



## ORDINARY MEETING OF COUNCIL

Held on Wednesday 20<sup>th</sup> November 2019

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



# Minutes



Minutes of the Ordinary Council Meeting held  
on Wednesday 20<sup>th</sup> November, 2019 commencing at 11:10am

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**Min. No.**

**PRESENT:**

Crs: Daryll Morris (Deputy Mayor), John Bruce, Colin Jones, Ross Bodey, John Taylor and Roger Reynoldson

The following staff were also in attendance:

Rowan Perkins (General Manager) and Fred Exton (Engineering Services Manager) and Carla von Brockhusen (Finance Manager)

**1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

**92 RESOLVED** Crs Bodey and Jones that an apology for non-attendance be received from Crs Denis Glanville and Matthew Hannan.

**2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS**

Cr John Bruce declared a non-pecuniary Interest in Item 7.14 as he is a member of the executive for the Barooga Bowls Club.

Fred Exton declared a non-pecuniary interest in item 9.2 as he is the director for another club that provides similar services.

**3. VISITORS**

11:00am Bradley Bohun – Council Auditors (Findex)

Brad Bohun updated the Council in relation to the audit of its 2018/2019 Annual Financial Statements and the results at the required performance measures.

Carla von Brockhusen and Bradley Bohun left the meeting at 11:40am.

#### **4. CONFIRMATION OF MINUTES**

- 93** **RESOLVED** Crs Jones and Taylor that the Minutes of the ordinary Council meeting held in the Council Chambers on Wednesday 9<sup>th</sup> October, 2019 and the minutes of the extraordinary Council meeting held in the Council Chambers on Wednesday 30<sup>th</sup> October, 2019 be confirmed.

#### **5. MAYORAL MINUTES**

Nil

#### **6. NOTICE OF MOTION**

Nil

#### **7.1 FINANCE - ACCOUNTS**

- 94** **RESOLVED** Crs Reynoldson and Jones that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 October 2019, be received and that the accounts paid as per Warrant No. 10/19 totaling \$2,857,481.57 be confirmed.

#### **7.2 ANNUAL LEAVE**

- 95** **RESOLVED** Crs Taylor and Reynoldson that the General Manager be granted annual leave for the period 23<sup>rd</sup> December 2019 until Friday 3<sup>rd</sup> January 2020.

#### **7.3 CHRISTMAS OFFICE CLOSURE AND DECEMBER COUNCIL MEETING**

- 96** **RESOLVED** Crs Bruce and Jones that the Council:
- Close the Shire Offices from 4:00pm on Tuesday 24<sup>th</sup> December, 2019 reopening on Thursday 2<sup>nd</sup> January, 2020 with those days not being public holidays or weekends being deducted from staff leave entitlements.
  - Close the Shire Libraries from close from business on Tuesday 24<sup>th</sup> December, 2019 Thursday 2<sup>nd</sup> January, 2020 with those days not being public holidays or weekends being deducted from staff leave entitlements.

- That the Council's December Council meeting be held on Wednesday 18<sup>th</sup> December, 2019.

**97** **RESOLVED** Crs Reynoldson and Taylor that the Council adopt the following recommendations:

#### **7.4 BAROOGA BOTANICAL GARDENS COMMITTEE OF MANAGEMENT**

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:	
	Louise Ryan
	Maureen Baxter
	Graham Baxter
	Irene Twigg
	Sandra Harris
	Gavan Cullen

#### **7.5 BERRIGAN SPORTSGROUND COMMITTEE OF MANAGEMENT**

That the Council:

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

President:	Ian Dickins
Secretary:	Bruce Rendell
Treasurer:	Andrew Parr
Committee:	

Brendon Haintz
Stu Schifferle
Damien Taylor
Rachael Arnold
Jane Schifferle
Nev Dalgliesh
John Dickins

**7.6 BERRIGAN WAR MEMORIAL HALL COMMITTEE OF MANAGEMENT**

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

**7.7 BERRIGAN WAR MEMORIAL SWIMMING POOL COMMITTEE OF MANAGEMENT**

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
Secretary:	Cristina von Brockhusen
Treasurer:	Jude Lawrence
Committee:	
	Barbara Fox
	Carla von Brockhusen

## 7.8 COMMUNITY PARTICIPATION PLAN

- 98 **RESOLVED** Crs Reynoldson and Jones that the Council adopt the following *Community Engagement Framework & Community Participation Plan* prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and, upon adoption, publish the plan on the NSW planning portal:



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### Policy

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#### COMMUNITY ENGAGEMENT FRAMEWORK & COMMUNITY PARTICIPATION PLAN

Version 01

File Reference No: 04.121.5

Strategic Outcome: Supported and engaged communities

Date of Adoption: 20/11/2019

Date for Review: 17/11/2021

Responsible Officer: Strategic and Social Planning Coordinator

#### BACKGROUND

The development of the a *Community Engagement Framework and Community Participation Plan* by the Berrigan Shire Council strengthens its commitment to supporting the participation of individuals, groups and communities in Council planning and decision making.

The Shire recognises that residents, rate payers and frequent visitors to the Shire have diverse opinions, ideas and extensive life experience. Community engagement allows the Shire to facilitate:

- The sharing of this resource; and
- The sharing of the best available information so that better decisions are made about the issues, and challenges, that affect our community.

#### PURPOSE

The purpose of this framework is to broadly define the Berrigan Shire Council's commitment to Community Engagement and its application to:

- Council's Planning System;
- Council's Delivery Program and Operational Plan activities; and
- The development of the Shire's Community Strategic Plan, other Council Plans, and the Strategies that may from time to time be developed by the Council.



