



ORDINARY MEETING OF COUNCIL

Held on Wednesday 16 September 2020

at 11:10am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 16 September, 2020 commencing at 11:10am

Min. No.

PRESENT:

Crs: Matthew Hannan (Mayor), John Bruce, Colin Jones, Denis Glanville, Ross Bodey, John Taylor and Roger Reynoldson

The following staff were also in attendance:

Rowan Perkins (General Manager), Matthew Hansen (Director Corporate Services), Matthew Clarke (Director Technical Services) and Laurie Stevens (Development Manager)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

214 **Resolved** Crs Jones and Reynoldson that an apology for non-attendance be received from Cr Daryll Morris.

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Cr Roger Reynoldson declared a Pecuniary Interest in Item 7.10 as he is an irrigator.

3. VISITORS

Nil

4. CONFIRMATION OF MINUTES

215 **Resolved** Crs Glanville and Jones that the Minutes of the Ordinary Council Meeting held in the Council Chambers on Wednesday 19 August, 2020 and the Minutes of the Extraordinary Council Meeting held in the Council Chambers on Wednesday 26 August 2020 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

Nil

7.1 ITEMS FOR RESOLUTION

7.1 Finance - Accounts

216 Resolved Crs Bodey and Taylor that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2020,
- b) Confirm the accounts paid as per Warrant No. 08/20 totaling \$1,752,481.46, and
- c) Note the report on investments attached as "**Appendix 7.1-A**".

