



ORDINARY MEETING OF COUNCIL

Held on Wednesday 19 August, 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 19 August, 2020 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 Laurie Stevens (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) a significant non-pecuniary interest in Item 8.2 as he is on the board of Amaroo.

3. VISITORS

Ian Dickins attended the briefing session earlier for recognition of his volunteer work.

4. CONFIRMATION OF MINUTES

170 Resolved Crs Jones and Morris That the Minutes of the meeting held in the Council Chambers on Wednesday 15th July, 2020 be confirmed.

5. MAYORAL MINUTES

5.1 Local Government Exclusion from National Cabinet

171 Resolved Crs Hannan and Taylor that the Council:

1. Agrees to send a letter to the Premier and to Sussan Ley as the Federal Member for Farrer and the State member for Murray respectively which highlights the critical necessity for Local Government representation on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.
2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

6. NOTICE OF MOTION

Nil

7. 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.

7.1 General Manager's End of Year Performance Review

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:

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the personal information relating to individual staff members.

7.2 Finley Saleyards

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.

7.3 T06/20/21 Tocumwal/Barooga Floodplain Risk Management Study and Plan

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.

7.4 Senior Staff Salary Review Report

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:

(a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal the personal information relating to individual staff members.

172 Resolved Crs Taylor and Reynoldson 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*.

7.1 General Manager's End of Year Performance Review

7.2 Finley Saleyards

7.3 T06/20/21 Tocumwal/Barooga Floodplain Risk Management Study and Plan

7.4 Senior Staff Salary Review Report

Council closed its meeting at 11:01. The public and media left the Chamber.

Open Council resumed at 12:45pm.

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 Hannan and Morris that the Council, having considered the General Manager's Total Remuneration Package, not increase its value and that the Mayor issue a Memorandum to the General Manager with respect to his End of Year Performance Review.

Resolved Crs Morris and Reynoldson that the Council note the legal advice provided by its solicitors regarding the lease of the Finley Saleyards.

Resolved Crs Taylor and Reynoldson that the Council note the evaluation information for Tender T06/20/21 Tocumwal/Barooga Floodplain Risk Management Study and Plan detailed in this report.

Resolved Crs Taylor and Glanville that the Council note the 2019-20 Senior Staff salary review report prepared by Crowe Horwath.

8. ITEMS FOR RESOLUTION

8.1 Finance - Accounts

178 **Resolved** Crs Reynoldson and Glanville that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 July 2020,
- b) Confirm the accounts paid as per Warrant No. 07/20 totaling \$2,627,630.40, and
- c) Note the report on investments attached as "**Appendix 8.1-A**".

8.2 Finley Recreation Reserve Tree Removal

179 **Resolved** Crs Taylor and Jones that the Council approve additional tree works, and other requests as outlined by the Finley Recreation Reserve Committee of Management in their letter included as "**Appendix 8.2-A**".

8.3 Finley Showground Tree Removal

180 **Resolved** Crs Taylor and Morris that the Council approve the tree works identified in tree assessments included as "**Appendix 8.3-A**" for the Finley Showgrounds.

8.4 Tocumwal Heavy Vehicle Bypass

181 **Resolved** Crs Bodey and Morris that the Council not proceed with a heavy vehicle bypass for Tocumwal to cater for east- west traffic and maintain the status quo with regard to traffic movement facilities and further it withdraw its funding application under the Fixing Country Roads Program.

8.5 Local Government NSW Annual Conference

- 182 Resolved** Crs Glanville and Taylor that the Council nominate the Mayor, Deputy Mayor and General Manager attend the Local Government NSW Annual Conference if possible.

8.6 Barooga Recreation Reserve Irrigation and Depot Relocation

- 183 Resolved** Crs Bodey and Taylor that the Council, subject to consultation with the Barooga Recreation Reserve Committee and obtaining necessary Crown Lands approvals:

- Supply and install a 350,000 litre water storage tank and 50mm raw water connection to the water main for the purpose of irrigating the Recreation Reserve,
- Supply and install a pump station for the purpose of irrigating the Recreation Reserve;
- Relocate the Council's Barooga Works Depot to the Barooga Recreation Reserve;
- Site the irrigation tank, pump station and works depot at the north eastern corner of the Recreation Reserve fronting Snell Road and;
- Charge all costs associated with the relocation of the Barooga Works Depot irrigation tank to the Council's water fund.