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### SCOPE

This framework applies to Councillors, Council employees, and contractors engaged on behalf of the Shire, and who are during the course of their role are engaged in and have responsibility for the planning and delivery of Council activities.

### PRINCIPLES

The following principles<sup>1</sup> will be used by the Shire to guide its engagement with our community: the people, who live, work, study in, and visit the Shire.

- **Information:** To provide the community and key stakeholders with accessible, balanced and objective information on decisions, policies, plans and strategies.
- **Consultation:** To obtain feedback from the community and key stakeholders on analysis and alternatives to inform a decision.
- **Involvement:** To work directly with the community and key stakeholders throughout a project to ensure that community concerns and aspirations are understood and considered.
- **Collaboration:** To partner with the community and key stakeholders in each aspect of the decision process – including the development of alternatives and identification of a solution. Responsibility for the final decision rests with Council but may, in some instances as in the development of the *Community Strategic Plan* be shared with the community and key stakeholders.

### LEGISLATIVE REQUIREMENTS

This Framework and Community Participation Plan reflects the legislative requirements of the Local Government Act 1993 and NSW Environmental Planning and Assessment Act 1979 (EP&A Act)

Specific provisions from each Act provide the framework and guidance to the Council and our communities on the purpose of our engagement. These provisions describe the Council functions that are subject to Council's Community Engagement Framework and Participation Plan. Moreover, these provisions set out also, how and when our community can participate in the Council's:

- Land Use and Development Planning System; and
- Corporate Planning System.

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<sup>1</sup> Adapted from: International Association for Public Participation (2008) *IAP2 Public Participation Spectrum*



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### ***Environmental Planning and Assessment Act 1979 (EP&A Act)***

The NSW *Environmental Planning and Assessment Act 1979* controls and regulates the use of and the development of land in New South Wales. Councils are required to develop a Community Participation Plan (CPP) per Division 2.6 of the EP&A Act and in doing so detail how and when a planning authority (the Council) will undertake community participation as part of the exercise of the relevant planning functions described by section 2.21 (2) of the EP&A Act.

### ***Local Government Act 1993***

Councils are required 'to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government' pursuant to Section 7 (d) of the Local Government Act 1993.

This requirement is further reinforced with respect to the Guiding Principles for NSW Councils Section 8a (3) Community Participation. Specifically 'councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures'. Requiring also that a Community Engagement Strategy pursuant to Section 402 (4) of the Local Government Act 1993 guide and inform a council's engagement with its community as part of the development of a Community Strategic Plan, and a Council's suite of Integrated Plans and Council Strategies.

### **DEFINITIONS**

***Community:*** The people who live, work, study in, and visit the Shire. This includes and is not limited to: residents, ratepayers, local business – employees, suppliers, consumers and markets; utility providers; community and environmental agencies that outreach and or undertake activities in the Shire; state, health and education providers; regional, state and federal government agencies and or authorities.

***Community Engagement:*** Community engagement is a process that is best described as an approach to developing and sustaining a working relationship between the Berrigan Shire Council and the wider community.

***Community Participation Plan:*** This Plan describes how the community can participate in the Council's Planning System. Consistent with the objectives of the EP&A Act the Council's CPP aims to increase community participation in environmental planning and assessment and is the Council's tool to deliver this aim.





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**Community Strategic Plan:** The highest level plan that the Shire will prepare pursuant to the Local Government Act 1993. The planning process considers the issues and pressures that may affect the community and the level of resources that will realistically be available to achieve its aims and aspirations. The Shire Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area. It is not wholly responsible for its implementation. Other partners may also be engaged in delivering the long-term objectives of the plan. (Planning and Reporting Guidelines for local government in NSW 2010)

**Council Activities:** Shire Council activities are those described in the Council's Annual Operation Plan and 4-year Delivery Program.

### IMPLEMENTATION

The trigger for the implementation of this policy is guided by:

1. Legislative requirements
2. The assessed impact on our community:
  - i. Upon how we plan and deliver Council activities.
  - ii. Of a proposal or community issue.

Legislative requirements include and are not limited to Integrated Planning and Reporting *Community Strategic Plan* and Council Strategy development, Asset Management Plan development and review, Local Environment Planning, and Development Applications.

For Council Planning System activities (Local Environment Planning and Development Applications) the CPP and the Council's Community Engagement Framework guides Council decision-making on when and how our community can participate in the process of a Council's determination of a project or Application assessed in accordance with the EP&A Act.

For non-planning system, that is Council Integrated Planning and Reporting activities the Council's Community Engagement Framework is used.

### COMMUNITY PARTICIPATION PLAN (CPP)

#### **Objectives**

The objectives of this participation plan are the principles developed and set out in Section 2.23 (2) of the EP&A Act.

#### **Application**



**Policy**

The Council's CPP applies to the following EP&A Act (Council) Planning System Functions also to the determination roles undertaken by any district, regional or local planning panel. Functions include:

1. **Planning:** activities undertaken by the Council that set the strategic direction, vision or context for the Council's planning system. This includes the development by the Council of planning proposals; the Council's Local Strategic Planning Statements, Local Environment Plan, Community Participation Plans, Development Control Plans and Contributions Plans.
2. **Assessment and Determination of Development Applications & Other Matters:** activities undertaken by the Council where consideration and determinations made under the EP&A Act 1993.

The following table provides an at-a-glance summary of the Council's minimum exhibition requirements. The Council will always exhibit a proposal for the mandated minimum timeframe.

