GST and lot 37 at \$120,000 plus GST being an unregistered plan of subdivision of Tocumwal Aerodrome.
 2. Conduct sales of the lots referred to in (1) above based on a direct sale or transfer of land based on the following process:

Advise potential buyers and wider aviation industry via Airpark and Council website including details of sale process.	20/4/2017	GM
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Offers to purchase accepted	From 12 noon 27/4/2017	GM
Accept valid offers and advise of deposit requirements i.e. \$1,000 within 24 hours and balance of 10% on signing of contracts	28/4/2017	GM
Reoffer blocks to those that were either unsuccessful in initial round or who did not bid or who did not complete purchase through payment of initial holding deposit.	1/5/2017	GM
Commence legal process for sale through local solicitor	1/5/2017	GM
Second round offers close	12 noon 5/5/2017	GM
Advertise any unsold blocks on Airpark and Council websites	8/5/2017	DCS

3. That the General Manager be delegated authority to determine actual terms and conditions of any land sales referred to in (1) above including final sale price.

ITEMS FOR NOTING

- 6.1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY – CALL FOR MOTIONS
- 6.2 STRAWBERRY FIELDS
- 6.3 MURRAY DARLING ASSOCIATION REGION 2
- 6.4 RATES & CHARGES - 2016/2017 RATES COLLECTIONS & OUTSTANDING DEBTORS BALANCES – 3rd QUARTER
- 6.5 GOVERNANCE ESSENTIALS FOR LOCAL GOVERNMENT
- 6.6 MUNICIPAL ASSOCIATION OF VICTORIA NATIONAL SUMMIT
- 6.7 DEVELOPMENT DETERMINATIONS FOR MONTH OF MARCH 2017

- 79** **RESOLVED** Crs Curtin and Morris that Items for Noting numbered 6.1 to 6.7 inclusive be received and noted.

7.1 MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING

Min. No.

80 **RESOLVED** Crs Bodey and Jones that recommendation numbered 1 to 7 inclusive of the Corporate Services Committee Meeting held on 5th April, 2017 be adopted.

4. 2017 BERRIGAN SHIRE BUSINESS AND ENVIRONMENT AWARDS

AUTHOR: Economic Development Officer

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy

FILE NO: 02.023.2

RECOMMENDATION NO. 1 - that staff bring forward options and evaluation of possible future conduct into the Annual Business and Environment Awards including a review of the objectives of the event.

5. BERRIGAN LIONS CLUB – MASS FIRST AID TRAINING

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 02.163.1

RECOMMENDATION NO. 2 - that the Council advise the Lions Club of Berrigan that it will not contribute to its First Aid Training Program.

6. FINLEY COMMUNITY HELP GROUP AND SECOND HAND SHOP

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 03.159.1

RECOMMENDATION NO. 3 - that the Council note the report regarding the proposed lease to the Finley Community Help Group and Second Hand Shop

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7. WAAAF WALK

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 21.101.10

RECOMMENDATION NO. 4 - that the Council:

1. enter into an agreement with the Rotary Club of Tocumwal for the maintenance of the Tocumwal Creek Walk with an honorarium of \$2,000 per annum and subject to the agreement at the General Manager, and
2. agree to make a contribution of up to \$4,500 for the development of a masterplan for the Tocumwal Creek Walk.

8. FINLEY WAR MEMORIAL HALL

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 05.101.3

RECOMMENDATION NO. 5 - that the Council proceed with "Option 3", redesign of Finley War Memorial Hall and School of Arts, based on the revised scope and cost estimate.

9. PAYMENT SERVICES

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO:

RECOMMENDATION NO. 6 - that the Council:

1. note the introduction of the BPoint credit card payment service;
2. endorse the decision not to use:
 - a. the Centrepay bill payment service
 - b. a Direct Debit system;
3. taking into consideration the cost of the facility, not introduce the Post Bill Pay payment solution.

Min. No.

10. MURRAY REGIONAL TOURISM BOARD

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 08.078.1

RECOMMENDATION NO. 7- that the Council enter into a Partner Councils' Funding Agreement with Murray Regional Tourism Board for the period 2017-2020 and contribute the following amounts to its operations:

- 2017/18 \$14,103
- 2018/19 \$14,385
- 2019/20 \$14,673

subject to the Murray Regional Tourism Board remaining an entity in its own right.

7.2 MINUTES OF THE TECHNICAL SERVICES COMMITTEE MEETING

- 81 RESOLVED** Crs Glanville and Bodey that recommendations numbered 1 to 2 inclusive of the Technical Services Committee Meeting held on 5th April, 2017 be adopted.