8.7 2019/2020 Rates and Charges and Interest Written Off

- 184 Resolved** Crs Reynoldson and Morris that the Council under section 607 of the Local Government Act 1993, and clause 131 (1-6) of the Local Government (General) Regulation 2005, write off the following amounts as recorded in the 2019/20 Write Offs – Rates and Charges document for the period 1st July, 2019 to 30th June 2020:

Ordinary/General Rates/Interest	\$292.35
Annual Water Charges/Interest	\$108.94
Water Consumption/Charges/Interest	\$1,202.51
Annual Sewer/Pedestal Charges/Interest	\$1,642.81
Garbage/Domestic Waste Charges/Interest	\$145.66
Storm Water/Drainage Charges/Interest	\$355.45
Bank Charge	\$0.58

Legals	\$0.00
Total	\$3,748.30

8.8 Sign and Seal – Rates and Charges

185 Resolved Crs Taylor and Jones That the Council sign and seal the following documents:

- Certificate of 2019/20 Rates and Charges levied and brought to account, as at 30 June 2020
- Certificate of 2020/21 Rates and Charges levied, as at 8th July 2020.

8.9 Access Control Policy

186 Resolved Crs Jones and Glanville that the Council:

- Revoke its Password Policy adopted 9 October 2019
- Adopt the Access Control Policy set out below:



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ACCESS CONTROL

Strategic Outcome:	Good government	
Date of Adoption:	19 August 2020	Minute Number:
Date for Review:	21 August 2024	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Password Policy adopted 9 October 2019	
Delivery Program Link:	2.1.3.6 Provide information technology and associated support for Council operations	

1. POLICY STATEMENT

Berrigan Shire Council is committed to maintaining a robust and secure Information and Communication Technology (ICT) environment.

A key control measure used by the Council to meet this commitment is access control. Controlling access to the ICT environment minimises the risk of unauthorised use and malicious damage

2. PURPOSE

The purpose of this Policy is to:

- Ensure access to Council information and services is controlled and secure.
- The Council meets all its legislative and other requirements for information security and privacy
- Council operations are not impacted by unplanned ICT loss of service

3. SCOPE

This policy applies to:

- Access control for all items connected to the Council's Information Technology network
- Access control for all Council information and services hosted on the Cloud



4. DEFINITIONS

Access control:	Regulation of who or what can view or use resources in a computing environment
Administrator:	responsible for the upkeep, configuration, and reliable operation of client computer systems, servers, and data security systems
Authentication:	The process of identifying an individual, usually based on a username and password
Authorisation:	The process of giving someone permission to do or have something
Cloud:	Hosted information and communication services delivered over the internet
Council officials:	as defined in the Berrigan Shire Council Code of Conduct
IT Network:	A group of computers and other equipment linked by physical or wireless connections.
Logical access	the systems used to identify, authenticate and authorise and account for use of the Council's computer information systems.
Multi-factor authentication:	a security mechanism that requires an individual to provide two or more credentials in order to authenticate their identity. For the purposes of this policy this will usually be possession of a hardware token or smartphone.
Password:	a string of characters used to verify the identity of a user during the authentication process
User name:	a name that uniquely identifies someone on a computer system
Virtual Private Network:	an encrypted connection over the Internet from a device to a network



5. POLICY IMPLEMENTATION

5.1 Risk management approach

The Council takes a risk management approach to the security of its ICT environment in line with the Council's Risk Management framework. Access control measures put in place by the Council should be based on a risk assessment prepared by Council staff as per the Risk Management framework.

Identified risks and control measures will be included in the Council's corporate Risk Register.

5.2 Physical access

Where possible, the Council will limit physical access to key components of the Council's IT network.

In the first instance, the Council will only allow Council officials and other persons authorized by the Council physical access to Council workspaces.

Secondly, rooms containing key components of the Council's IT system will be kept secure (locked) at all times with access only available to Council officials and contractors as approved by the Director Corporate Services

5.3 Logical access

The Council will maintain a set of procedures for controlling logical access to the Council's computer information systems.