Planning and Development Function	Public Exhibition Time Frames – mandatory unless otherwise indicated
Community participation and public exhibition requirements	Refer to Schedule 1 EP&A Act
<b>Council Function: Planning</b>	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans	28 days
Draft contribution plans	28 days
<b>Council Function: Assessment of Development Applications &amp; Other Matters</b>	
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.



**Policy**

<b>Planning and Development Function</b>	<b>Public Exhibition Time Frames – mandatory unless otherwise indicated</b>
<b>Community participation and public exhibition requirements</b>	Refer to Schedule 1 EP&A Act
<b>Council Function: Planning</b>	
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Up to 14 days based on the scale and nature of the proposal
Environmental impact statement obtained under Division 5.1	28 days

\* Public Exhibition timeframes are calendar days and include weekends

\*\*The Public Exhibition timeframes exclude the calendar days 20 December to 10 January (inclusive).

The Council in exercising its planning and assessment functions per the Objectives of this CPP will apply these objectives as principles to the application of its Community Engagement Framework and in doing so identify how the community can participate in the Council's Planning System.

**Community Participation Principles**

- (a) *The community has a right to be informed about planning matters that affect it.*
- (b) *Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.*
- (c) *Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.*
- (d) *The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.*
- (e) *Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.*
- (f) *Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.*
- (g) *Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).*
- (h) *Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development. (Section 2.23 (2) of the EP&A Act)*



**Policy**

**CPP and Council Community Engagement Framework**

CPP	Extent of Community Engagement	Indicative Tools for Engagement	Risk Assessment: Impact Local / Whole of Shire	Steps for Community Engagement
We will notify the community (affected parties) of planning activities; development proposals and provide relevant and accurate information.	<b>Inform:</b> Sharing the best available information	Correspondence to adjoining property holders, Briefings, Fact Sheets, Council Website, Media campaigns, Displays in Shop fronts, libraries etc.	<b>Level A:</b> High Impact: Whole of Shire	<ol style="list-style-type: none"> <li>1. Identify likely stakeholders</li> <li>2. Plan and gather best available information and resources</li> <li>3. Share information with stakeholders via newspaper, website, correspondence to affected parties.</li> <li>4. Work effectively together.</li> <li>5. Feedback the results of engagement as is appropriate and relevant via Council website, social media platforms, and Council Bulletin published in local newspaper</li> <li>6. Monitor and evaluate the process</li> </ol>
For proposals released as draft on exhibition we will invite community comment.	<b>Consult:</b> Exploring options and preferences	Web based consultation, Interviews, Surveys, Public meetings, Focus Groups	<b>Level B</b> High impact: Local area or specific community / user group	
We will respond to community views by conducting targeted engagement to seek input reflecting the scale, nature and likely impact.	<b>Involve:</b> Inclusion of ideas in the decision making	Workshops 'Community Conversations' Interviews with Stakeholders	<b>Level C</b> Lower Impact: Whole of Shire	
	<b>Collaborate:</b> Sharing responsibility either for decision making or service delivery	Community Advisory Groups Participative Decision-making Forums Inter-agency partnerships / consortiums	<b>Level D</b> Lower Impact: Local area or specific community / user group	
<b>CPP Determination</b>				
We will notify the community of decisions and Council Reports will outline the consideration given to community feedback	In its decision-making the Council and its Officers will consider the views expressed and ensure that the reasons for the decision and how community views were considered are reported	Updates to website and the publication of Council Reports		



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## **Policy**

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### **RELATED LEGISLATION, POLICIES AND STRATEGIES**

- Social Justice Framework 2016
- Policy Asset Management Policy 2016
- Development Control Plan 2014
- Local Policy For Relocation Of Previously Used Residences 2015
- Risk Management Policy And Framework 2017
- Policy For Volunteering In Berrigan Shire
- Naming Of Community Facilities And Open Space Policy 2014
- Legislative Compliance Policy 2014

**7.9 TFNSW BLOCK GRANT**

- 99 RESOLVED** Crs Bruce and Jones that the Council enter into the Regional Roads Block Grant Agreement 2019/20 with Transport for NSW (TfNSW).

**7.10 MURRAY IRRIGATION LTD – SUPPORT FOR FIXING COUNTRY ROADS APPLICATION**

- 100 RESOLVED** Crs Bruce and Jones that Berrigan Shire Council:
1. issue a letter of support to Murray Irrigation Ltd for their application for Fixing Country Roads funding to carry out loads assessments on bridges in our region owned by Murray Irrigation and Berrigan Shire Council and
  2. support Murray Irrigation Ltd with the application process

**7.11 T07/19/20 DESIGN AND CONSTRUCTION OF THE TOCUMWAL NETBALL CHANGE ROOMS**

- 101 RESOLVED** Crs Bodey and Reynoldson that the Council:
1. note the tender submission from Precise Build Pty Ltd for the Design and Construction of the Tocumwal Netball Change Rooms for a contact sum of \$435,830.70 including options and GST as accepted by the General Manager under delegation;

**7.12 SOUTH WEST ARTS – STRATEGIC ADVISORY COMMITTEE DELEGATE**

- 101 RESOLVED** Crs Taylor and Jones that the Council appoint Cr Bodey as its delegate to the South West Arts Strategic Advisory Committee and advise South West Arts accordingly.

**7.13 INTEGRATED PLANNING AND REPORTING TIMETABLE**

- 102 RESOLVED** Crs Taylor and Jones that the Council adopt the following timetable to complete its review of the Community Strategic Plan and the development of its suite of Integrated Plans for implementation in the 2020 - 2021 financial year:
1. 4 December 2019 Capital Works inspection tour conducted.

