



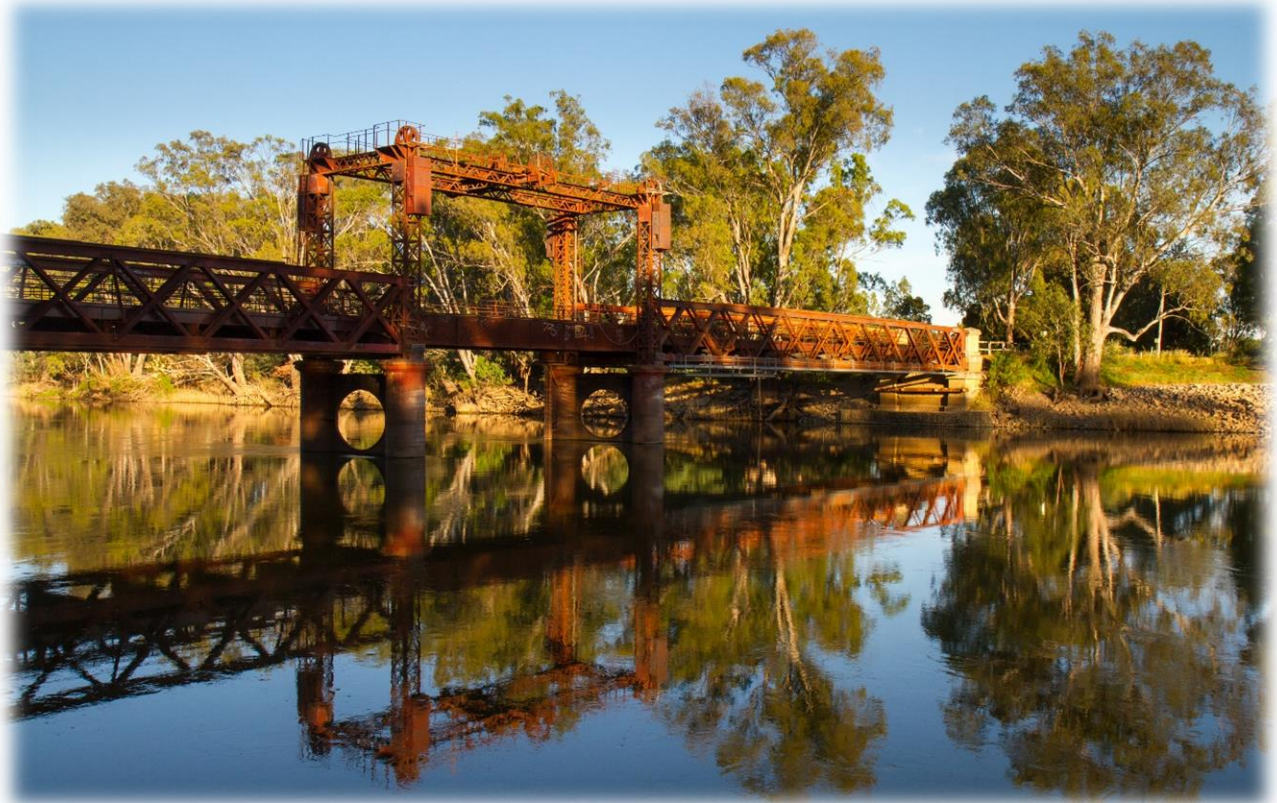
ORDINARY MEETING OF COUNCIL

Held on Wednesday 17 March, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 17 March, 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) and Matthew Miller (Acting Development Manager)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Matthew Hansen (Director Corporate Services) declared a pecuniary interest in item 7.5 as it affects his Remuneration.

Cr Roger Reynoldson declared a non-significant non-pecuniary interest in item 7.9 as he is a Director of the Berrigan Golf Club.

Cr John Taylor declared a non-significant non-pecuniary interest in Item 7.9 as he has an employee has put submission on letterhead.

3. VISITORS

12:30pm – Leadership Group 3 Graduation Presentation.

4. CONFIRMATION OF MINUTES

- 49 **Resolved** Crs Glanville and Taylor that the Minutes of the Ordinary Council meeting held in the Council Chambers on Wednesday 17 February, 2021 and the Minutes of the Extraordinary Council meeting held in the Council Chambers on Wednesday 3 March, 2021 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

Nil

The Mayor welcomed Matthew Miller as the Acting Development Manager and offered his congratulations.