4. WASTE MANAGEMENT PLAN

AUTHOR: Environmental Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 31.160.3

RECOMMENDATION NO. 1 - that the Council adopt as a draft the Waste Management Plan, attached as appendix "A" and as amended.

Min. No.

5. DRAINAGE NORTH EAST CORNER OF BERRIGAN SHIRE

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 29.101.4

RECOMMENDATION NO. 2 - that the Council agree to participate in the development of a Co-ordinated Drainage Plan for the north east corner of the Shire by way of staff technical input and minor administrative assistance.

7.3 MINUTES OF THE RISK MANAGEMENT COMMITTEE MEETING

82 RESOLVED Crs Curtin and Morris that recommendations numbered 1 to 2 inclusive of the Risk Management Committee Meeting held on 5th April, 2017 be adopted.

6. SIGNS AS REMOTE SUPERVISION POLICY

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 27.121.2

RECOMMENDATION NO. 1

1. that the Council adopt the Facility Visitation Rating Register included as Appendix "Facility Visitation Rating Register".
2. that the Council revoke the existing Signs as Remote Supervision Policy.
3. that the Council adopt the Signs as Remote Supervision Policy as follows:

Min. No.

67 SIGNS AS REMOTE SUPERVISION POLICY

File Reference No: 27.121.2

Strategic Outcome: Good government

Date of Adoption: 19/04/2017

Date for Review: 21/04/2021

Responsible Officer: Enterprise and Risk Manager

1. POLICY STATEMENT

Berrigan Shire Council is committed to managing its risks strategically and systematically in order to benefit the community and manage adverse effects to the Council.

Berrigan Shire Council recognises that it aims to eliminate risks where possible. This however is not always practicable, and in many reserves and facilities under the Council's control, it is often appropriate for the Council to use signs as remote supervision as a risk mitigation measure.

2. PURPOSE

The purpose of this policy is to clearly outline the methodology used in assessing facilities for signs as remote supervision. This systematic process will determine the type of sign to be erected, the information to be included, the location and number of signs required, and follow up inspection and maintenance programs.

3. SCOPE

This policy applies to:

- Identified public facilities where, due to their nature, access is open and uncontrolled;
- Staff involved in the assessment of facilities to determine the need for signage;
- Staff involved in the ongoing inspection and maintenance of signage.

4. OBJECTIVE

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

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

Min. No.

5. DEFINITIONS

Facility refers to a parcel of land that may include reserves, parks, beaches, pools and where applicable waterways, either owned, operated or under the care and control of Council.

Level of Development refers to the amount of improvement that has taken place at a facility, or the existence of natural features within or about the facility. Development and improvement includes the infrastructure that Council has provided for use by the public, such as carparks, tables, barbeque equipment, swings, pools, tennis courts, etc., whilst natural features include creeks, cliffs, blowholes, etc.

Frequency of use is defined as the number of times the facility is used by patrons on a regular basis.

Population use is defined as the average number of people that use a facility at any given point in time during organised or impromptu events.

Facility Visitation Rating (FVR) is a calculation based on the data collected during the evaluation process. The data collected includes the amount of development of the facility, the population use of the facility and the frequency of use of the facility ($FVR = (Development \times Population) + Frequency$). The FVR is the resulting numerical value used to determine the most appropriate sign for the facility.

Prohibition Symbols are depicted by a red circle with a red diagonal slash across the front on a white background. Inside the red circle is a black pictorial image depicting the behaviour or activity that Council has prohibited.

General Warning Symbols are depicted by a yellow diamond with a black border. Inside the yellow diamond is a black figure/image depicting the activity/hazard that is being warned against.

6. POLICY IMPLEMENTATION

6.1 Determining Appropriate Signs for Council Facilities

In determining appropriate signs for facilities, the Council will apply best practice principles using the following process:

1. Establish a full and complete inventory of all applicable Council facilities that require signage as a remote form of risk mitigation;
2. Determine Council's Level of Development within each facility, including naturally occurring features;

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3. Ascertain the Population use for each facility;
4. Predict or obtain the Frequency of use of the facility;
5. Using the formula, calculate the FVR;
6. Identify the hazards associated with the facility, and using Council's risk management framework, assess and rate the risks;
7. Select and produce the most appropriate sign for the facility and determine its location.

6.2 Facility Visitation Ratings Register

The Facility Visitation Ratings Register lists all the identified facilities where signage as remote supervision is required.

The register details the process to be used to determine the FVR, and then individually identifies each facility, the results of the assessment, the signage to be used and the location of the signage.

6.3 Sign Maintenance and Inspection

Council has in place a regular inspection and maintenance regime for facility signage which is included as part of the overall public facility inspection program.