2. 4 January 2020 Council Officers commence a review of the base case for the Long Term Financial Plan which will include a working draft of the Capital Works Program.
3. Thursday 6 and Friday 7 February 2020 2-day Corporate Workshop at Mayday Hill, Beechworth which will include:
  - a. Overview of Resourcing Strategy (Long-term Financial Plan, reviewed Asset Management Strategy, and reviewed Workforce Development Plan).
  - b. Councillor comment on Council Officers' review of the Resourcing Strategy and base case scenario assumptions used for internal review of the Long Term Financial Plan,
  - c. Identification of priority projects for further scoping and consideration and inclusion in Annual Operational Plan 2020 – 2021.
4. 19 February 2020 the Council to adopt its draft Capital Works Program.
5. 18 March 2020 Ordinary Council Meeting:
  - a. Reviewed Delivery Program 2017 – 2021 presented to the Council for initial comment.
6. 15 April 2020 Council to:
  - a. Review Draft Operational Plan 2020 - 2021
  - b. Review Draft Rating and Revenue Policy 2020 – 2021; and
  - c. Review Draft Fees and Charges 2020 – 2021.
7. 20 May 2020 endorse for public exhibition and comment the reviewed:
  - a. Resourcing Strategy 2017 – 2027 inclusive of:
    - i. Long Term Financial Plan 2020 – 2030;
    - ii. Workforce Development Plan 2017 – 2021; and
    - iii. Asset Management Strategy 2020 – 2030
  - b. Reviewed Delivery Program 2017 – 2021.
  - c. Draft Annual Operational Plan 2020 – 2021.
  - d. Draft Rating and Revenue Policy 2020 – 2021.
  - e. Draft Fees and Charges 2020 – 2021.
8. 17 June, 2020 adopt all of the above as:
  - a. Its final suite of Integrated Plans inclusive of the Community Strategic Plan; and
  - b. Set 2020 - 2021 rates and charges by resolution.

#### **7.14 CHRISTMAS FUNCTION**

Cr John Bruce left the Council Chamber at 11.45am as he has a non-pecuniary interest in item 7.14.

**103 RESOLVED** Crs Taylor and Jones that the Council:

- Hold an informal Christmas function at the Barooga Bowls Club on Friday 6<sup>th</sup> December, 2019 for Councillors, Council Staff and their families.
- Pursuant to the provisions of its Drug and Alcohol Free Workplace Policy, designate the following event as an “approved event” at which alcohol may be provided and consumed in accordance with the Policy.

Cr John Bruce entered the Council Chamber at 11.45am.

**7.15 DEVELOPMENT APPLICATION 61/20/DA/D5 VERANDAH****104 RESOLVED** Crs Bodey and Taylor that Development Application 61/20/DA/D5 for the construction of a Verandah 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 Plan Bruce Mactier Building Designers Job Number 20423 Sheet Number A2, A3 and A5 of 5, on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.
2. Construction Certificate  
No work is to commence until the person granted development consent has had the detailed plans and specifications 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 is to commence until the person granted development consent has:
  - a) obtained a Construction Certificate for each structure
  - 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  
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

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 or demolition of a building must be executed safely and in accordance with appropriate professional standards.

(b) All excavations associated with the erection or demolition of a building 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 sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. 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.

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. Stormwater

Roofwater from the structure must be disposed of appropriately either by being connected to the existing dwelling stormwater drainage system or piped underground directly to the Council's stormwater drainage system located in Berrigan Street in accordance with the Building Code of Australia and relevant Australian Standards. This is to ensure that runoff does not cause damage to neighbouring properties.

12. Works on road reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

13. Protection of Public Places

Building material, rubble, waste containers, plant and the like are NOT permitted to be stored on the road reserve including the footpath. The footpath is to be kept clean, tidy and in a safe condition during building operations.

Division

In Favour: All

Against: Nil

**7.16 2019 - 2023 BERRIGAN SHIRE COUNCIL TOURISM STRATEGY**

- 105 RESOLVED** Crs Reynoldson and Taylor that Council adopts the 2019 – 2023 Berrigan Shire Council Tourism Strategy as included in **Appendix "D"**

**7.17 INVESTMENT POLICY**

- 106 RESOLVED** Crs Reynoldson and Taylor that the Council:

- Revoke its Investment Policy adopted on 21 November 2018; and
- Adopt the Investment Policy set out below:



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## Policy

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### 14 INVESTMENT POLICY

File Reference No: 12.024.2  
Strategic Outcome: Good government  
Date of Adoption: 20/11/2019  
Date for Review: 18/11/2020  
Responsible Officer: Director Corporate Services

#### 1. POLICY STATEMENT

In order to meet future financial commitments, Berrigan Shire Council retains cash that it has no plans to spend in the immediate future. To make better use of this cash and to retain its future value, the Council will invest these spare funds – in line with legislation and other legal requirements.

This policy is made under section 625 of the *Local Government Act 1993* (the Act) and in accordance with the Ministerial Investment Order published in the Government Gazette of 12 February 2011 and Office of Local Government Circular 17-29.

#### 2. PURPOSE

The purpose of this policy is to provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

The Council's Financial Strategy 2016 commits the Council to the following action:

*Maintain the existing Investment Policy settings prioritising preservation of capital over investment return.*

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.



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Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

### 3. SCOPE

This policy applies to all Council officers with responsibility for the investment of Council's funds.

### 4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.1.3.1:

*Coordinate Council investments, financial management, financial operations and processing*

### 5. DEFINITIONS

**Credit risk** – the risk that an institution or a product the Council has invested in fails to pay the interest and/or repay the principal of an investment;

**Market risk** – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;

**Liquidity risk** – the risk the Council is unable to redeem the investment at a fair price within a timely period; and

**Maturity risk** – the risk relating to the length of term to maturity of the investment – the longer the term, the greater the length of exposure and risk to market volatilities;

**Preservation of Capital** – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);

**Diversification** – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;

**Liquidity** – ensuring that funds are available in a timely manner to meet the Council's cash flow requirements without the unanticipated, and potentially disadvantageous, sale of investment products.