5.3.1 Register

The Council will maintain a register of all access points that require authentication. The register will include at a minimum:

- an assessment of the risk of unauthorised access,
- the complexity requirements for the password, and
- maximum time between password changes

5.3.2 Authorising and removing access

The Council will maintain a set of procedures to ensure logical access to Council's computer information systems is only available to approved Council officials and contractors. This will include procedures for setting and approving, modifying and removing access and authorisation rights for Council employees and Councillors.



The Council's IT Officer, in conjunction with at least one other approved staff member, will review access and authorisation rights for key components every six (6) months. This will include at a minimum:

- the Council's main IT network and email system
- Financial management system, and
- Electronic Document and Records Management System (EDRMS).

Council officials should only have logical access and authorisation for those components of the Council's computer information system reasonably necessary for them to undertake their role with the Council.

5.3.3 Authentication and passwords

All Council officials are to follow routine IT access security requirements.

Council officials must:

- Never share passwords across functions – i.e. use a different password for network access, for the Council's management software and for any cloud functions
- Never share passwords with other users – unless the password is a generic Council username **and** approved by the Director Corporate Services.
- Never re-use the same password twice
- Never write passwords down
- Always log off or lock IT equipment & devices when unattended

5.4 **Password requirements**

5.4.1 Time

All passwords providing access to Council's ICT network or information must be changed at regular intervals. The Council will maintain procedures setting out these requirements.

Passwords granting administrator rights for the IT network and Council's management software are to be changed no less than annually.

For other services, the length of the interval will be determined by the Director Corporate Services based on an assessment of the risk of unauthorised access.

5.4.2 Complexity

All passwords providing access to Council's ICT network or information must meet minimum complexity requirements. The Council will maintain procedures setting out these requirements.



These will be determined by the Director Corporate Services based on an assessment of the risk of unauthorised access

5.4.3 Multi-factor authentication

Where available multi-factor authentication will be used for access to key services.

Multi-factor authentication **must** be used to access the Council's banking service.

5.5 **Remote access**

The Council has the capability to provide remote access to its ICT environment for approved Council officials off-site including those working from home or travelling on business.

Remote access is not a right or condition of employment and will only be available with approval

5.5.1 Approval

Approval for remote access to the Council's ICT environment will be granted on an as-needs basis and usually will be for a limited period of time.

Approval for remote access may only be provided in writing by the General Manager or Directors. The IT Officer will maintain a record of Council officials with remote access.

5.5.2 Virtual Private Network (VPN)

Remote access to the Council's IT Network will only be provided via a Virtual Private Network (VPN).

The IT Officer is the only Council official with administrator rights to the VPN

5.5.3 Review

The IT Officer will review the Remote Access register at least once every three (3) months to ensure only approved Council officials have remote access

5.6 **Education and Enforcement**

Where possible, the Council will use software-based tools to enforce compliance with this policy.

Where this is not possible, the onus is on the Council official to ensure that he/she complies with the requirements of the policy and associated procedures

Initial breaches of this policy will be dealt with via education and training. Further breaches may lead to disciplinary action as per the Local Government (State) Award



6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- [Local Government Act 1993](#)
- Local Government (State) Award 2020

6.2 Council documents

- [Berrigan Shire Council Code of Conduct](#)
- [Information and Communication Technology Strategic Plan 2019-2024](#)
- [Communication Devices Policy](#)
- [Information and Communication Technology Policy](#)
- [Risk Management Policy and Framework](#)
- [Fraud Control Policy and Framework](#)

6.3 Other resources

- [NSW Office of Cybersecurity - password tips](#)

8.10 Tocumwal War Memorial Hall Committee of Management

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

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

President:	Sergio Redegalli
Secretary/Treasurer:	Leanne Mark
Committee:	
	Laurie McQueen
	Kevin McCumstie
	Betsy Bird
	Anne Jones
	Kerry Davies
	Claire Wileman
	Mark Wileman
	Marg Close

8.11 Tocumwal Friends of the Library Committee of Management

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

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

President:	Kathleen Folliard
Vice President:	Esther Bryan
Secretary:	Lois Johnson
Treasurer:	Gayle Blakey
Committee:	
	Sita Baker
	Kath Ritchie
	Dianne Stephens
	Ann Way

8.12 Berrigan War Memorial Swimming Pool Committee of Management

187 Resolved Crs Morris and Jones that the Council:

- a) revoke existing members of the Berrigan War Memorial Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan War Memorial Swimming Pool Committee of Management:

