



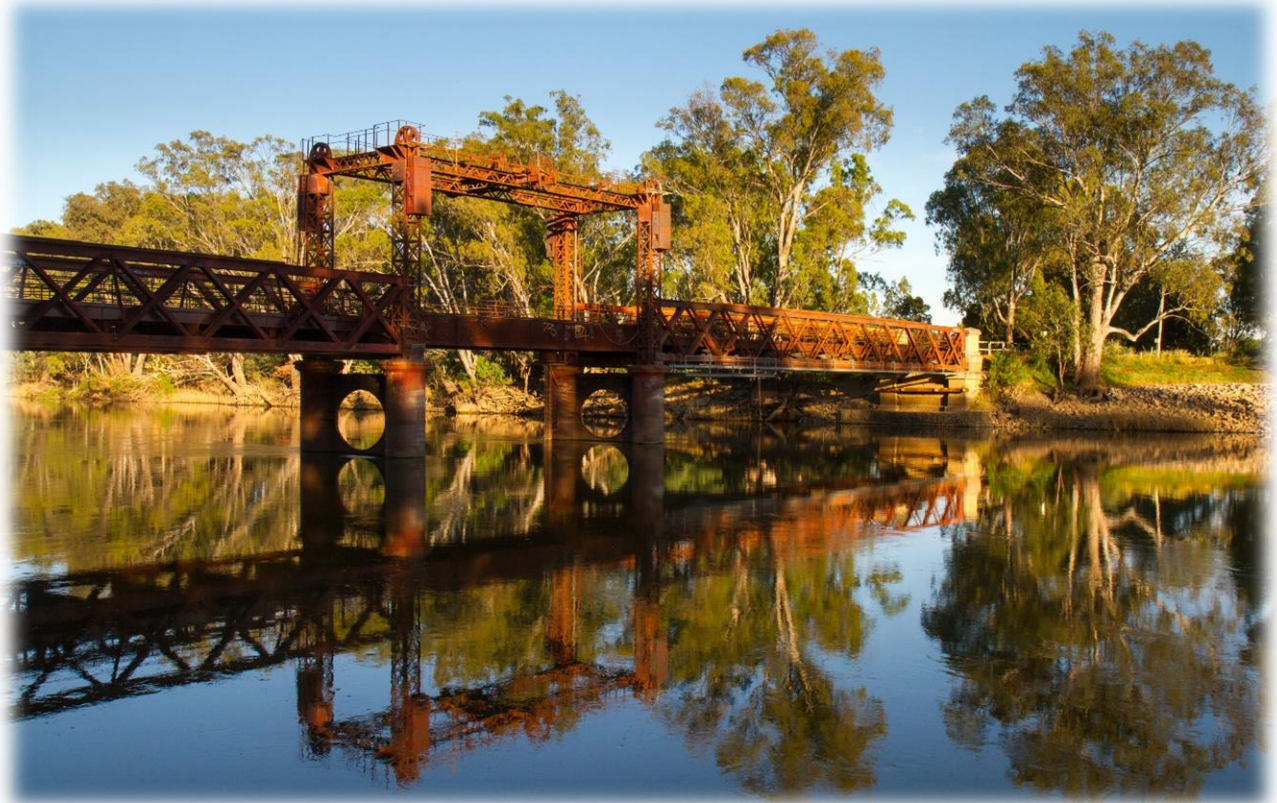
ORDINARY MEETING OF COUNCIL

Held on Wednesday 20 January, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 20 January, 2021 commencing at 11:00am

Min. No.

PRESENT:

Crs: Matthew Hannan (Mayor), Daryll Morris (Deputy 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), Laurie Stevens (Development Manager), Tahlia Fry (Finance Manager)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Nil

3. VISITORS

Nil

4. CONFIRMATION OF MINUTES

- 1** **Resolved** Crs Bruce and Morris that the Minutes of the meeting held in the Council Chambers on Wednesday 16, December, 2020 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

Nil

7. ITEMS FOR RESOLUTION

7.1 Finance Accounts

2 **Resolved** Crs Morris and Reynoldson that the Council:

1. Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 December 2020,
2. Confirm the accounts paid as per Warrant No. 12/20 totaling \$3,379,469.22, and
3. Note the report on investments attached as **Appendix "7.1-A"**

7.2 Tocumwal Pedestrian Crossing

3 **Resolved** Crs Morris and Jones that the Council:

1. Review the Tocumwal Pedestrian Crossing location as soon as practicable; and
2. Request Transport for NSW to carry out an education program with local schools in the Tocumwal Township with regard pedestrian crossings.