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### 6. POLICY IMPLEMENTATION

#### 6.1 Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer, or to other Officers. This is subject to regular review.

Officers' delegated authority to manage Council's investments shall be recorded in line with the Council's standard procedures regarding delegations.

Officers with delegated authority under this policy will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

#### 6.2 Prudent person standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

#### 6.3 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

Councillors and Officers are obliged to act in accordance with the Council's Code of Conduct and comply with the Council's procedures for declaring gifts and actual or perceived conflicts of interest.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. Dealings between the Council and an independent advisor will be in line with the Council's Statement of Business Ethics.

#### 6.4 Approved investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.



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## Policy

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### 6.5 Prohibited investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Collateralised Debt Obligations (CDOs);
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

### 6.6 Local economic benefit

The Council will give consideration to investment products from institutions that provide a direct economic benefit to the Berrigan Shire community. This may include:

- Institutions that operate a retail branch in the Shire
- Institutions specifically established for the purpose of investing in the local area including the Berrigan Shire, such as local credit unions.

This is conditional upon the Council complying with its other obligations under this policy and the achievement of comparable investment security and rates of return. Any such consideration will be in line with the Council's obligations under legislation and its purchasing policies and procedures.

### 6.7 Risk management

In accordance with the Council's Risk Management Policy and Framework, the Council should minimise risks and encourage and promote transparency and good governance.

Risks will be assessed with resultant investment decisions authorised by the General Manager, or in accordance with Delegated Authority.

Controls will be integrated into investment management strategies which recognise these risks:

- Credit risk
- Market risk
- Liquidity risk
- Maturity risk



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## Policy

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When addressing these risks, the Council and its officers will consider the following key principles:

- Preservation of Capital
- Diversification
- Liquidity

In addition to employing controls to reduce counterparty risk, management and operational controls for corruption prevention will be employed, which include:

- Fraud Control measures as identified in the Council's Fraud Control Policy and associated plans.
- Compliance with the Council's Code of Conduct
- The use of the Council's Gift and Conflict of Interest Disclosure procedures
- Reference to the Internal Reporting Policy.
- Monthly reporting to the Council
- External Auditing

### 6.8 Investment advisor

The Council may, from time to time, appoint a consultant to provide independent advice on the Council's investment strategy or on individual investment products. Independent advisors must be licenced by the Australian Securities and Investment Commission and must be appointed by resolution of the Council.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. This specifically excludes the appointment of advisors that receive commissions from providers of investment products likely to be reviewed or recommended.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

The requirement for advisors to be independent and declare any conflict of interests does not apply where the Council is seeking investment advice from the NSW Treasury Corporation as per Office of Local Government Circular 17-29.



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## Policy

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### 6.9 Measurement

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting

### 6.10 Benchmarking

Performance benchmarks can be established and should be based on sound and consistent methodology. When determining benchmarks, consideration should be given to the Council's risk profile and liquidity requirements.

Benchmarks will be determined by the Council on an as-needs basis but reviewed no less than annually as part of the Council's budget process.

Performance against benchmarks will be included in a monthly report to the Council.

### 6.11 Reporting and reviewing of investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

### 6.12 Policy review

This Investment Policy will be reviewed by the Council no less than annually. It will also be reviewed as required in the event of legislative changes.





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## Policy

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The Investment Policy may also be amended as a result of other events that provide the Council with opportunities that are to the advantage of the Council and in the spirit of this policy.

Any amendment to the Investment Policy must be by way of Council resolution.

### **7. RELATED LEGISLATION, POLICIES AND STRATEGIES**

#### **7.1 Compliance**

All investments are to comply with the following

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Ministerial Investment Order*
- *Local Government Code of Accounting Practice and Financial Reporting*
- Australian Accounting Standards
- Office of Local Government Circulars

#### **7.2 Relevant Council documents**

- Long Term Financial Plan
- Financial Strategy 2016
- Fraud Control Policy
- Fraud Control Plan
- Risk Management Policy and Framework
- Code of Conduct
- Internal Reporting Policy
- Statement of Business Ethics

## 7.18 AGENCY INFORMATION GUIDE

- 107 **RESOLVED** Crs Jones and Taylor that, pursuant to section 21 of the *Government Information (Public Access) Act 2009* the Council adopt the Agency Information Guide below and include a new photo of the Director Technical Services:



# AGENCY INFORMATION GUIDE

Government Information (Public Access) Act 2009

Berrigan Shire Council's *Agency Information Guide* describes who we are and what we do.

It also describes how members of the public, community organisations, the media, and government agencies can interact with us, access information held by us and change information believed to be incorrect.

**RESPONSIBLE AREA:**

**Corporate Services:** Director Corporate Services, Matthew Hansen

**COUNCIL REVIEW AND ADOPTION DATES:**

Version	Date	Minute
1	17 November 2010	291/2010
2	14 December 2011	284/2011
3	21 November 2012	275/2012
3	20 November 2013	308/2013
5	19 November 2014	282/2014
6	18 November 2015	265/2015
7	16 November 2016	298/2016
8	15 November 2017	221/2017
9	21 November 2018	234/2018



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## PREFACE

This Information Guide has been produced by Berrigan Shire Council in accordance with [Section 21 of the Government Information \(Public Access\) Act 2009](#) and is reviewed annually. The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Berrigan Shire Council;
- The way in which the functions of Berrigan Shire Council affect members of the public;
- The avenues available to the public to participate in policy development and the exercise Berrigan Shire Council's functions;
- The type of information available from Berrigan Shire Council and how this information is made available.