7. ITEMS FOR RESOLUTION

7.1 Finance - Accounts

- 50 **Resolved** Crs Reynoldson and Bodey that the Council:
- Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 28 February 2021,
 - Confirm the accounts paid as per Warrant No. 02/21 totaling \$2,850,610.54, and
 - Note the report on investments attached as **"Appendix 7.1-A"**

7.2 Councillors and Officers Liability

The Councillors individually answer the following questions:

- 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? **No (All)**

If 'Yes', provide full details:

2. Is any Councillor or officer after enquiry, aware of any circumstances which might give rise to a Claim, including but not limited to any act, error, omission, misrepresentation, breach of duty or misconduct? **No (All)**

If 'Yes', provide full details:

3. Is any Councillor or officer after enquiry, aware of any circumstances which might give rise to a prosecution proceeding, under any Work Health & Safety Act, any Environmental Protection Legislation, or any other similar Act or Legislation? **No (All)**

If 'Yes', provide full details:

4. Is any Councillor or officer after enquiry, aware of any facts or circumstances which might affect the ability of the Council or its Subsidiary Companies to meet its debts as and when they fall due? **No (All)**

If 'Yes', provide full details:

7.3 General Manager Farewell

51 Resolved Crs Reynoldson and Glanville that the Council:

- Hold an informal farewell function for the General Manager at the Berrigan Sportsground on Thursday 15 April, 2021 for Councillors and Council Staff;
- Hold a formal farewell function for the General Manager at Finley Returned Soldiers Club on Wednesday 14 April, 2021 for Councillors and Council Managers
- Pursuant to the provisions of its Drug and Alcohol Free Workplace Policy, designate the above functions as an “approved event” at which alcohol may be provided and consumed in accordance with the Policy.

7.4 Berrigan Shire LED Street Lights – Southern Lights Program

52 Resolved Crs Glanville and Taylor that Council respond to Essential Energy with regard to the Berrigan Shire Bulk Lamp Replacement Program scheduled to commence in the 2022-2023 financial year and:

1. agree to replace all existing street lighting with LED lighting approximately matching existing lighting levels, and
2. fund Council’s component of the expenditure from its own funds and include this funding in its Long Term Financial Plan and 2022/23 operational budget

Matthew Hansen (Director of Corporate Services) left the Council Chambers at 11:14am in respect of his pecuniary interest.

7.5 Appointment of Acting General Manager

- 53 **Resolved** Crs Bodey and Morris that the Council appoint Matthew Hansen as acting General Manager effective from 5:00 pm on 16 April 2021 on the same terms and conditions as the current General Manager and until the Council appoints a new Chief Executive Officer.

Matthew Hansen (Director Corporate Services) returned to the Council Chambers at 11:15am.

7.6 Local Government Remuneration Tribunal - 2021 Determination

- 54 **Resolved** Crs Bruce and Jones that the Council make no submission to the Local Government Remuneration Tribunal – 2021 Determination.

7.7 Documents for Signing and Sealing – Tocumwal Aviation Museum

- 55 **Resolved** Crs Morris and Bodey that the Council sign and seal the lease for the Tocumwal Aviation Museum.

7.8 T07-20-21 (TL) Upgrade of the Barooga Water Treatment Plant and T08-20-21 (TL) Upgrade of the Finley Water Treatment Plant Tender Evaluation

- 56 **Resolved** Crs Reynoldson and Morris that the Council request tenderers whom made tender submissions on both T07-20-21 (TL) Upgrade of the Barooga Water Treatment Plant and T08-2021 (TL) Upgrade of the Finley Water Treatment Plant, as identified in "**Appendix 7.8-A**", supply revised pricing schedules with consideration and assumptions made to being awarded both tenders.

7.9 Requests from Committees of Management for Inclusion in Four Year Delivery Program

57 **Resolved** Crs Morris and Taylor that following the consideration of requests from its Committees of Management the Council include the following items for consideration as part of its Annual Operational Plan:

Committee	Project	Estimated Costs
Finley & District Historical Museum and Mary Lawson Wayside Rest Committee of Management	Camera and microphone security system	\$5,000.
	Solar system	\$4,000 - \$6,000 (est)
Finley War Memorial Hall Committee of Management	Sanding, resurfacing and line marking of hall floor	\$27,500 + \$1,920 for sub-floor works. The Club will contribute \$5,000 towards the work.
Finley School of Arts Committee of Management	Sanding and resurfacing of hall floor	\$9,250 on a 1/3, 1/3, 1/3 basis
Berrigan Community Golf & Bowls Club, Berrigan Sportsground Committee of Management and Berrigan Tidy Towns and Conservation Group Committee of Management.	Purchase for joint use: Tractor Finishing mower Slasher Greens mower	\$107,000 subject to a \$16,000 contribution towards a greens mower

7.10 Murray-Darling Economic Development Program - Round 3

58 **Resolved** Crs Bodey and Glanville that the Council support the Tocumwal Long Day Care or if that application is not ready, make a submission for the wet side works on the Tocumwal Foreshore wet side.

