



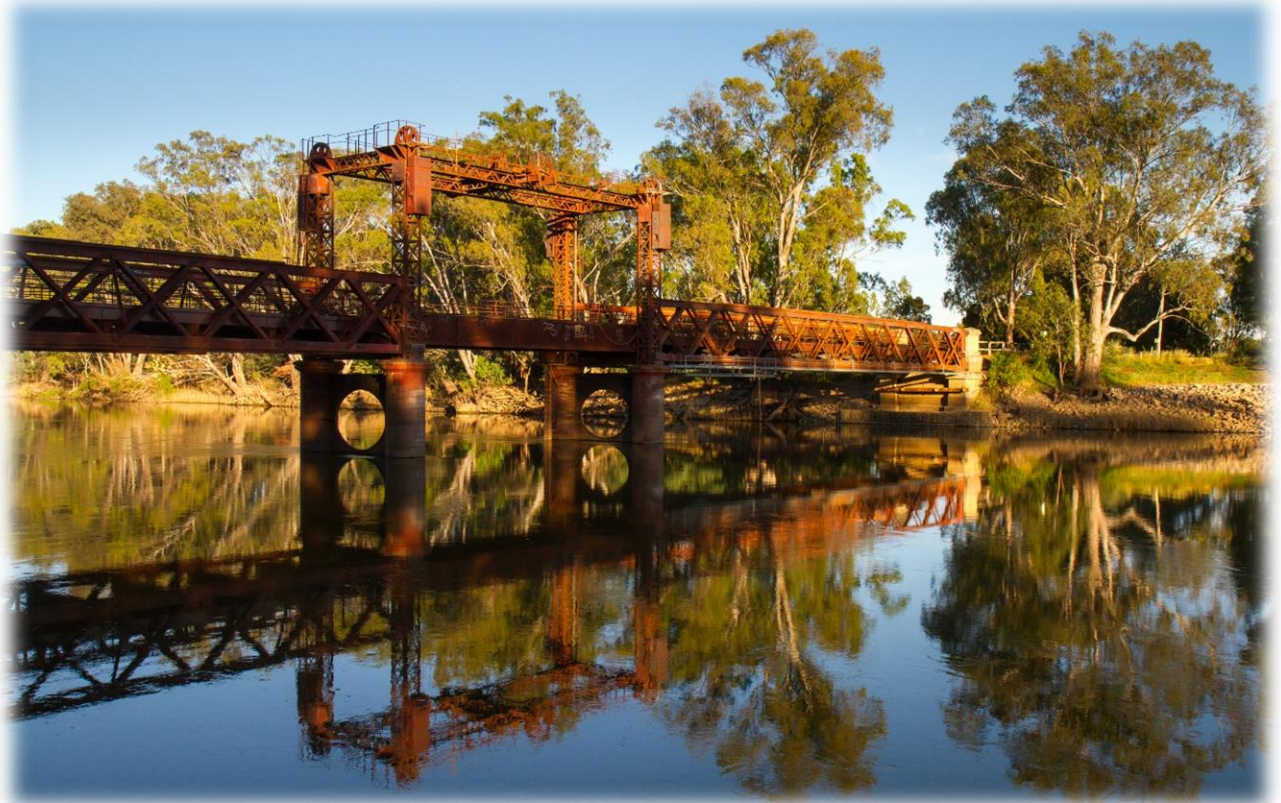
## ORDINARY MEETING OF COUNCIL

Held on Wednesday 20 May 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



# Minutes



Minutes of the Ordinary Council Meeting held  
on Wednesday 20<sup>th</sup> May, 2020 commencing at 11:08am

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**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**

Nil

**3. VISITORS**

Nil

**4. CONFIRMATION OF MINUTES**

**96** **RESOLVED** Crs Morris and Jones that the Minutes of the meeting held in the Council Chambers on Wednesday 15<sup>th</sup> April, 2020 be confirmed.

**5. MAYORAL MINUTES**

Nil

## 6. NOTICE OF MOTION

Nil

- 97 **RESOLVED** Crs Taylor and Bodey that the Council here suspend standing orders to hear from Greg McNamara regarding the Finley Saleyards.

Greg McNamara joined the Council meeting at 11:08am.