President:	Sue Chisholm
Vice President:	Gary Lehre
Treasurer:	Jude Lawrence
Committee:	
	Barbara Fox
	Nicole Lorimer
	Phil Selman

8.13 Berrigan Conservation Group & Tidy Towns Committee of Management

187 Resolved Crs Morris and Jones that the Council:

- a) revoke existing members of the Berrigan Conservation Group & Tidy Towns Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan Conservation Group & Tidy Towns Committee of Management:

President:	Mark Ryan
Secretary:	Carol Cottam
Treasurer:	Jude Lawrence
Committee:	
	Val Daly
Barbara Dunn	Tracey Dunn
Clara Way	John O'Dwyer
David O'Dwyer	David Batten
Laurie Thompson	John Walker
John Lane	Kath Moulder
Carol Hovenden	Leigh Rogers

Irene Bonnet	Mary Curtin
Dianne Petzke	Marianne Whelan
Tom Pyle	Keith & Jan Steele
Colin Cameron	Sue & Judy Chisholm
Sue Cameron	Elaine Hawkins
Peter Blake	Stephen & Elizabeth Austin
Sue Keating	Allan Lawrence
Carole & Carla von Brockhusen	

8.14 Tocumwal Swimming Pool Committee of Management

187 Resolved Crs Morris and Jones that the Council:

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

President:	Laurie Cossar
Vice President:	Randall Jones
Secretary/Treasurer:	Barry Prideaux
Committee:	
	Faith McCallum
	Melanie Walsh
	Penny Jones
	Anne Logie

8.15 Finley War Memorial Hall Committee of Management

187 Resolved Crs Morris and Jones that the Council:

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

President:	Sally Bickerton
Secretary:	Aaron Taylor
Treasurer:	Dean Russell

Committee:	
	Jill Orro
	Rob Hawkins

8.16 Finley Showground and Sporting Complex Committee of Management

187 Resolved Crs Morris and Jones that the Council:

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

President:	Rodger Sutton
Secretary/Treasurer:	Katy Wallace
Committee:	
Matthew Mueller	Trent Royston
Bill Rowlands	Sam Price
Jullian Rourke	Leanne Loughridge
Troy Marshall	Carol Kennedy
David Webb	Stacey Ware

8.17 Barooga Botanical Gardens Committee of Management

187 Resolved Crs Morris and Jones that the Council:

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

President:	Lynn Knight
Vice President:	Marlene Manning
Secretary:	Jan Cullen
Treasurer:	Vanessa Ranken
Committee:	
	Lousie Ryan
	Gavan Cullen
	Greg Bowyer

	Nella Sorrenti
	David Fox

8.18 Finley Log Cabin Museum Committee of Management

187 Resolved Crs Morris and Jones that the Council:

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

President:	Chris Braybon
Vice President:	Henry Matheson
Secretary:	Maureen Bevan
Treasurer:	Ray Koschel
Committee:	
C.Bruest	B.Bevan
C.Braybon	L.Donkin
B.Bryabon	P.Horneman
I.Matheson	M.Kable
P.Matheson	A.Matheson
K.Bevan	M.Walsh
M.Matheson	C.Drury
J.McBurnie	K.Jenkin
P.Ryan	D.Thomas

8.19 Tocumwal Recreation Reserve Committee of Management

187 Resolved Crs Morris and Jones that the Council:

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

President:	Alan Jones
Vice President:	Jim Cullen
Secretary:	Barbara Cullen

Treasurer:	Alan Jones
Committee:	
Bill Fuller	Debbie White
David Baldwin	Paul McCallum
Carl Cummins	Dennis Sutton
Jeremy Cardillo	Greg Mason
Alice Stewart	

8.20 Berrigan War Memorial Hall Committee of Management

187 Resolved Crs Morris and Jones that the Council:

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

President:	Neville Dalgliesh
Secretary:	Ian Rendell
Treasurer:	Bruce Rendell
Committee:	
	Marnie Steer

8.21 Relocation of Tocumwal Visitor Information Centre

188 Resolved Crs Jones and Glanville that the Council advise the Tocumwal Chamber of Commerce & Tourism that it will support the operation of the relocated Visitor Information Centre by providing a rental subsidy of \$200 per week and meeting the current level of internet and mobile phone services for a period of three years and subject to no material business or commercial operations being conducted from the site.