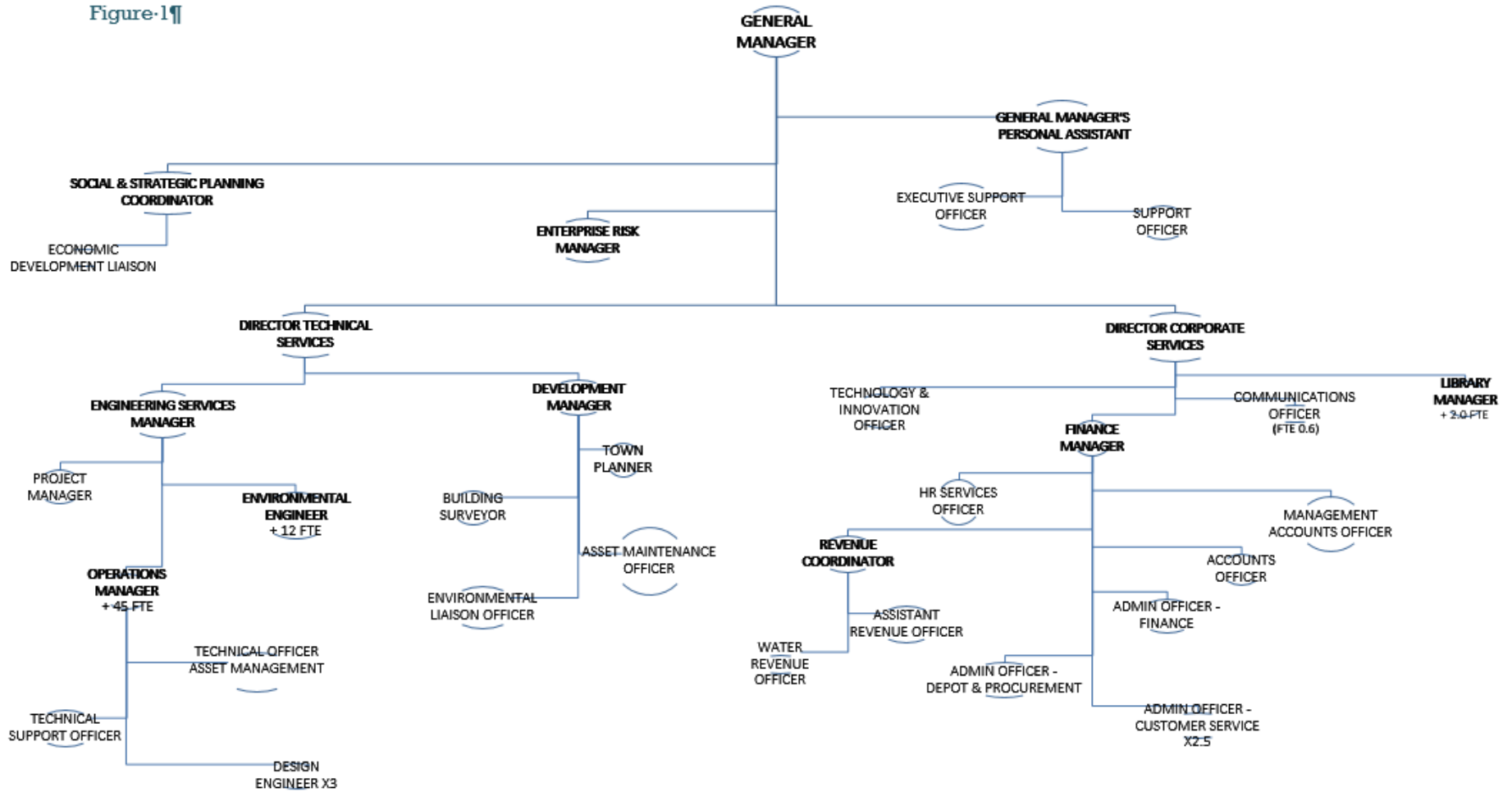
7.2 Organisational Structure Changes

217 Resolved Crs Taylor and Glanville that the Council amend its organisational structure to:

1. Remove the position of Administration Officer - Communications
2. Have the Administration Officer - Customer Service positions report directly to the Finance Manager
3. Create a new Part Time (0.5 FTE) Administration Officer - Customer Service position
4. Create a new Part Time (0.6 FTE) Communications Officer position reporting to the Director Corporate Services

Organisational Structure

Figure-1



7.3 Undetected Leaks Policy

218 **Resolved** Crs Taylor and Reynoldson that the Council:

- Revoke its Undetected Leaks Policy adopted 19 September 2018
- Adopt the Undetected Leaks Policy set out below:



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UNDETECTED LEAKS

Strategic Outcome:	Good government	
Date of Adoption:	16 September 2020	Minute Number:
Date for Review:	18 September 2024	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Undetected Leaks Policy adopted 19 September 2018	
Delivery Program Link:	3.1.4.2.1 Generate sufficient income from fees and charges to provide for the renewal of sewer, water supply and distribution assets	

1. POLICY STATEMENT

Undetected water leaks causing a number of higher than usual water consumption notices being issued to ratepayers can cause an amount of distress to ratepayers and places strain on Council resources.

While the Council is not legally or morally responsible for these leaks, the Council often receives requests from ratepayers for assistance or consideration on these matters.

2. PURPOSE

To provide a framework for processing and assessing requests for a reduction in significantly higher water charges resulting from undetected water leaks.

The objectives of this policy are to:

1. provide some financial relief to property owners when water is lost due to an undetected leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services; and
2. provide a consistent and fair approach in dealing with requests for financial relief when water is lost due to an undetected leak.

3. SCOPE

Council provides potable water to the boundary of a property; water that has subsequently passed through a metered service connection becomes the responsibility of that property owner.



This policy is not intended to provide full compensation to customers for water consumption, charges because of an undetected water leak on their property.

However, as an act of good faith and in the interest of good public relations, Council provides a means by which some assistance for higher consumption and treatment charges can be obtained, subject to the provisions of this policy being met.

4. DEFINITIONS

Significant leak - the water consumption on the water notice issued immediately prior to or immediately after the repair being completed is 1.5 times greater than the previous three equivalent billing periods average consumption

Undetected leak - occurring within pipeline breaks or connections in the ground, under slabs or within walls, etc. and are clearly not visible to the owner

5. POLICY IMPLEMENTATION

5.1 Application

Claims for assistance under this policy must be made by application. Applications must include:

- A statutory declaration indicating that:
 - The abnormally high water consumption was attributable to an undetected water leak.
 - repairs have been made in accordance with Australian Standard AS/NZS 3500
 - a full check of internal plumbing has been made to ensure no other leaks exist, and
 - no internal plumbing is defective and requiring replacement
- supporting documentation that the water leak was repaired immediately (within 30 days of a notice being issued or after the customer learnt of its existence). This may include a statement or invoice from a licensed plumber indicating the cause and location of the water leak,
- acknowledgement that subsequent claims within five years under this policy will not be accepted

5.2 Eligibility

5.2.1 Eligible claims



A complying claim must meet the following criteria:

- The claimant must be the owner/s of the property for which the claim applies.
- Council must receive the claim within 30 days of the issue of the water notice being issued.
- The claim must involve a **significant leak** at the property.
- The application must involve an **undetected leak** in a pipeline.