### Greg McNamara

- Appreciate meeting on Monday
- Throughput consistent - \$30m of stock
- Appreciate state of facility
- Assessment yards have been accredited each year
- Proway report is a wish list
- Works could be simpler
- Gates are the key issue
- Ramp are an issue too
- Could be done for \$500k - \$600k
- Recognise lease commitment
- Paying fees in excess of lease amount
- Retrofit gates
- Finley fees are cheap
- Sales continuing at Corowa during works
- Saleyards have been closing for 30 years
- 50-70% of businesses goes through Finley
- Deniliquin Saleyards in same position as Finley
- 450 cattle today

- 98 **RESOLVED** Crs Bodey and Morris that the Council here resume standing orders with Greg McNamara leaving the Council meeting at 11:31am.

## 7.1 FINANCE - ACCOUNTS

- 99 **RESOLVED** Crs Morris and Taylor that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 April 2020, be received and that the accounts paid as per Warrant No. 04/20 totaling \$2,671,523.12 be confirmed.

## 7.2 OPERATIONAL PLAN MARCH QUARTER REVIEW

- 100 **RESOLVED** Crs Glanville and Morris that the Council note and adopt the appended March Quarter Review of the Council's Annual Operational Plan 2019/20.

## 7.3 FAMILY AND DOMESTIC VIOLENCE POLICY

- 101 **RESOLVED** Crs Bodey and Taylor that the Council adopt the Family and Domestic Violence Leave policy as follows:



### Policy

#### 102 FAMILY AND DOMESTIC VIOLENCE POLICY

Version 01

File Reference No: 22.155.1

Strategic Outcome: Good government

Date of Adoption: 20/05/2020

Date for Review: 17/05/2023

Responsible Officer: Enterprise and Risk Manager

##### 1. POLICY STATEMENT

Berrigan Shire Council acknowledges that employees may face situations of violence or abuse in their personal life that may affect their attendance or performance at work.

Council is committed to supporting staff members experiencing domestic and family violence to continue to participate in the workforce and maintain their employment.

##### 2. PURPOSE

The purpose of this policy is to outline Council's commitment to supporting the health and wellbeing of our staff.

##### 3. SCOPE

This policy relates to all employees of the Berrigan Shire Council.

##### 4. OBJECTIVE

This policy is developed to assist Council with Delivery Plan Objective 2.1.3.5

*Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan 2017-2021*

##### 5. DEFINITIONS

*Family and domestic violence is defined to mean violent, threatening or other abusive behaviour, by a family member of an employee or another person living in*



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## Policy

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*the same household as the employee, that seeks to coerce or control the employee and that causes them harm or to be fearful.*

*Family member is defined to mean a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or a person related to the employee according to Aboriginal or Torres Strait Island kinship rules.*

### 6. POLICY IMPLEMENTATION

#### 6.1 Leave Provisions

In accordance with the Award, employees (other than casual employees) experiencing family and domestic violence and who require flexibility to deal with the impact of family and domestic violence are entitled to up to ten days' paid family and domestic violence leave.

Casual employees, whilst not eligible for paid leave, may make themselves unavailable for work without consequences to deal with the impact of family and domestic violence.

Family and domestic violence leave is available at the start of each 12-month period of an employee's employment and does not accumulate from year to year.

#### 6.2 Accessing Leave

Council acknowledges that some employees may feel uncomfortable accessing this leave, and speaking to others. Employees requiring family and domestic violence leave are encouraged to access Council's Employee Assistance Program, and speak with the General Manager to arrange for this leave to be utilised.

Ideally, the employee will provide notice before the leave is taken. Where this is not possible, the employee must notify the General Manager as soon as practicably possible during the leave.

#### 6.3 Supporting Documentation

An employee will need to provide evidence to support the use of family and domestic violence leave. This may be in the form of a document issued by the police, a court order or statutory declaration.

#### 6.4 Confidentiality

All personal and information regarding family and domestic violence will be kept confidential in accordance with Council policy and relevant legislation.