189 Amendment Crs Bruce and Reynoldson that the Council advise the Tocumwal Chamber of Commerce & Tourism that it will support the operation of the relocated Information Centre by providing a rental subsidy of \$200 per week and meeting the current level of internet and mobile phone services for a period of one year with a review after that time and subject to no material business or commercial operations being conducted from the site.

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

8.22 Finley and District Historical Museum - Request for Assistance

190 Resolved Crs Bodey and Jones that the Council:

- a) Provide a one-off grant of \$1,500 to the Mary Lawson Wayside Rest and Finley Log Cabin Museum Committee of Management
- b) Defer any decision on an on-going operational grant for this Committee until the 2021/2022 budget deliberations

191 Amendment Crs Taylor and Morris that the Council defer any consideration of the application received by Finley Log Cabin Museum to clarify the financial position of the Committee of Management.

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

8.23 Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020

192 Resolved Crs Bruce and Taylor that the Council resolve to advise the Department of Planning, Industry and Environment that it confirms that the Council elect to opt-in and have the final clause inserted into the Berrigan Local Environmental Plan 2013 as part of the adoption of the amending SEPP.

8.24 Annual Returns - Volunteer Committees of Management

193 Resolved Crs Morris and Reynoldson that the Council note the annual returns submitted by the following Volunteer Committees of Management:

- a) Tocumwal Foreshore
- b) Finley Tidy Towns
- c) Tocumwal Swimming Pool
- d) Berrigan War Memorial Hall
- e) Barooga Community Botanical Gardens
- f) Tocumwal Recreation Reserve
- g) Finley School of Arts
- h) Finley War Memorial Hall

- i) Mary Lawson Wayside Rest and Finley Log Cabin Museum
- j) Berrigan Conservation Group
- k) Finley Showgrounds and Sporting Complex
- l) Tocumwal Friends of the Library
- m) Tocumwal War Memorial Hall

8.25 Meeting with Tocumwal Golf and Bowls Club

- 194** **Resolved** Crs Morris and Glanville that the Council invite representatives of the Tocumwal Golf and Bowls Club to make a presentation at a future Council meeting in relation to it development proposal.

8.26 Development Application 16/21/DA/D5 Carport

- 195** **Resolved** Crs Morris and Jones that Development Application 16/21/DA/D5 for the construction of a Carport be REFUSED as the proposal does not generally comply with the development controls of Chapter 2 of the *Berrigan Development Control Plan 2014* and potentially will impact on the residential amenity and character of the existing streetscape in the neighbouring environment along White Street.

Division

In Favour: All

Against: Nil

8.27 Election of Mayor, Deputy Mayor and Appointment of Delegates

- 196** **Resolved** Crs Glanville and Reynoldson that the Council convene an Extraordinary Council Meeting on Wednesday 16th September 2020 commencing at 11.00 am for the purpose of conducting elections for the positions of Mayor and Deputy Mayor and appointment of Council delegate to various Committees and organizations.

Matthew Hansen left the Council Chamber at 1:05pm.

8.28 Development Application 88/20/DA/DM - Generator

197 **Resolved** Crs Bruce and Morris that the Development Application 88/20/DA/DM for a Generator be approved subject to the following conditions:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plans BM CIVIL ENGINEERS PTY LTD Drawing Number 52749-19A Sheet 1 of 2 and BSC-001 'ENVIROwall', on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Construction Certificate for Retaining Wall

No work is to commence until the person granted development consent has had the detailed plans and specifications for the retaining wall endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

3. Appointment of PCA and Notice of Commencement

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

- a) obtained a Construction Certificate for the retaining wall
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY (Complete Form D - Appointment PCA)
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

4. Critical Stage Inspections for Retaining Wall

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)

5. Occupation for Retaining Wall

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)

6. Compliance with Building Code
All building work must be carried out in accordance with the provisions of the Building Code of Australia
7. 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.
8. Excavations and Backfilling
 - (a) All excavations and backfilling associated with the erection of retaining wall must be executed safely and in accordance with appropriate professional standards.
 - (b) All excavations associated with the erection of retaining wall must be properly guarded and protected to prevent them from being dangerous to life or property.
9. Signs Erected on Building and Demolition Sites
 - a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of retaining wall and placement of generator 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. 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.
11. Boundary Fence
A boundary fence must be provided to effectively screen the generator from the neighbouring allotment. This is to ensure that the impact of the generator upon the residential amenity of the neighbouring environment is minimised.