The Information Guide is available on the Access to Council Information page on the Council's website (<https://www.berriganshire.nsw.gov.au/index.php/council-governance/access-to-council-information>)



**ROWAN PERKINS**  
**GENERAL MANAGER**



## THE COUNCIL, ITS STRUCTURE AND FUNCTIONS

### LEGAL IDENTITY

Berrigan Shire Council is constituted and operates under the provisions of the *Local Government Act 1993*. The Council is responsible for providing local government representation and services for the residents of Berrigan Shire.

Along with 134 other Councils, Berrigan Shire was proclaimed by the New South Wales State Government on 7 March 1906. Berrigan Shire Council is one of the few remaining of those initial 134 to still exist within substantially the same boundaries since that date.

Located on the Murray River in the Southern Riverina, the Shire area covers approximately 2,100 square kilometres and is home to more than 8,400 residents. It includes the four distinct communities of Barooga, Berrigan, Finley and Tocumwal.

### INTEGRATED PLANNING AND REPORTING

Berrigan Shire's preferred future is established in *Berrigan Shire 2023*, the Shire's Community Strategic Plan. This plan was developed in conjunction with our community under the Integrated Planning and Reporting (IP&R) framework established by the Office of Local Government.

In *Berrigan Shire 2023*, the community set out its vision for the future

*In 2023 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.*

As well as *Berrigan Shire 2023*, the IP&R framework includes a suite of other plans, strategies and reports that are used by the Council to support the provision of a range of services, programs and initiatives on behalf of residents and others and advances Berrigan Shire as a lifestyle and investment destination of choice.

You can view the Council's suite of plans and strategies under the IP&R framework at the Council Administration Office and on the Council website at:

<https://www.berriganshire.nsw.gov.au/index.php/council-governance/management-plans-codes-reports>

### OUR PURPOSE

*"Making an even better Berrigan Shire"*

The aim of the Berrigan Shire Council is to develop our community and assist where we can to help it grow and achieve the community's vision. We work alongside our community and use our skills, our staff and our resources to contribute to the improvement of the entire Shire.

We are one team focused on the one purpose of *"Making an even better Berrigan Shire"*.

#### CORPORATE STRUCTURE AND FUNCTIONS

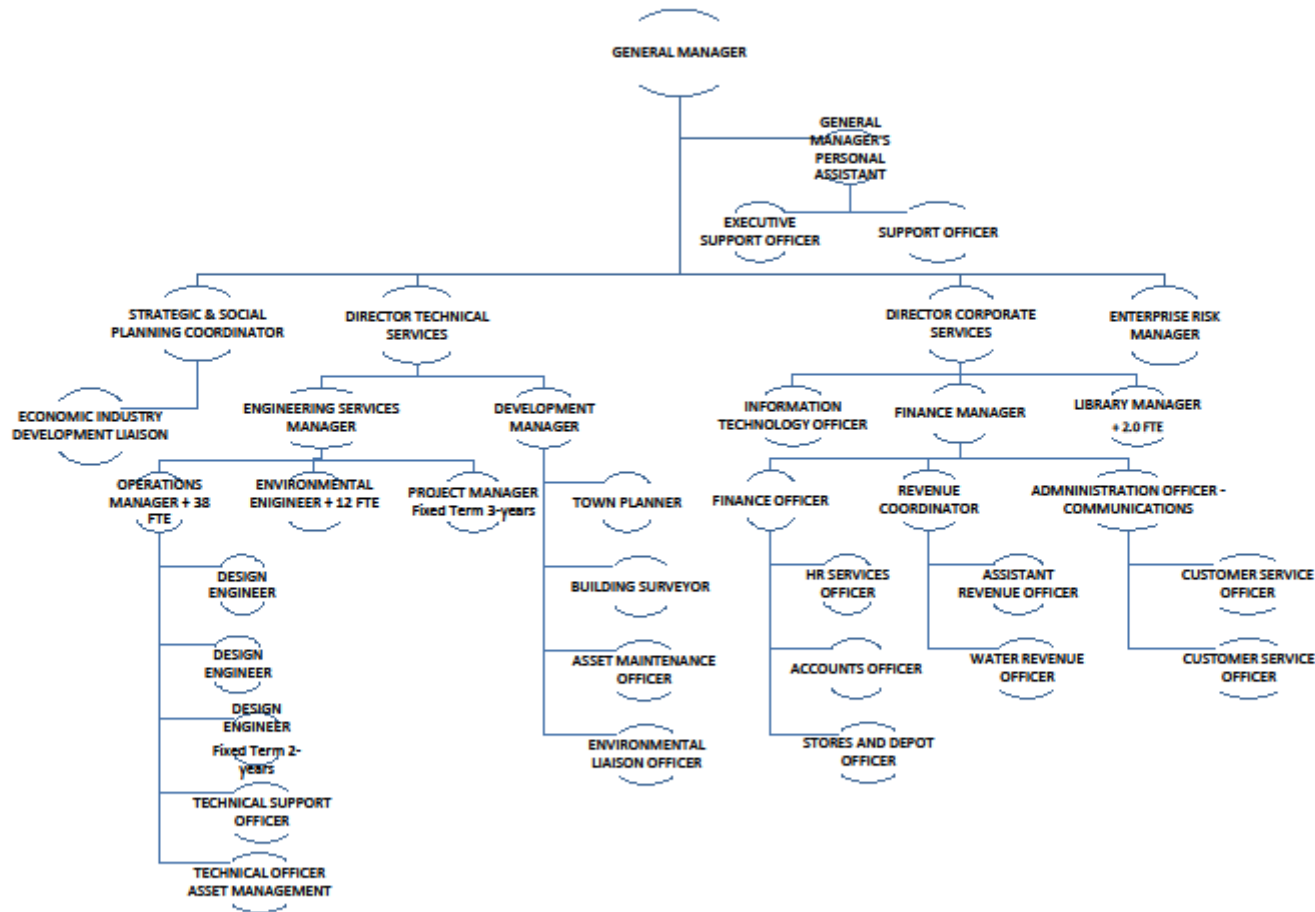
Berrigan Shire Council is led by a General Manager who is responsible for the efficient operation of the Council and for ensuring implementation of the Council's decisions. The General Manager is appointed by the Council under a standard contract.