7.3 2019-20 Annual Financial Statements

4 **Resolved** Crs Reynoldson and Taylor that the Council, not having received any submissions in relation to its 2019/20 Annual Financial Statements and having considered the reports presented by the Audit Office of New South Wales, adopt the 2019/20 Annual Statements and the Report on the conduct of the Audit.

Tahlia Fry here left the meeting.

7.4 Local Government Rating Reform

5 **Resolved** Crs Morris and Bodey that the Council make a submission responding to the Office of Local Government's consultation paper on local government rating reform as per the report below:

Report:

The Office of Local Government (OLG) last month released a consultation paper on a series of reforms to local government rating as well as an Exposure Draft of a related bill to amend the Local Government Act 1993.

A copy of the consultation paper is attached as **Appendix "7.4-A"**

The proposed rating reforms are the outcome of the review of the local government rating system undertaken by the Independent Pricing and Regulatory Tribunal (IPART) in 2016. The NSW Government sat on this report for three years before issuing it in mid-2020 - having rejected much of the thrust of the IPART report - including the introduction of rating on Capital Improved Values (CIV).

OLG has already implemented some of the other reforms accepted by the NSW Government in its Debt Management and Hardship Guidelines issued in 2018. This consultation paper is based on the remaining IPART recommendations accepted by the NSW Government.

OLG has asked Councils, local communities and other interested parties to provide feedback on the Exposure Draft and other proposed rating reforms in the consultation paper with submissions closing on 5 February 2021.

The proposed reforms are broken into two categories

1. Proposals included in the Exposure Draft Bill
2. Other proposals for rating reform that don't require legislative amendment

The NSW Government proposes to introduce the Bill into parliament in early 2021.

The two tables below briefly summaries the proposals and provide a proposed Council position for consideration. **Appendix "7.4-A"** provides more context for each of the reforms.

Table 1 - Proposed amendments to the *Local Government Act 1993*

Item	Government proposal	Proposed Council position
1	<p>Allowing gradual rates harmonisation</p> <p>This proposal would provide newly merged Councils with additional time to harmonise their rating structures.</p>	<p>Neutral</p> <p>This provision does not have any direct impact on the Council.</p>
2	<p>Allowing Councils to levy special rates for jointly funded infrastructure</p> <p>This would allow Councils to levy a special rate to meet a commitment to fund infrastructure under a joint agreement with state and/or federal governments without having to undertake the lengthy special rate variation process.</p>	<p>Support</p> <p>While this proposal is not as far-reaching a reform as this Council may have wished for, it is at least a partial recognition that the IPART process can be cumbersome and work against community interest.</p> <p>It is unlikely the Council would ever be in a position to take up this option to levy a special rate.</p>
3.1	<p>Allowing Councils to set different residential rates in contiguous urban areas</p> <p>This reform would allow Councils to set a different residential rate for separate contiguous urban areas where differing costs or demand for services can be demonstrated.</p> <p>This is mainly an issue for urban and suburban Councils.</p>	<p>Neutral</p> <p>The proposed reform would not have any direct impact on the Council.</p>

<u>Item</u>	<u>Government proposal</u>	<u>Proposed Council position</u>
3.2	<p>Creating a new category for environmental land</p> <p>This reform would create a new rating category - Environmental - and allow the Council to set a differential rate for land in this category.</p> <p>Land would be categorised as Environmental if</p> <ol style="list-style-type: none"> 1. current and future use of the land is constrained as it: <ol style="list-style-type: none"> a. has limited economic value relative to its size and location, or b. cannot be developed, or c. has low development potential for a business, residential or farming activity, and 2. is subject to <i>geographic restrictions or regulatory restrictions</i>. 	<p>Support</p> <p>This support is subject to the removal of the currently mandatory rating exemption for land subject a conservation agreement - which is referred to later in the report.</p>
3.3	<p>Enabling different business rates to be set for industrial land and commercial land</p> <p>This reform would allow Councils to set separate differential rates for industrial land - i.e. manufacturing plants or motor vehicle repair premises - from commercial land - i.e. retail shops or offices.</p>	<p>Support</p> <p>While it is unlikely the Council would set separate differential rates for industrial and commercial land in the short to medium term, the additional flexibility may be useful in the future.</p>