### 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

- *Fair Work Act 2009 (Cth)*
- *Privacy and Personal Information Protection Act 1998*



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**Policy**

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- *Local Government (State) Award 2017*
- Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021
- Equal Employment Opportunity Policy
- Work Health and Safety Policy
- Employee Assistance Program Policy
- Berrigan Shire Council Human Resource Manual

**7.4 TRAINING AND DEVELOPMENT POLICY**

**102 RESOLVED** Crs Glanville and Taylor that the Council:

1. Revoke the Training Policy; and
2. Adopt the Training and Development Policy as follows:





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## Policy

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### 26 TRAINING AND DEVELOPMENT POLICY

Version 02

File Reference No: 22.178.1

Strategic Outcome: Good government

Date of Adoption: 20/05/2020

Date for Review: 17/05/2023

Responsible Officer: Enterprise and Risk Manager

#### 1. POLICY STATEMENT

Berrigan Shire Council recognises the importance of training and developing its staff and understands that employees and volunteers are vital to the continued operations and improvement of Council.

Council acknowledges that training and development of staff provides benefits to its employees and volunteers in terms of their overall career prospects for advancement within Council and personal development, as well as being central to the continual improvement of Council's services.

#### 2. PURPOSE

The purpose of this policy is to outline Council's commitment to meeting its obligations under the *Local Government (State) Award 2017*, and to describe the training program, and its objectives for Council's workforce.

#### 3. SCOPE

This policy relates to employment of all staff, councillors and volunteers.

#### 4. OBJECTIVE

This policy is developed to assist Council with the following Workforce Management and Development Plan objectives:

2.1.3.5.2 *Increase the engagement and retention of Council's professional and technically skilled workforce;*

2.2.2.5.3 *Strengthen workplace training and skills*

#### 5. DEFINITIONS

#### 6. POLICY IMPLEMENTATION



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## Policy

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### 6.1 Identifying Training Needs

Council uses a number of mechanisms to identify training needs. These include:

- Identifying individual training needs through performance review;
- Establishing training programs as part of position requirements, changes in legislation or as part of continual improvement;
- In response to employee requests, following an assessment of the need and benefit to the position and Council.

### 6.2 Training Budgets

Council's training budgets are established each year to cover regular compulsory training, and identified training needs where possible.

As budgets are limited, alternative avenues to reduce training costs are encouraged. These include accessing funded programs, accessing training within close proximity to the Berrigan Shire, conducting in-house programs and inviting neighbour Councils, and utilising training expertise within Council's workforce.

Where the training need identified is urgent, Council will make every effort to ensure the training program is made available.

### 6.3 Staff Training Plans

Individual training plans are developed for all staff during the Performance Management Review process. This process allows the Manager to discuss with the employee, areas for improvement, aspirations, career goals and opportunities.

The individual training plan identifies and schedules a program of training that will develop skills and attributes of the employee relevant to their position or future position with the Council.

The Human Resource Services Officer will research appropriate training providers and courses, and will provide information around costs in order for the Manager to establish an accurate training budget, and schedule in accordance with Council's training and development procedures.

### 6.4 Workforce Management and Development Plan

The Workforce Management and Development Plan (the 'Plan') outlines the workforce development issues facing the Council, and identifies strategies and actions to implement the Shire's four year Delivery Program and Operational Plans.

Actions around training and development of Council's workforce have been identified and included in the Plan. These are broader concepts focused on addressing gaps in professional positions, attracting and retaining staff, dealing with an ageing workforce and establishing succession plans.





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## Policy

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Training to address the actions in the Plan will be scheduled in accordance with budgets, staff availability, course opportunities and Council's training and development procedures.

### 6.5 Councillor Training and Development

At the beginning of a councillor's term, an individual Councillor Development Plan will be established based on self-assessment and available training opportunities. Councillors will be provided access to internal and external training to assist them in meeting their obligations.

### 6.6 Volunteer Training

Volunteer training will be provided to registered volunteers of Council's S355 Committees, in accordance with the activities that have been identified and delegated to the Committee, and to assist them in completing their duties safely.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

- *Local Government (State) Award 2017*
- Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021
- Equal Employment Opportunity Policy
- Work Health and Safety Policy
- Berrigan Shire Council Human Resource Manual

### **7.5 TREE WORKS – FINLEY RECREATION RESERVE**

- 103 RESOLVED** Crs Taylor and Morris that the Council approve the tree works identified in the Arborist Report for Finley Recreation Reserve, and in included as **Appendix “B”**

### **7.6 HILLTOP ACCOMMODATION CENTRE**

- 104 RESOLVED** Crs Jones and Morris that the Council contribute \$10,000 towards the Stage 2 development of the Hilltop Accommodation Centre.