5.2.2 Ineligible claims

The following claims will not be eligible for assistance

- Claims that are the result of a second occurrence at the same property and by the same owner regardless of whether it is a related event or separate undetected leak within five years of the first leak occurrence being determined by Council..
- Claims that are the result of a leak from an appliance, pump, hot water system, pressure release or float valves, solar panels or pool heaters, pool or pond lines or liners, taps, cisterns and other water fittings, etc. where the leak would have been reasonably detectable.
- Claims that involve a leak caused directly by way of accidental or wilful damage.
- Claims that are due to a change in consumption pattern by the occupier of the property.
- Claims that do not contain the documentation or meet the terms of a complying claim.

5.3 **Assessment**

5.3.1 Authority to assess and approve claims

The Revenue Coordinator will initially assess for eligibility claims received under this Council. The Revenue Coordinator will then make a recommendation to the General Manager, who will approve the claim or otherwise.

Council will advise applicants in writing of the decision within 30 days of receipt of the application.

5.3.2 Eligible periods

Council will only consider adjustment to water notices issued for the billing periods immediately before and/or immediately after the leak has been detected and repaired.



It is at the discretion of the Revenue Coordinator to determine if an account warrants adjustment to more than one billing period where the applicant is unable to demonstrate definitively that a leak has occurred over more than one billing period.

5.4 Assistance

The limit to which Council will provide assistance under this policy will be a 50% reduction of the volume of the estimated leak.

This is calculated as the difference between the mean water consumption for the previous three equivalent billing periods and the consumption recorded on the water notice issued immediately after the repairs being completed for complying claims.

The maximum reduction that can be offered for water consumption charges is \$2,000 in aggregate.

Council will **not** waive interest charges accrued on unpaid water accounts that are subject to a claim under this policy.

5.5 Reporting

Approved claims are processed as credit supplementary levies rather than write-offs in the Council's rating and charging system. That is - they are deemed to be incorrectly charged rather than waived.

Notwithstanding this, the Revenue Coordinator will report to the Council all revenue foregone as a result of this policy no less than annually.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 External legislation and standards

- [Local Government Act 1993](#)
- [Australian Standard AS/NZS 3500: 2003 Plumbing and Drainage](#)

6.2 Council policies and publications

- [Operational Plan and associated Schedule of Fees and Charges](#)
- Statement of Revenue Policy
- [Debt Management and Hardship Policy](#)
- [Fraud Control Policy](#)
- [Permanent Water Saving Policy](#)
- [User Fees and Charges Policy](#)
- [Water and Sewer Supply Policy](#)

7.4 Finley School of Arts Committee of Management

219 Resolved Crs Taylor and Jones that the Council:

- a) revoke existing members of the Finley School of Arts Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley School of Arts Committee of Management:

President:	Ross Whittaker
Secretary:	Jan Gray
Treasurer:	Christine Lawlor
Committee:	
	Noel A'Vard
	Anne Freestone
	Kelly-Anne Lawler
	Ted Gray

7.5 Tocumwal Historic Aerodrome Museum Committee of Management

219 Resolved Crs Taylor and Jones that the Council:

- a) revoke existing members of the Tocumwal Historic Aerodrome Museum Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Historic Aerodrome Museum Committee of Management:

President:	Bob Brown
Vice President:	David Grant
Secretary:	Gina Brown
Treasurer:	Lea Grant
Committee:	
	Ross Bodey

7.6 Retreat Hall Finley Committee of Management

219 Resolved Crs Taylor and Jones that the Council:

- a) revoke existing members of the Retreat Hall Finley Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Retreat Hall Finley Committee of Management:

President:	Steven Kydd
Vice President:	John Beer
Secretary:	Rosemary Tilley
Treasurer:	Kerry Anne Kydd
Committee:	
	Ruth Kydd
	Marg Maxwell
	Gill Taylor
	Lorraine Beer
	Stephen Barnes
	Dorothy Wright

7.7 Tocumwal Foreshore Revitalisation - Budget Review

220 Resolved Crs Taylor and Bodey that the Council:

1. Note the report on funding and expenditure relating to the Tocumwal Foreshore Revitalisation Project
2. Provide an additional \$240,000 of funding for the Tocumwal Foreshore Revitalisation Project from working capital and include the necessary budget adjustment in its next quarterly budget review.

7.8 Code of Conduct & Procedure for Administration

221 Resolved Crs Glanville and Taylor that the Council:

1. Revoke its existing Code of Conduct and Procedures for the Administration of the Code of Conduct
2. Adopt the Code of Conduct attached as **"Appendix 7.8-A"**
3. Adopt the Procedures for the Administration of the Code of Conduct attached as **"Appendix 7.8-B"**

7.9 Request for Annual Leave

- 222 Resolved** Crs Taylor and Bodey that the General Manager be granted annual leave from 26th October 2020 until 6th November, 2020.