<u>Item</u>	<u>Government proposal</u>	<u>Proposed Council position</u>
3.4	<p>Enabling different rates for residential, business or mining land that is vacant</p> <p>This reform would allow Councils to set a separate differential rate for vacant land (excepting farmland).</p> <p>The aim is to allow Councils to set a higher rate for vacant land to discourage land banking and encourage development of vacant land.</p>	<p>Support</p> <p>The proposed reform would provide an additional tool for the Council to encourage development of vacant urban land. In the case of this Council a separate differential rate for land categorised as commercial may encourage the development of some vacant land at Barooga in particular.</p>
3.5	<p>Allowing different farmland rates to also be set based on geographic location</p> <p>The reform would allow Councils to set separate differential farmland rates for land based solely on its location as opposed to its suitability for use etc.</p> <p>The aim of the reform is to make it simpler for Councils to set separate farmland rates for areas with differing intensity of use - i.e. orchards and dairy land as opposed to grazing land.</p>	<p>Support</p> <p>The reform would provide future Councils with more flexibility if required. At this stage it is unlikely that the Council would make immediate use of this capability.</p>
4.1	<p>Removing mandatory rates exemptions for land with new conservation agreements.</p> <p>Currently private land subject to a conservation agreement is exempt from all rates.</p>	<p>Support</p> <p>This removes an anomaly where owners of conservation land who derive private benefit from land - even if somewhat compromised - are exempt from rates.</p> <p>The new Environmental land category will allow for some rates to be collected while acknowledging restrictions on the use of the land.</p>

<u>Item</u>	<u>Government proposal</u>	<u>Proposed Council position</u>
4.2	<p>Removing certain mandatory exemptions from special rates for water and sewerage</p> <p>This reform would allow Councils, if they chose, to charge special - as opposed to annual - water and sewer charges on a range of land that is currently exempt, mostly government and religious land.</p>	<p>Support</p> <p>The proposal would allow Councils to charge a special rate on benefited land that would otherwise be exempt - such as Crown Land, schools, land used for teacher accommodation and the like.</p> <p>Berrigan Shire Council has not charged a special rate for over 15 years.</p>
5.1	<p>Narrow scope to postpone rates and let councils choose whether to write them off</p> <p>Currently Councils are obliged to allow ratepayers to postpone paying higher rates if their land is rezoned.</p> <p>The reform will narrow the scope and the cost of this obligation, to make this obligation less onerous on Council, to reflect the wealth gain for the land owner and to encourage development.</p>	<p>Support</p> <p>This reform allows Councils to address individual cases of genuine hardship while <u>minimising</u> the impact on the Council's revenue.</p> <p>This reform is expected to have minimal impact on Berrigan Shire Council or its ratepayers.</p>
5.2	<p>Allow councils to sell properties for unpaid rates after three years</p> <p>At present Councils must wait until charges are outstanding for five years before seeking to sell for unpaid rates. This reform would reduce this period to three years</p>	<p>Support</p> <p>Three years is a sufficient period to identify if there is potential for an alternative collection method to be successful.</p> <p>This reform allows for greater fairness in ensuring that all ratepayers are required to meet their obligations in a timely manner.</p>

Table 2 - Other reforms not requiring amendment of the *Local Government Act 1993*

Item	Government proposal	Proposed Council position
1	<p>Allowing Councils' general income to rise in line with population growth</p> <p>This would allow rate income to grow with population growth as opposed to only with new property development.</p>	<p>Support in principle</p> <p>The NSW Government has commissioned IPART to prepare a report on how this reform could be delivered.</p> <p>Note that this reform may see IPART issue multiple rate pegs.</p>
2	<p>Encouraging Councils to levy rates on mining land to reflect additional costs.</p> <p>This reform would limit Councils ability to set higher rates for mining properties other as reflected in extra costs of servicing the property</p>	<p>Oppose</p> <p>As IPART made clear in its initial report, local government rates are a wealth tax, not a service charge. This proposal contradicts this principle.</p> <p>It also removes Councils' ability to use its rating system to encourage preferred development.</p> <p>It also creates more regulatory burden and red-tape for Councils.</p>
3	<p>Retaining the rating category for business as the "residual" rating category</p> <p>The NSW government originally proposed to allow Councils to set their own default rates category. They have walked back from this reform.</p>	<p>Neutral</p> <p>The consultation paper mentions some difficulties in the implementation of this reform but does not go into detail.</p> <p>In general, any reform providing more flexibility to Councils should be supported however.</p>