The Council is made up two major divisions, each managed by a Director.

- Technical Services
- Corporate Services

Each department is responsible for the services as shown below:

Technical Services	Corporate Services
Roads, Bridges and Footpaths	Administration
Depot	Human Resources
Animal control	Finance
Stormwater drainage	Rates and charges
Parks and Gardens	Saleyards
Water and Sewerage	Recreation reserves
Environmental Health	Libraries
Building control	Public swimming pools
Waste control	Rural Fire Service
Town planning	Tourism
Council buildings	Cemeteries
Development	Caravan parks
Aerodrome	Social and cultural planning





#### LOCAL GOVERNMENT AND THE PUBLIC

As a service organisation, the majority of the activities of Berrigan Shire Council may have an impact on you. The following is an outline of how the broad functions of the Council may affect you and others.

The Council exercises its functions under the [Local Government Act 1993, Section 21 of this Act](#) confers or imposes the following functions on Council:

- Non-regulatory or service functions (Chapter 6)
  - Regulatory functions (Chapter 7)
  - Ancillary functions (Chapter 8)
  - Revenue functions (Chapter 15)
  - Administrative functions (Chapters 11, 12 and 13)
  - Enforcement functions (Chapters 16 and 17)
- 
- **Service functions** involve the Council providing services and facilities to the public. This includes the provision of public infrastructure such as roads, water supply and sewerage systems, waste collection and recycling services, community infrastructure such as libraries, halls and recreation reserves and human services such as Home and Community Care.
  - **Regulatory functions** place restrictions on the use of land and on some other activities in order to mitigate any adverse effect on community amenity and the environment and to protect the life and safety of the public. Members of the public must be aware of, and comply with, such functions.
  - **Ancillary functions** include, for example, the resumption of private land and the power for the Council to enter onto a person's land. In general, these activities will only affect the owners of the property.
  - **Revenue functions** have a direct effect on the public in that the Council can compel landholders in the Shire to pay rates and charges lawfully made by the Council. The Council's revenue functions have an indirect effect on the public in that revenue raised by the Council is used to fund the services and facilities provided to the community.
  - **Administrative functions** do not affect the public directly but the impact of these functions on the efficient and effective provision of services by the Council may affect the public.
  - **Enforcement functions** such as impoundment of wandering stock directly affects those members of the public who are in breach of certain legislation. It has an indirect effect on the wider community through the maintenance of community amenity.
  - **Community support functions** include such matters such as facilitation of community and business activity within the Shire and advocating for the needs of the community with other levels of government.

As well as the *Local Government Act*, the Council has functions conferred or imposed on it by or under other Acts, which include:

<i>Biodiversity Conservation Act 2016</i>	<i>Privacy and Personal Information Protection Act 1998</i>
<i>Biosecurity Act 2015</i>	<i>Protection of the Environment Operations Act 1997</i>
<i>Building Professionals Act 2005</i>	<i>Public Health Act 1991</i>
<i>Civil Liability Act 2002</i>	<i>Public Interest Disclosures Act 1994</i>
<i>Coastal Management Act 2016</i>	<i>Recreation Vehicles Act 1983</i>
<i>Community Land Development Act 1989</i>	<i>Road Transport Act 2013</i>
<i>Community Land Management Act 1989</i>	<i>Roads Act 1993</i>
<i>Companion Animals Act 1998</i>	<i>Rural Fires Act 1997</i>
<i>Contaminated Land Management Act 1997</i>	<i>Smoke-free Environment Act 2000</i>
<i>Conveyancing Act 1919</i>	<i>State Emergency &amp; Rescue Management Act 1989</i>
<i>Crown Land Management Act 2016</i>	<i>State Emergency Service Act 1989</i>
<i>Dividing Fences Act 1991</i>	<i>State Records Act 1998</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>Strata Schemes Development Act 2015</i>
<i>Fire and Emergency Services Act 2017</i>	<i>Strata Schemes Management Act 2015</i>
<i>Fluoridation of Public Water Supplies Act 1957</i>	<i>Swimming Pools Act 1992</i>
<i>Food Act 1989</i>	<i>Unclaimed Money Act 1995</i>
<i>Graffiti Control Act 2008</i>	<i>Waste Avoidance and Resource Recovery Act 2001</i>
<i>Government Information (Public Access) Act 2009</i>	<i>Water Act 1912</i>
<i>Heritage Act 1977</i>	<i>Water Management Act 2000</i>
<i>Impounding Act 1993</i>	<i>Work Health and Safety Act 2011</i>
<i>Library Act 1939</i>	<i>Workplace Injury Management and Workers Compensation Act 1998</i>
<i>Local Land Services Act 2013</i>	<i>Workplace Surveillance Act 2005</i>
<i>Plumbing and Drainage Act 2011</i>	

## PARTICIPATION IN LOCAL GOVERNMENT

### REPRESENTATION

Local government in New South Wales is based on the principle of representative democracy. This means that eligible voters elect representatives to their local Council to make decisions on their behalf. In New South Wales, elections are held every four years.