Ongoing maintenance of signs as remote supervision will be carried out as part of scheduled maintenance and recurrent expenditure programs for signage as allocated in the Council's Annual Budget, and at the discretion of the responsible manager.

Changes to Standards or Best Practice Guidelines on which this policy and the signs' design are based will automatically warrant the replacement of signs. Existing signs will be used until they reach the end of their useful life or circumstances within the facility change to the extent that it warrants replacement.

6.4 Documentation

All records relating to the sign evaluation and determination process, sign inspection and maintenance programs, will be maintained as part of Council's record management system.

6.5 Monitoring and Review

The Facility Visitation Rating Register will be reviewed in line with policy, and where any significant changes to the level of development or usage of a facility require a reassessment of its FVR and potential hazards.

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7. RELATED LEGISLATION, POLICIES AND STRATEGIES

Additional publications to be read in conjunction with this policy include:

- Risk Management Policy and Framework
- Facility Visitation Rating Register
- *AS2342:1992 Development, Testing and Implementation of Information and Safety Symbols and Symbolic Signs*
- *AS/NZS2416:2010 Water Safety Signs and Beach Safety Flags parts 1, 2 & 3*
- *Statewide Mutual "Signs as Remote Supervision" Best Practice Manual, August 2014*

5. GATHERING INFORMATION POLICY

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 27.121.2

RECOMMENDATION NO. 2

1. that the Council revoke the existing Gathering Information Policy.
2. that the Council adopt the Gathering Information Policy as follows:

80. GATHERING INFORMATION POLICY

File Reference No: 27.121.2

Strategic Outcome: Good government

Date of Adoption: 19/04/2017

Date for Review: 21/04/2021

Responsible Officer: Enterprise and Risk Manager

1. POLICY STATEMENT

Berrigan Shire Council is committed to establishing a comprehensive document control and records management system to ensure that the operations and governance of Council are appropriately recorded, with those records readily available for retrieval as required.

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The collection and retrieval of accurate information is vital in the defence of claims against Council, particularly in relation to public liability and professional indemnity claims.

2. PURPOSE

The purpose of this policy is to provide direction to Council staff on reporting and investigating incidents, gathering information surrounding the incident, and ensuring any information gathered is in a format that constitutes admissible evidence when defending claims in court.

3. SCOPE

This policy applies to all staff, including contractors and volunteers of Council.

4. OBJECTIVE

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

2.2.1 Meet legislative requirements for Council elections, local government and integrated planning and reporting;

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

5. DEFINITIONS

Incident, as defined by Statewide Mutual, is “subordinate or accessory event; event occurrence; detached event attracting general attention; something that occurs casually in conjunction with something else.”

Council will be faced with various types of incidents, including complaints that may result in a claim against Council. These incidents are defined as follows:

Environmental incident: Any incident involving an environmental spill at a Council controlled facility or workplace.

Financial incident: Any occurrence in fraud, misappropriation, major cost over-run, or failure in debtor, creditor and investment control systems.

Government incident: Any occurrence of failure in Code of Conduct, Fraud or misappropriation; significant reputation loss; Project management failure; or Privacy Principles failure.

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Incident Investigation: Formal internal investigation involving gathering of information and completion of investigation report.

Incident Review: This is an informal discussion with relevant parties about the incident which may or may not lead to a formal internal investigation.

Legislative Compliance Incidents: Any failure in legislative compliance.

Professional Indemnity Incidents: Loss or damaged suffered by a member of the public as a result of a determination, certificate issue, design or advice supplied by Council.

Property Incidents: Any loss or damage to fleet, equipment or property asset form actions of staff, volunteers, contractors, visitors or members of the public.

Public Liability Incidents:

- *Injury, illness, loss or damage suffered by a member of the public as a result of actions or activities of Council staff, volunteers or contractors;*
- *Injury or illness to a member of the public at Council controlled facilities or infrastructure.*

Work Health and Safety Incidents: Work-related injury or illness to Council employees, volunteers or contractors.

6. POLICY IMPLEMENTATION

6.1 Document Control

Council will ensure that forms generated within Council, which require completion or data entry by Council staff are controlled and registered in accordance with document control procedures.

This is to ensure that the minimum requirements for court admissible documentation are met.

6.2 Records Management

Council shall keep all records required to demonstrate that obligations for responsible financial, human resource, health and safety, environmental and operational management have been met in accordance with the State Records Act 1998.

In accordance with documented procedures, Council shall ensure that all records are appropriately identified, stored, indexed, retained, protected and easily retrieved when required and are disposed of in a suitable manner when no longer required.

Min. No.

6.3 Data Storage

Council staff must ensure that data is stored in the appropriate place. Regular data backup occurs in line with Council procedures.