<u>Item</u>	<u>Government proposal</u>	<u>Proposed Council position</u>
4	<p>Requiring Councils to report the value of exemptions they grant each year.</p> <p>The idea behind the reform is to make more transparent to the broader community, the value of rates exemptions provided by the Council at its own discretion.</p>	<p>Oppose</p> <p>While this reform has been watered down from IPARTs initial proposal to require the Council to report the value of ALL exemptions it is still another regulatory burden to be placed on Councils for very little gain.</p> <p>Note - in the very limited cases where Berrigan Shire Council offers exemptions from ordinary rates, there are included in the rate peg and paid from general revenue.</p>

7.5 Tocumwal Glider

Moved Crs Taylor and Glanville that the glider return to Sportavia on the basis that they be it is responsible for if lost.

The motion was lost.

- 6** **Resolved** Crs Bodey and Morris that the Council make a decision on the location of the Tocumwal Glider after consultation with the Tocumwal Aviation Museum operators and then consultation with the wider Tocumwal community.

7.6 Land Classification

The report was withdrawn by the General Manager. No action required.

7.7 Informal Track between Jerilderie Street North and Barooga Street North, Tocumwal

- 7** **Resolved** Crs Jones and Bodey that subject to availability of funds the track between Jerilderie Street North and Barooga Street North, Tocumwal be constructed.

7.8 TfNSW Block Grant

- 8 **Resolved** Crs Glanville and Taylor that the Council enter into the Regional Roads Block Grant Agreement 2020/21 with Transport for NSW (TfNSW) and express its concern about lack of indexation of the grant.

7.9 Transport Asset Management Plan 2020 & Infrastructure Risk Management Plan Transport 2020

- 9 **Resolved** Crs Taylor and Morris that Council adopt the Transport Asset Management Plan 2020 and the associated Infrastructure Risk Management Plan – Transport 2020 (**Appendices “7.9-A” & “7.9-B”**) as the key documents to guide future planning and development of Transport Assets within the Berrigan Shire.

7.10 Stormwater Asset Management Plan 2020 & Infrastructure Risk Management Plan, Stormwater 2020

- 10 **Resolved** Crs Reynoldson and Bodey that Council adopt the Stormwater Asset Management Plan 2020 and the associated Infrastructure Risk Management Plan – Stormwater 2020 (**Appendices “7.10-A” & “7.10-B”**) as the key documents to guide future planning and development of Stormwater Assets within the Berrigan Shire.

7.11 Sewerage System Asset Management Plan 2018 & ‘Core’ Infrastructure Risk Management Plan, Sewer 2018

- 11 **Resolved** Crs Taylor and Glanville that the Council adopt the Sewerage System Asset Management Plan 2018 and the associated Infrastructure Risk Management Plan – Sewer 2018 (**Appendices “7.11-A” & “7.11-B”**) as the key documents to guide future planning and development of Sewerage System Assets within the Berrigan Shire.

7.12 Loan National Australia Bank, Barooga Water Treatment Plant

- 12 **Resolved** Crs Bodey and Taylor that the Council:
1. Accept the loan from National Australia Bank Limited (NAB) for an amount of \$4,000,000.00 on a fixed term of 10 years,

2. Allocate the borrowed funds and assign the corresponding debt to the Council's water fund, and
3. Execute the loan agreement through application of the Council's common seal

7.13 Suspension of Alcohol-Free Zone Chanter Street, Berrigan

- 14 **Resolved** Crs Reynoldson and Taylor that the Council, subject to Police approval and development consent being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter Street, Berrigan from 5.00pm to 11.00pm on Friday 26 March 2021 in accordance with Section 645 of *the Local Government Act 1993*.