7.10 Request for Contribution – Southern Riverina Irrigators (SRI) Flood Study

Cr Roger Reynoldson declared a Pecuniary Interest in this matter and left the Council Chambers at 11:15am.

- 223 Resolved** Crs Glanville and Bodey that the Council agree to contribute \$10,000 to the Southern Irrigators District Council for a study to provide an alternate source of information to help communities scrutinize the State's implementation of its floodplain harvesting policies in the northern basin and the effect that these have on water allocations in the southern basin area subject to:

1. Similar contributions being received from other relevant RAMJO members;
2. Such contribution being funded from the Council's Economic Development Reserve; and
3. The Council having access to the final study report.

- 224 Amendment** Crs Bruce and Taylor that the Council agree to contribute \$10,000 to the Southern Irrigators District Council for a study to provide an alternate source of information to help communities scrutinize the State's implementation of its floodplain harvesting policies in the northern basin and the effect that these have on water allocations in the southern basin area subject to:

1. Such contribution being funded from the Council's Economic Development Reserve; and
2. The Council having access to the final study report.

The amendment was carried and became the motion and when put as the motion was again carried.

Cr Roger Reynoldson entered the Council Chamber at 11:19am.

7.11 Half Cost Scheme 02/20/21 Dawe Avenue, Finley Footpath Construction (Tocumwal Street to Donaldson Street West Side)

225 Resolved Crs Bodey and Glanville that in accordance with Council’s policy: Contributory Footpath And Kerb And Gutter Schemes Policy pursuant to clauses 217,218 & 219 of the Roads Act 1993, proceed with the construction of footpath along Dawe Avenue, Finley (Tocumwal Street to Donaldson Street west side) and make a charge on abutting property owners in accordance with the Schedule for Scheme 02/20/21 as set out below:

SCHEDULE: SCHEME NO. 02/20/21 DAWE AVENUE, FINLEY FOOTPATH CONSTRUCTION (TOCUMWAL STREET TO DONALDSON STREET WEST SIDE)

Lot , Sec, DP	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
Lots 22, 23, Section 28, DP 758412	50.00%	32.90	\$3,632.16	\$1,816.08	\$181.61	\$1,997.69	\$1,816.08
Lot 21, Section 28, DP 758412	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot 20, Section 28, DP 758412	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot 19, Section 28, DP 758412	50.00%	15.10	\$1,667.04	\$833.52	\$83.35	\$916.87	\$833.52
Lot 18, DP 247524	50.00%	15.70	\$1,733.28	\$866.64	\$86.66	\$953.30	\$866.64
Lot 17, DP 247524	50.00%	15.90	\$1,755.36	\$877.68	\$87.77	\$965.45	\$877.68
	TOTAL	116.20	\$ 12,828.48	\$ 6,414.24	\$ 641.43	\$ 7,055.67	\$ 6,414.24

Estimated full unit rate is \$92.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

7.12 Accounting for Rural Fire Service Assets

226 Resolved Crs Taylor and Reynoldson that the Council:

1. Confirm that it will not bring the NSW Rural Fire Service plant assets nominally vested to the Council to account in its 2019/20 annual financial statements as it does not have effective control of those assets.
2. Write to the NSW Auditor-General, the Minister for Local Government and the Member for Murray to put forward its position that it has no effective control of NSWRFs plant assets and therefore should not bring those assets to account.

7.13 Request for Contribution - Speakup

227 Resolved Crs Taylor and Reynoldson that the Council contribute \$2,000 to the Speakup MDBP Modelling Project Proposal.

7.14 Development Application No. 13/21/DA/D9 – 2 Lot Subdivision

228 Resolved Crs Taylor and Reynoldson that the Council resolve to refuse Development Application No. 13/21/DA/D9 – 2 Lot Subdivision as the proposal is not in keeping with the established pattern of development of the Tocumwal Airpark.

Division

In Favour: All

Against: Nil

8. ITEMS FOR NOTING

229 Resolved Crs Reynoldson and Bruce that the Council plant trees within nature strip on the western side of Jerilderie Street Berrigan between Momalong Street and Dawmac's Yard.

230 Resolved Crs Taylor and Jones that Items for Noting numbered 8.1 to 8.6 inclusive and not the subject of a foregoing resolution be received and noted.