### **7.7 NATIVE VEGETATION REMOVAL – MULWALA – BAROOGA RD, BOOMANOOMANA**

- 105 RESOLVED** Crs Morris and Taylor that the Council, having considered the content of the Arborist report (**Appendix “C”**) prepared by Axiom Tree Management Pty Ltd for the assessment of the native trees at 2521 Mulwala-Barooga Road, Boomanoomana, authorise the removal of 11 of the 13 trees identified in said report to address safety issues pursuant to the authority provided in the *Roads Act 1993 – Section 88* Tree felling based on condition of the trees and risk posed.

### **7.8 CONTRIBUTORY SCHEMES - FOOTPATHS**

- 106 RESOLVED** Crs Taylor and Bruce that a request be made to the NSW Government via correspondence to the Premier, the Minister for Local Government, the Minister for Roads and Transport and the Minister for Regional Transport and Roads for NSW Legislation to be amended to provide a more equitable method of recouping the costs of construction of new footpaths from benefiting landowners.

### **7.9 PEDESTRIAN ACCESS AND MOBILITY PLANS**

- 107 RESOLVED** Crs Glanville and Morris that Council adopt the Pedestrian Access and Mobility Plans for Barooga, Berrigan, Finley and Tocumwal included as **Appendix “E”** as draft plans to be released for a community engagement process that will encourage input from affected stakeholders prior to Council deliberations to finalise and adopt the plans.

1. That the community engagement process include the following elements:

- A community based group to consider the draft plans and submissions and report to Council with recommendations on changes to the PAMPS content and on priorities for works;

- Broad advice to the community via local press and Council's website of the process of review of the PAMPS and where to access copies of them; and
- Specific advice to directly affected property owners of the process via letterbox drop of summary documents explaining the process.

**7.10 HALF COST SCHEME 02-19-20 KERB AND GUTTER  
CONSTRUCTION – JERSEY STREET, TOCUMWAL (WEST SIDE,  
TUPPAL ROAD TO BROWN STREET)**

**108 RESOLVED** Crs Bodey and Jones that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, the Council proceed with the construction of kerb and gutter in Jersey Street, Tocumwal (west side), from Tuppal Road to Browne Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 02/19/20 as set out below.

SCHEDULE: SCHEME NO. 02/19/20  
KERB AND GUTTER CONSTRUCTION – JERSEY STREET,  
TOCUMWAL (WEST SIDE, TUPPAL ROAD TO BROWN STREET)

Estimated full unit rate is \$130.00 excluding GST per meter, inclusive of survey, design, construction and supervision.

LOT N°	DP N°	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl. GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
299	722009	50%	10.19	\$1,324.31	\$662.16	\$66.22	\$728.37	\$662.16
299	722009	25%	66.64	\$8,662.81	\$2,165.70	\$216.57	\$2,382.27	\$6,497.11
300	722009	50%	55.12	\$7,165.86	\$3,582.93	\$358.29	\$3,941.22	\$3,582.93
301	722009	50%	39.95	\$5,193.11	\$2,596.56	\$259.66	\$2,856.21	\$2,596.56
231	257014	50%	66.98	\$8,707.92	\$4,353.96	\$435.40	\$4,789.36	\$4,353.96
50 & 71	752296	50%	100.43	\$13,055.25	\$6,527.63	\$652.76	\$7,180.39	\$6,527.63
	Council		46.03	\$5,983.77	\$0.00	\$0.00	\$0.00	\$5,983.77
		Total	385.33	\$50,093.03	\$19,888.93	\$1,988.89	\$21,877.82	\$30,204.10

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Meeting held on Wednesday 20<sup>th</sup> May, 2020

### 7.11 ROAD CLOSURE

- 108 **RESOLVED** Crs Morris and Glanville that the section of Pinchbecks Road, Lalalty adjoining Lot 2 DP 629696, Lot 65 DP 752287 and Lot 832 DP 1257848 be closed and, upon closure, be sold to the adjoining property owner. All costs associated with the closure of the road are to be met by the applicant