7.11 Draft Reviewed Delivery Program

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

1. Note that the Delivery Program's budget forecasts will be updated subsequent to the Council adopting its draft Capital Works Program 2021/2022 and draft Annual Operational Plan budget 2021/22

7.12 Financial Strategy 2021

60 **Resolved** Crs Bodey and Morris that the Council:

1. Revoke its Financial Strategy adopted in October 2016
2. Adopt the Financial Strategy attached as **"Appendix 7.12-A"**

7.13 Overdue, Lost and Damaged Library Materials Policy

61 **Resolved** Crs Glanville and Jones that the Council adopt the Overdue, Lost and Damaged Library Materials Policy set out below:



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OVERDUE, LOST AND DAMAGED LIBRARY MATERIALS

Strategic Outcome:	Good government	
Date of Adoption:	17 March 2021	Minute Number:
Date for Review:	19 March 2025	
Responsible Officer:	Director Corporate Services	
Document Control:	New policy	
Delivery Program Link:	3.2.1.1 <i>Coordinate and deliver local library services in accordance with Library Services Strategic Plan 2014 - 2018</i>	

1. POLICY STATEMENT

Berrigan Shire Library Service (BSLS) supports the Australian Library and Information Alliance (ALIA) Australian Public Library Alliance's position paper statement regarding the imposition of fines for overdue items in Australian public libraries.

Library fines undermine one of the core principles of public libraries – the provision of free and universal access to information. For the consistent application of lending and circulation services to ensure that the library service operates efficiently and effectively for the benefit of the whole community it is important to ensure equity and maintain capacity to recover costs for lost and damaged items within a structured process.

This policy seeks to implement a 'support to comply' process that uses restrictions on membership as a lever to return items rather than overdue fines.

2. PURPOSE

The purpose of this policy is to ensure BSLS has in place a fair and equitable process of managing assets of overdue, damaged and lost items without imposing fines for overdue items.

3. SCOPE

This policy covers all BSLS library materials borrowed by BSLS members

4. DEFINITIONS

Library materials for the purpose of this policy, library materials are resources owned by Council and managed by the Library Service. Library assets loaned to the community consist of Books, Audio books, Magazines, Large Print books and DVDs.



Member any user who has fulfilled the requirements for membership of the Library and has a current membership card

5. POLICY IMPLEMENTATION

5.1 Overdue items

The standard loan term for all library materials is 14 days. All members will be provided with a three-day "grace" period over and above this loan term to return the borrowed material. Borrowed materials not returned after this date will be deemed overdue.

Once a borrowed item becomes overdue, BSLS will send frequent reminders via SMS, email and/or mail until the item is either returned to BSLS or is reported or deemed lost.

Items more than 60 days overdue will be deemed lost by BSLS

5.2 Lost or damaged items

At the discretion of the Library Manager, BSLS may seek recovery for the cost of replacement or repair of library materials lost or damaged by a member.

Where an item is returned damaged, BSLS will retain the damaged item for 60 days to allow the member to inspect the item and verify the damage.

Recovery of costs for lost and damaged items will be via the Council's standard debtors system with collection of outstanding debt to be undertaken as per the Council's Debt Management Policy

5.3 Restrictions on service

BSLS will restrict access to library services to members with overdue items and/or outstanding debts relating to lost or damaged items.

5.3.1 Restrictions - 28 days overdue

Initially, members with an item overdue for more than 28 days will have the following restrictions imposed:

1. all current loans cancelled, and items must be returned immediately
2. no future loans will be permitted until the overdue item is returned
3. no reservations may be made and no inter-library loans processed.