Division

In Favour: All

Against: Nil

Matthew Hansen entered the Council Chamber at 1:07pm.

8.29 Town Beach - Approval to Operate Camping Ground

- 198 Resolved** Crs Taylor and Morris that the Council condition the Town Beach approval to operate a camping ground with a 6 week maximum stay with a non-return period of 30 days and a maximum 120 days per year.

8.30 T06/20/21 Tocumwal/Barooga Floodplain Risk Management Study and Plan

- 199 Resolved** Crs Reynoldson and Jones that the Council:

1. Accept the tender submission from WMA Water Pty Ltd in the amount of \$174,218
2. Sign and seal the contract documents in relation to 1 above;
3. Appoint the Director of Technical Services as the Contract Superintendent;
4. Pursuant to S355 of the Local Government Act form an advisory committee to be known as the Floodplain Risk Management Committee with the following:

Purpose

- The Committee is formed to act as an advisory committee to the Council under the guidelines specified by the NSW Floodplain Development Manual.
- To represent the community and assist the Council with the floodplain risk management process, for the towns of Tocumwal and Barooga.

Term

- The term of office for all members shall be equal to the period required for the completion of the Floodplain Risk Management Plan.

Membership

- The Committee complement shall be:
 - Two Councillors
 - Two residents from the Barooga area
 - Two residents from the Tocumwal area

- The Director of Technical Services

Voting Rights

- Councillors and residents shall have voting rights in accordance with the Council's Code of Meeting Procedure.

Quorum

- The quorum for the committee is 4.
5. That the Council appoint Cr Roger Reynoldson as chairman of the Floodplain Risk Management Committee and Cr Colin Jones as a member of the Floodplain Risk Management Committee and Cr Ross Bodey as an alternative member of the Floodplain Risk Management Committee.
 6. That the Council advertise for nominations for two Barooga area and two Tocumwal area residents for membership of the Floodplain Risk Management Committee.

8.31 Staff Remuneration Package Review Policy

200 **Resolved** Crs Morris and Glanville that the Council:

1. revoke the Staff Remuneration Package Review Policy adopted on 15 January 2014.
2. adopt the Staff Remuneration Package Review Policy as set out below:



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STAFF REMUNERATION PACKAGE REVIEW POLICY

Strategic Outcome:	Good government	
Date of Adoption:	19 August 2020	Minute Number:
Date for Review:	21 August 2024	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Staff Remuneration Package Review Policy adopted 15 January 2014.	
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing.	

1. POLICY STATEMENT

This policy provides a means for the Council to assure itself that the remuneration paid to the Council's General Manager and Directors is as per their contracts and properly authorised.

2. PURPOSE

In line with the *Local Government Act 1993*, the General Manager is generally responsible for the efficient and effective operation of the council's organization. This includes overall responsibility for the Council's payroll function.

The General Manager's responsibility for overseeing the payment of his or her remuneration package carries some risk. This risk is somewhat mitigated by the delegation of the payroll function to another staff member. However, further mitigation of this risk is possible through seeking a third party review of the payments made to the General Manager.

In the interests of completeness, this review also includes the Council's director-level staff.

3. SCOPE

This policy applies to the remuneration packages of the Council's General Manager, Director Technical Services and Director Corporate Services

4. POLICY IMPLEMENTATION

The risks associated with remuneration have been assessed in accordance with Council's Risk Management Framework and are documented in Council's Fraud Risk Assessments, with identified control measures included in Council's Fraud Control Plan.



In accordance with one of the control measures identified in the Fraud Control Plan, the Responsible Accounting Officer will commission an annual (1 July to 30 June) review of the payments made under the respective remuneration packages of the following staff:

- General Manager
- Director Technical Services
- Director Corporate Services

The review is to be conducted by an external audit firm.

The Director Corporate Services is responsible for ensuring the review is completed annually and a report prepared for the Council.

The commissioned auditors will provide a report to the Council on their findings. The report will include, at a minimum, an opinion on the correctness and accuracy of the payments made under the contracts.