### 7.12 DRAFT INTEGRATED PLANS

- 109 **RESOLVED** Crs Taylor and Reynoldson:
1. That the Council adopt the following draft plans and strategies and policy for public exhibition:
    - Review of the Long Term Financial Management Plan 2020 - 2030 (**Appendix “H”**);
    - Review of the Asset Management Strategy 2020 – 2030 (**Appendix “I”**);
    - Review of Workforce Development Plan 2020 – 2024 (**Appendix “J”**);
    - Review of Delivery Program 2017 – 2022 (**Appendix “K”**);
    - Draft Annual Operation Plan 2020/21 (**Appendix “L”**); and
    - Draft Revenue Policy included in the Draft Operational Plan 2019/20
  2. That the Council convene an extraordinary meeting to be held on Wednesday 24<sup>th</sup> June, 2020 commencing at 9:00am to consider and order upon submissions received in relation to its draft Integrated Plan and to fully adopt such Plan.
  3. That the Council place it’s Integrated Plan on public exhibition for a period of 28 days closing at 5:00pm on 18<sup>th</sup> June, 2020.
  4. That the Council amend its fees and charges and the statement of revenue policy to incorporate a change to its Recycling Collected charge from \$151 to \$155.

### 7.13 BERRIGAN SHIRE LOCAL STRATEGIC PLANNING STATEMENT

- 110 **RESOLVED** Crs Reynoldson and Glanville that the Council:
1. Having considered submissions received, adopt the Berrigan Shire Local Strategic Planning Statement (LSPS), as presented as final (**Appendix “M”**)
  2. Publish the adopted Berrigan Shire LSPS on the NSW Planning Portal.



#### 7.14 FINANCIAL REVIEW

111 **RESOLVED** Crs Morris and Reynoldson that the Council:

- Note the third quarterly review of the 2019/20 budget and vote the funds contained therein as shown in **Appendix “O”**
- Note the Quarterly Budget Review Statement attached also as **Appendix “P”**

#### 7.15 FINLEY SALEYARDS

112 **RESOLVED** Crs Bodey and Morris that the Council note the General Manager’s report and defer this item for consideration at the next Strategic & Policy Planning Workshop.

### 8. ITEMS FOR NOTING

113 **RESOLVED** Crs Glanville and Jones that Items for Noting numbered 8.1 to 8.1 inclusive be received and noted.

8.1 DEVELOPMENT DETERMINATIONS FOR MONTH OF APRIL

### 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 STORES/DEPOT OFFICER

This item is classified CONFIDENTIAL under section 10A(a) 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 information provided in this report.

### 9.2 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:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege

It is not in the public interest to reveal the information provided in this report.

**114 RESOLVED** Crs Bodey and Taylor 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 STORES/DEPOT OFFICER**

#### **9.2 FINLEY SALEYARDS**

The Council closed its meeting at 11:51am.

Open Council resumed at 11:52am.

### **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 Bodey and Reynoldson that the Council make the position of Stores/Depot Officer redundant and modify its organisational structure accordingly.*

**RESOLVED** *Crs Morris and Taylor that the Council note the legal advice received from its legal advisors in relation to the Finley Saleyards.*

### **10. COMMITTEES**

Nil

### **11. MAYOR'S REPORT**

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

- RAMJO Water Sub-Committee
- Strategy & Policy Workshop
- Barooga Sporties
- RAMJO meeting
- Training on chairing an effective meeting
- Saleyard Operators & Transport Operator meeting

**118 RESOLVED** *Crs Taylor and Bodey that the Mayor's Report be received.*

## **12. DELEGATES REPORT**

### **Cr Denis Glanville**

- Nil

### **Cr Colin Jones**

- Nil

### **Cr Roger Reynoldson**

- Nil

### **Cr Ross Bodey**

- Nil

### **Cr John Bruce**

- Nil

### **Cr John Taylor**

- Nil

### **Cr Daryll Morris**

- Nil

### **13. BUSINESS ARISING**

#### **Cr Denis Glanville**

- Murray Local Health District
- mobile COVID-19 testing van at Tocumwal tomorrow
- on social media

#### **Cr Colin Jones**

- Nil

#### **Cr Roger Reynoldson**

- Nil

#### **Cr Ross Bodey**

- Bruton Street kerb and gutter from Council shed to Bruce Birrell Drive

#### **Cr John Bruce**

- Water transfer to Sporties
- General water trading

#### **Cr John Taylor**

- Nil

#### **Cr Daryll Morris**

- Nil

#### **Director Technical Services**

- Nil

#### **Development Manager**

- Nil

#### **Director Corporate Services**

- Nil

#### **General Manager**

- Council meetings now up to 100

There being no further business the meeting closed at 12:10pm.