5.3.2 Restrictions - 60 days overdue



Once an item is overdue for more than 60 days, the member will have the following restrictions imposed until all items are returned and/or lost or damaged items are paid for

1. Membership will be suspended
2. Access to public access computers and Wi-Fi will be refused

In addition, overdue items will be deemed lost.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

- [Local Government Act 1993](#)
- [Library Act 1939](#)
- [ALIA Australian Public Library Alliance \(APLA\) statement on fines for overdue items in Australian public libraries](#)
- Berrigan Shire Council - Berrigan Shire Library Service Strategic Plan
- Berrigan Shire Council - User Fees and Charges Policy
- Berrigan Shire Council - Debt Management and Hardship Policy
- Berrigan Shire Council - Library Service : Patron Code of Conduct Policy
- Berrigan Shire Council - Library Service: Public Internet Usage Policy
- Berrigan Shire Council - Library Service: Collection Development Policy

7.14 Development Application 59/21/DA/D9 - 2 Lot
Subdivision/Boundary Realignment

62 **Resolved** Crs Bruce and Taylor that Council approve Development Consent 59/21/DA/D9 subject to the following conditions:

1. Approved Plans

The Development shall be implemented substantially in accordance with the Plan of Proposed Subdivision prepared by Eslers Land Consulting reference 17440 proposal OPT5 and the details on the application form and supporting information received with the application except as amended by the condition specified hereunder.

2. Water Supply

Evidence that appropriate infrastructure is in place to enable independent supply of water to support the primary production enterprise on both proposed Lots 1 and 2 must be provided to Council prior to the issue of a Subdivision Certificate.

3. Rural Fire Service Conditions

(a) At the issue of a Subdivision Certificate, and in perpetuity, the area around the existing dwelling on proposed Lot 1 shall be managed as outlined within Section 7.4 and Appendix 4 of the Planning for Bushfire Protection 2019 and the NSW Rural Fire Services documents entitled "Standards for Asset Protection Zones" as follows:

- North and east directions: Inner Protection Area (IPA) for a distance of 12 metres;
- East direction: IPA for a distance of 10 metres; and
- South direction: IPA for a distance of 11 metres.

(b) Prior to the issue of a Subdivision Certificate, the existing dwelling shall be upgraded to improve ember protection, unless already constructed to a relevant standard.

(c) Access roads shall comply with the requirements of Table 5.3(b) of Planning for Bushfire Protection 2019.

(d) The provision of water, electricity and gas shall comply with Section 5.3.3 of Planning for Bushfire Protection 2019.

(e) All landscaping within the site shall comply with the principles of Appendix 4 of Planning for Bushfire Protection 2019.

4. Registration of 88B Instrument

Pursuant to Section 88B of the Conveyancing Act 1919, a restriction is to be created and registered on title of the proposed Lots 1 and 2 stating (or words to the same effect):

“(a) No further dwelling is permitted to be erected on proposed Lot 1;

(b) No further subdivision is permitted for proposed Lot 1 or 2.

Berrigan Shire Council is the only beneficiary and only varying authority of the restriction on title. The instrument is to be registered at the same time as registration of the Plan of Subdivision.

Pursuant to Section 88B of the Conveyancing Act 1919 easement(s) must be created over any utility services and/or access ways traversing other Lots in the proposed Subdivision and be submitted with the proposed Plan of Subdivision for approval by Council

Division:

In Favour: All

Against: Nil

Reason for not supporting the original recommendation:

Council has determined to grant Development Consent for the Proposed Subdivision contrary to recommendation of Council officers for the following reasons:

1. Proposed Lot 1 in the Subdivision is a unique allotment in that it has an existing dwelling located on a parcel of land that is less than the minimum lot size for subdivision, but is considered to be sustainable for primary production purposes.
2. With the addition of a restriction on title restraining any future dwelling and/or future subdivision of the proposed Lot 1 (and also a restriction on any future subdivision of proposed Lot 2 in the Plan of Subdivision), Council is satisfied that the granting of the subdivision does not fragment the rural land or otherwise breach any objectives of the zone. Furthermore, it does not result in any additional dwelling entitlements being created for the land.
3. Council seeks to encourage intensive agriculture and primary production within its Shire and the approval of this Development Application achieves that objective.
4. The existing infrastructure and agricultural operations on Lots 1 and 2 support a variation to Clause 4.2 of the Berrigan Local Environmental Plan 2013.

5. Council has foreshadowed an intention to pursue the introduction of a Development Control Plan and/or amendment to the LEP to reduce the minimum lot size within certain rural zones and/or provide greater flexibility to enable variations to the minimum lot size for certain rural zones in circumstances where the outcome achieves a positive benefit for primary production and the Shire.”