- 8.1 2021-22 Rate Peg
- 8.2 Financial Assistance Grant
- 8.3 Wind up of Youth Development Committee

- 8.4 Request for Review of Tocumwal Aerodrome Charges
- 8.5 Tree Planting within Road Reserve – Jerilderie Street Berrigan
- 8.6 Development Determinations for Month of August 2020

9. CLOSED COUNCIL

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

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

The matters and information are the following:

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

9.1 Tocumwal Public Car Parking

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

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

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

9.2 Strategic Land Purchase Investigation

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

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

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

- 231 **Resolved** Crs Taylor and Bodey that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

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

9.1 Tocumwal Public Car Parking

9.2 Strategic Land Purchase Investigation

Council closed its meeting at 11:25am. The public and media left the Chamber.

Open Council resumed at 12:20pm.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The resolutions of the Council while the meeting was closed to the public were not read to the meeting by the Mayor as these are still confidential

10. COMMITTEES

10.1 Local Traffic Committee

235 Resolved Crs Taylor and Reynoldson that the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Tuesday 18th August, 2020:

That the Council:

1. Not install advisory signs to warn motorists that children may be in the vicinity of 1498 Woodstock Road, Berrigan;
2. Install Animal Rescue information signs provided by Wildlife Information Rescue and Education Service (WIRES) at the following locations and place Animal Rescue contact information on the Berrigan Shire Council website:
 - Racecourse Road, Tocumwal
 - Bushlands Road, Tocumwal
 - Woodstock Road, Berrigan
 - Corcoran Street, Berrigan
3. Reject the application for the additional heavy vehicle access to 1-4 James Court, Finley and recommend that the applicant utilise the existing approved accesses.
4. Approve the event application for the Rolling for Rural Health event to be held on 30th August, 2020 consisting of approximately 10 persons walking and wheeling from Finley to Berrigan along the Riverina Highway, subject to:
 - Transport for NSW approval
 - NSW Police approval
 - A Road Occupancy Licence being obtained from Traffic for NSW
 - The Police and Traffic for NSW being listed as interested parties on the Certificate of Currency
 - An approved Traffic Control Plan
 - The approval of a Traffic Management Plan
 - The approval of an Event Risk Assessment
5. Consult with the Tocumwal Community and Chamber of Commerce to consider the following options in respect to the Deniliquin Street pedestrian crossing:
 - That, the pedestrian crossing be relocated to mid-block on Deniliquin Street, Tocumwal to comply with current Austroads Standards,

- That, the pedestrian crossing to be removed entirely to comply with current Austroads Standards,
- That, the pedestrian crossing remain in the current location near the intersection of Deniliquin Street and Morris Street, Tocumwal although it does not comply with current Austroads Standards.

11. MAYOR'S REPORT

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

- Wind up Youth Development Committee at Berrigan
- Cross border meetings
- Street meeting at Finley
- Area Fire Commander meeting
- Grant guru demonstration

236 **Resolved** Crs Jones and Glanville that the Mayor's Report be received.

12. DELEGATES REPORT

Cr Ross Bodey

- Silo painting meeting at Tocumwal
- Tocumwal Historic Aerodrome Museum meeting

Cr John Taylor

- Dawe Avenue meeting

Cr Roger Reynoldson

- Murray Darling Association Annual General Meeting

Cr Denis Glanville

- Youth Development Committee wind up
- Silo art at Tocumwal

Cr Colin Jones

- Murray Darling Association Annual General Meeting

Cr John Bruce

- Sporties Advisory Committee
- Barooga Advancement Group

13. BUSINESS ARISING

Cr John Bruce

- Nil

Cr Colin Jones

- Nil

Cr Denis Glanville

- Nil

Cr Roger Reynoldson

- Nil

Cr John Taylor

- Nil

Cr Ross Bodey

- Contract management
- Murray Darling Association registration Annual General Meeting

- 237** **Resolved** Crs Bodey and Bruce that the council reimburse the registration fees for the Murray Darling Association Annual General Meeting to Councillors Ross Bodey, Roger Reynoldson and Colin Jones.

Matthew Clarke (Director Technical Services)

- Nil

Laurie Stevens (Development Manager)

- Tocumwal Foreshore building Development Applications submitted
- deal with by delegated authority

- 238** **Resolved** Crs Bruce and Taylor that any applications for food vans be advertised for 21 days if possible.

Matthew Hansen (Director Corporate Services)

- Post Bill pay now operational

Rowan Perkins (General Manager)

- Nil

14. CLOSE OF MEETING

There being no further business the meeting closed at 12:35pm.