The Director Corporate Services will present the report to the Council as soon as possible after receipt – but no later than the November ordinary meeting of Council.

Additional control measures outlined in the Fraud Control Plan and implemented to monitor fraud risks associated with remuneration also include:

- The establishment and distribution of the Code of Conduct
- Code of Conduct training for all staff
- Fraud Detection Programs
- Internal Reporting and Protected Disclosures

5. RELATED POLICIES OR STRATEGIES

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#)
- [Local Government \(State\) Award 2020](#)
- [Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Salary Policy](#)
- [Fraud Control Policy](#)
- Fraud Control Plan
- [Internal Reporting Policy](#)

8.32 Murray Irrigation Bridge Structures

- 201 **Resolved** Crs Taylor and Reynoldson that Council seek legal advice with regard the upgrading of Murray Irrigation Bridge Structures as a result of increased roadway requirements within the Berrigan Shire Council Local Government Area with regard the 1995 lease between Murray Irrigation Limited and Council and furthermore offer to seek said legal advice jointly with Murray River, Edward River Murrumbidgee and Federation Shire Councils.

8.33 Financial Review

- 202 **Resolved** Crs Taylor and Morris that the Council:
- a) Note the fourth quarterly review of the 2019/20 budget
 - b) Note the funds contained therein, including carry forward items to 2021/22, as shown in "Appendix 8.33-A".

9. ITEMS FOR NOTING

- 203 **Resolved** Crs Taylor and Morris that Items for Noting numbered 9.1 to 9.8 inclusive be received and noted.

- 9.1 South West Arts Annual Report
- 9.2 Outstanding Rates and Debtors Balances
- 9.3 Your Council Website
- 9.4 Murray Darling Association National Conference and Annual General Meeting
- 9.5 Half Cost Footpath Schemes
- 9.6 NSW Local Government Model Code of Conduct
- 9.7 Berrigan Shire Local Strategic Planning Statement 2020 - Published
- 9.8 Development Determinations for Month of July 2020

10. COMMITTEES

Nil

11. MAYOR'S REPORT

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

- Finley TAFE
- Internal Audit Interview
- Mick Fuller Police Commissioner
- Cross Border Communication meeting
- RAMJO Water Sub Committee meeting
- Future Development
- RAMJO Water Sub Committee and Helen Dalton
- RAMJO Water Sub Committee Murray Darling Basin Association
- TAFE – Berrigan Shire Scholarship
- Murray Socio Economic Taskforce
- Berrigan Shire Chamber Presidents meeting
- RAMJO meeting
- RAMJO – State Ministers meeting

204 **Resolved** Crs Taylor and Jones that the Mayor’s Report be received.

12. DELEGATES REPORT

Cr Ross Bodey

- Tocumwal Aerodrome Museum meeting

Cr John Taylor

- Finley Recreation Reserve meeting

Cr Daryll Morris

- Nil

Cr Roger Reynoldson

- Nil

Cr Denis Glanville

- Tocumwal Bypass meeting

Cr Colin Jones

- Tocumwal Bypass meeting

Cr John Bruce

- Nil

11. BUSINESS ARISING

Cr Ross Bodey

- Chris Brooks proposal – to Strategic & Policy Workshop
- Bruce Birrell Drive path

Cr John Taylor

- Finley Golf Club irrigation progressing
- Finley Lake approach

Cr Daryll Morris

- Nil

Cr Roger Reynoldson

- Nil

Cr Denis Glanville

- Nil

Cr Colin Jones

- Saleyards cleanliness
- Jerilderie Street North footpath

Cr John Bruce

- Nil

Laurie Stevens (Development Manager)

- Nil

Matthew Hansen (Director Corporate Services)

- Nil

Matthew Clarke (Director Technical Services)

- Nil

Cr Matthew Hannan

- Nil

Rowan Perkins (General Manager)

- Visitor Information Centre – extraordinary meeting

205 **Resolved** Crs Morris and Glanville that the Council hold an Extraordinary Council Meeting on Wednesday 26th August, 2020 at 9:00am to discuss the Tocumwal Foreshore Building costings and note that Cr Bruce will be an apology to that meeting and possibly the Strategic & Policy Workshop to be held on Wednesday 2nd September, 2020.

There being no further business the meeting closed at 1:37pm.