7.14 ORG Infrastructure Grants

- 15 **Resolved** Crs Taylor and Morris that the Council apply for funding through the ORG Infrastructure Grants for the WAAAF walk bridges.

7.15 Building Better Regions Fund

- 16 **Resolved** Crs Bodey and Reynoldson that the Council apply for funding through the Building Better Regions Fund for the Tocumwal Foreshore wet side works i.e. amphitheatre and fishing stations.

7.16 Closure of NAB Transaction Account

- 17 **Resolved** Crs Morris and Reynoldson that the Council close the NAB Transaction Account #50-954-1619.

8. ITEMS FOR NOTING

- 18 **Resolved** Crs Jones and Taylor that Items for Noting numbered 8.1 to 8.6 inclusive be received and noted.
- 8.1 General Manager's Half Yearly Performance Review
 - 8.2 Funding Agreement – Murray Regional Tourism
 - 8.3 Riverina and Murray Joint Organization Minutes
 - 8.4 Finley Saleyards Upgrade

- 8.5 Rates Collections and Outstanding Debtors – Second Quarter 2020-2021
- 8.6 Development Determinations for Month of December 2020

9. COMMITTEES

9.1 Local Traffic Committee

19 **Resolved** Crs Morris and Bodey that the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 17 December, 2020:

1. Agree to install no parking signs on both sides of Burkinshaw Street, Barooga from the intersection of Golf Course Road to the Sporties entrance to stop vehicles parking on both sides of the street;
2. Agree to install 15 minute only parking signs in front of 239-241 Murray Street, Finley to allow for parents to drop off and pick up their children from the Finley Early Learning Centre; and
3. Agree to approve the temporary road closure of Anzac Avenue (west of Cowley Street), Tocumwal between the hours of 6am and 2pm on the following dates in 2021 to ensure sufficient market stall space for the Tocumwal Foreshore Markets:
 - 2 January 2021
 - 9 January 2021
 - 23 January 2021
 - 6 March 2021
 - 4 April 2021
 - 8 May 2021
 - 5 June 2021

10. MAYOR'S REPORT

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

- Barooga Focus Group meeting – border closure impacts

20 **Resolved** Crs Bodey and Taylor that the Mayor's Report be received.

11. DELEGATES REPORT

Cr Ross Bodey

- Murray Darling Association Region 2 meeting

Cr John Taylor

- Nil

Cr Daryll Morris

- Nil

Cr Roger Reynoldson

- Zoom meeting Murray Darling Basin Association pilot meeting

Cr Denis Glanville

- Nil

Cr Colin Jones

- Murray Darling Association Region 2 meeting

Cr John Bruce

- Sussan Ley meeting at Barooga
- Focus meeting at Barooga

12. BUSINESS ARISING

Cr John Bruce

- Tocumwal Hardware Store
- Aboriginal Land Claim

Cr Colin Jones

- Nil

Cr Denis Glanville

- Nil

Cr Roger Reynoldson

- Nil

Cr Daryll Morris

- Vehicles in cemetery at Barooga

Cr John Taylor

- Concrete slab at Murray Park
- upgrade shelter
- WIFI facility – ask Finley Chamber

Cr Ross Bodey

- House at Flight Place

Laurie Stevens (Development Manager)

- Strawberry Fields
 - grant for event at Tocumwal Foreshore in October
 - another one at their site 6 months late

Matthew Clarke (Director Technical Services)

- Nil

Matthew Hansen (Director Corporate Services)

- Nil

Rowan Perkins (General Manager)

- MC Australia Day
- Car Park options
- Industrial development land at Tocumwal
- Foreshore building rent assessment

Cr Matthew Hannan (Mayor)

- Nil

The meeting adjourned at 12:05pm.

The meeting reconvened at 12:50pm.

13. MAYORAL MINUTE

22 Resolved that the Council:

- Begin the process to engage contractor Steve Blackadder to replace the General Manager;
- Negotiate with the General Manager for an early release from his contract from 16 April, 2021; and
- Convene an Extraordinary council meeting after the Strategic & Policy Workshop on 3 February to further consider issues related to the appointment of a new General Manager.

14. CLOSE OF MEETING

There being no further business the meeting closed at 1:01pm.