8. ITEMS FOR NOTING

63 **Resolved** Crs Reynoldson and Morris that Items for Noting numbered 8.1 to 8.4 inclusive be received and noted:

- 8.1 2021 Local Government Elections
- 8.2 Agricultural Land Use Submission
- 8.3 T13/20/21 – Lewis Crescent Subdivision Stage 2
- 8.4 Development Determinations for Month of February 2021

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.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

9.1 T13/20/21 – Lewis Crescent Subdivision Stage 2

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 provided by the consultant.

64 Resolved Crs Taylor and Jones 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*.

Council closed its meeting at 11:40am. The public and media left the Chamber.

Open Council resumed at 11:41am.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

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

Resolved Crs Morris and Taylor that the Council note this report for the evaluation of Tender T13/20/21 – Lewis Crescent Subdivision Stage 2.

10. COMMITTEES

10.1 Local Traffic Committee

67 **Resolved** Crs Morris and Glanville that the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 18 February, 2021:

That the Council:

1. Approve the application made by BDDA to hold 'A Festival of Music on Chanter' on Friday 26th March, 2021 and the temporary road closure of Chanter Street, between Jerilderie Street (MR363) and Drummond Street, Berrigan, between the hours of 5:00pm – 11:00pm, subject to obtaining a Road Occupancy License from Transport NSW and the applicant sending a schedule of events to NSW Police.
2. Approve the application for temporary road closure made by Finley Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25th April, 2021 in Murray Street between Ulupna Street and Berrigan Road, Finley between the hours of 10:30am and 12:30pm subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency and the applicant obtaining a Road Occupancy License from Transport NSW.
3. Approve the application for temporary road closure made by Tocumwal Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25th April, 2021 in Deniliquin Street between Murray Street and Hennessy Street, Tocumwal between the hours of 10:30am and 11:30am, subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency.
4. Approve the application for temporary road closure made by Berrigan Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25th April, 2021 in Chanter Street between Jerilderie Street and Drummond Street, Berrigan between the hours of 9:30am and 12:00pm, subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency and the applicant obtaining a Road Occupancy License from Transport NSW.

11. MAYOR'S REPORT

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

- Thank you to Cr John Taylor for attending Lions Governor District 27th
- Thank you to Cr Denis Glanville for attending International Women's Day luncheon
- Minister Keith Pitt, Sussan Ley, Bridgette McKenzie, Perin Davey and RAMJO Water sub-committee meeting
- Strawberry Fields – Good Times Festival
- Meeting with Kell Moore

68 Resolved Crs Jones and Bruce that the Mayor's Report be received.

12. DELEGATES REPORT

Cr John Bruce

- Barooga Advancement Group meeting
- Kell Moore meeting

Cr Colin Jones

- Nil

Cr Denis Glanville

- International Women's Day luncheon

Cr Roger Reynoldson

- Pilot Program zoom meeting and face to face meeting

Cr Daryll Morris

- Nil

Cr John Taylor

- Nil

Cr Ross Bodey

- Tocumwal Chamber of Commerce meeting

13. BUSINESS ARISING

Cr Ross Bodey

- Murray Darling Association meeting

Cr John Taylor

- Nil

Cr Daryll Morris

- Local Drug Action Team
- Rubbish on main street Finley

Cr John Taylor

- Indoor play centre

Cr Roger Reynoldson

- Nil

Cr Denis Glanville

- Nil

Cr Colin Jones

- Corella's laser light- didn't work

Cr John Bruce

- Barooga Golf & Bowls Club good facilities
- Barooga Botanical Gardens concrete blocks
- Platypus Drive rezoning
- Lions Park Barooga – good
- Library Playground – skatepark
- Door at Barooga Recreation Reserve
- Barooga Netball – back to Strategic & Policy Workshop

Matthew Hansen (Director Corporate Services)

- Grants
 - Showgrounds Stimulus Fund
 - Everyone Can Play

Matthew Clarke (Director Technical Services)

- Nil

Cr Matthew Hannan

- Carport 63 Barinya Street, Barooga

Rowan Perkins (General Manager)

- Nil

Cr Matthew Hannan

- General Manager's last meeting and congratulations on service

14. CLOSE OF MEETING

There being no further business the meeting closed at 12:30pm.