6.4 Email Management

With email the preferred method of communication, it is imperative that any internal or external email, created or received in the course of business at the Berrigan Shire Council is treated as a public record and is managed in accordance with the State Records Act 1998, and Council procedures.

6.5 Incident Notification

Incidents may be reported to Council using a variety of mechanisms. These may be through Council's Customer Request System, verbally received or formally reported through correspondence, or in the case of workplace incidents, through workplace incident notification.

6.6 Incident Investigation

Not all incidents will be investigated. All incidents however are reviewed and where assessed as necessary, are investigated.

6.7 Claims

Where a claim is deemed possible, whether that is a workers compensation claim, or general insurance claim, an investigation will be conducted with all associated documentation retrieved and included with the investigation report.

Workers compensation claims will be coordinated by the Human Resource Officer in consultation with Council's insurer.

Other claims will be coordinated by the Enterprise Risk Manager, with Council's insurer notified upon receipt or suggestion that a claim is to be made.

6.8 Records Retrieval

Depending upon the incident and the result of the investigation, external records such as weather reports, as well as internal records will be retrieved and reviewed, in accordance with Council procedures to ensure they meet the minimum requirements for court admissibility.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

- *Civil Liability Act 2002*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *State Records Act 1998*

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- *Government Information (Public Access) Act 2005*
- *Work Health and Safety Act 2011*
- *Privacy and Personal Information Protection Act 1998*
- Risk Management Policy and Framework
- Communication Devices and Internet Policy
- Privacy Management Plan
- Fraud Control Policy
- Fraud Control Plan
- Work Health and Safety Policy
- Liability Management Policy

Min. No.

MAYORS REPORT

Cr Hannan reported that he had attended the following during the period:

- Berrigan Town Entry Concept meeting
- Barooga Town Entry Concept Meeting
- Finley War Memorial Hall & School of Arts Committee of Management meeting
- Country Mayors Association
- Albury training
- Deniliquin Business Forum
- Barooga Town Entry Concept Plans
- Berrigan Town Entry Concept Plans

83 **RESOLVED** Crs Jones and Glanville that the Mayors report be received.

DELEGATES REPORTS

Cr Bodey

- Corowa Renewable Energy Forum
- Murray Darling Association Region 2 meeting
- South West Arts lunch

Cr Taylor

- Nil

Cr Morris

- Chamber Presidents meeting

Cr Curtin

- Berrigan & District Development Association
- South West Arts lunch
- Inland Rail meeting
- Berrigan MPS meeting
- Town Entry meeting
- Banking meeting

Cr Glanville

- Nil

Cr Jones

- Central Murray County Council
- Aerodrome Users meeting
- Murray Darling Association Region 2 meeting

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Cr Bruce

- Central Murray County Council
- South West Arts meeting
- Barooga advancement Group meeting

GENERAL BUSINESS

Cr Bruce

- Cemetery toilets – report to Council

Cr Jones

- Murray Local Land Services grants

Cr Glanville

- Tocumwal LHAC meeting half yearly forum
- Tocumwal Visitor Information Centre sink removal

Cr Curtin

- Tourism funding
- Berrigan banking

Cr Morris

- Dust at bunker
- Dogs at market

Cr Taylor

- Finley Football Netball Club function at hall – use of annex

Cr Bodey

- Levee works good – thanks to DTS

Development Manager

- Dept of Planning and Environment release regional growth plan
- Finley rezoning
- Dalton's Road name
- Roadside Reserve grants - apply

Director Technical Services

- Contractors at Foreshore did a good job
- Dean Street Tocumwal kerb and gutter and drainage
- National Heavy Vehicle Regulator information meeting at Berrigan

Cr Hannan

- Murray Street footpath good

Min. No.

Director Corporate Services

- EIS transition
- Office of Local Government innovation fund - \$150k
- Finley Secondhand Shop progressing

General Manager

- ANZAC Day

- 84** **RESOLVED** Crs Curtin and Glanville that the Council grant leave of absence to Cr Bruce from 22nd May until 3rd September, 2017.

The meeting adjourned at 1:15pm.

The meeting reconvened at 1:35pm.

Development Manager

- Structural report Finley War Memorial Hall & School of Arts Annex

- 85** **RESOLVED** Crs Morris and Taylor that temporary supports be installed under existing roof rafters as detailed by the structural engineer and that the annex be reopened when works are completed.

- 86** **RESOLVED** Crs Bruce and Jones that Council reappoint the General Manager until 17 February, 2023 subject to agreed Terms and Conditions and that the Mayor and Deputy Mayor be delegated authorities to negotiate such Terms and Conditions with the General Manager.

There being no further business the meeting closed at 1:50pm.