Berrigan Shire Council is represented by a publicly elected Council that is responsible for providing leadership in the development and implementation of a program of actions that contribute to the Shire community's vision.

Berrigan Shire Council is represented by eight councillors, headed by a Mayor. Berrigan Shire Council is a unitary body and is not divided into wards. Each Councillor is elected by, and represents, the Shire as a whole.

Councillors serve a four-year term; the current Council was elected in September 2016 with Cr Roger Reynoldson elected in a by-election in July 2018. Berrigan Shire is not divided into wards and councillors are elected at large. The next election is scheduled for September 2020.

The Mayor is elected by the Councillors from among their number and serves for a 2-year term. The current Mayor was elected in September 2018.

The role of the Council is to:

1. Represent the community and advocate its viewpoint
2. Formulate policy and strategic direction and make decisions that will benefit the community as a whole
3. Oversee the implementation of policy and key strategic plans and review the performance of the organisation
4. Set and approve the Council budget



**MAKING REPRESENTATIONS TO COUNCILLORS**

Residents are able to raise issues with the elected Councillors. The Councillors, if they agree with the issue, may pursue the matter on the behalf of the resident which allows members of the public to influence the development of policy.

Residents may contact Councillors by phone or email via the following contact details:

<b>Cr Matthew Hannan (Mayor)</b> M: 0409 893 142 E: <a href="mailto:mhannan@berriganshire.nsw.gov.au">mhannan@berriganshire.nsw.gov.au</a>	<b>Cr Daryll Morris (Deputy Mayor)</b> M: 0448 130 292 E: <a href="mailto:daryll@berriganshire.nsw.gov.au">daryll@berriganshire.nsw.gov.au</a>
<b>Cr John Bruce</b> M: 0427 906 531 E: <a href="mailto:johnb@berriganshire.nsw.gov.au">johnb@berriganshire.nsw.gov.au</a>	<b>Cr Roger Reynoldson</b> M: 0428 852 063 E: <a href="mailto:rogerr@berriganshire.nsw.gov.au">rogerr@berriganshire.nsw.gov.au</a>
<b>Cr Denis Glanville</b> M: 0407 445 803 E: <a href="mailto:denisg@berriganshire.nsw.gov.au">denisg@berriganshire.nsw.gov.au</a>	<b>Cr Ross Bodey</b> M: 0400 499 146 E: <a href="mailto:rossb@berriganshire.nsw.gov.au">rossb@berriganshire.nsw.gov.au</a>
<b>Cr Colin Jones</b> M: 0428 839 228 E: <a href="mailto:colinj@berriganshire.nsw.gov.au">colinj@berriganshire.nsw.gov.au</a>	<b>Cr John Taylor</b> M: 0409 414 936 E: <a href="mailto:johnt@berriganshire.nsw.gov.au">johnt@berriganshire.nsw.gov.au</a>



2018 - 2020

Back Row: Cr John Taylor, Cr Roger Reynoldson, Cr Daryll Morris, Cr John Bruce, Cr Denis Glanville

Front Row: Cr Ross Bodey, Fred Eaton (Director Technical Services), Cr Matthew Hannan, Braam Perkins (General Manager), Cr Colin Jones

Absent: Matthew Hansen (Director Corporate Services)

## MEETINGS

Berrigan Shire Council holds an ordinary meeting of the Council on a monthly basis. This is ordinarily scheduled for the third Wednesday of the month, commencing at 11.00am. The venue for the meeting is the Berrigan Shire Council Chambers, 56 Chanter Street, Berrigan. The Council may choose to vary the time, date or venue of meetings or hold an extraordinary meeting.

Council meeting times are shown on the Council website and are also advertised in the Southern Riverina News and the Cobram Courier.

Ordinary meetings of the Council are open to the public, except as allowed for in the *Local Government Act 1993*. From December 2019, an audio recording of each Council meeting will be also be available on the website.



## PUBLIC PARTICIPATION

Council's Community Engagement Framework (2016) strengthens Council's commitment to supporting the participation of individuals, groups and communities in Council planning and decision making. It guides the development of Council's Community Strategic Planning engagement strategies and consultation on local issues.

Opportunities exist for you and other members of the community to participate in all facets of the governance of the Council. There is participation through the formal decision-making structures and through the many support units and groups that contribute to the Council's affairs.

Outside the formal structures of decision-making the Council has a procedure for receiving and responding to complaints and suggestions from the public about the Council and its functions.

You are also encouraged to contact Councillors to put forward your views regarding issues relating to the Council.

Many Council plans, codes and policies are placed on display for public comment before final adoption by the Council. Notification of requests for public comment is made on the Council website (<http://www.berriganshire.nsw.gov.au>) and in the Southern Riverina News and the Cobram Courier.

These draft plans and codes also available on the Council website and also are available for perusal at the Council administration office and the Barooga, Berrigan, Finley and Tocumwal branches of the Berrigan Shire Library Service.

You and other members of the public are invited to join the various committees of management that operate facilities such as recreation reserves, public halls and parks and gardens. Other committees open to the public include various advisory and support groups on issues such as youth, public libraries and community assistance.

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public.

Some of these special committees or bodies are:

- Australia Day Committee
- Barooga Advancement Group
- Barooga Community Botanical Gardens Committee
- Barooga Recreation Reserve
- Berrigan Conservation & Tidy Towns
- Berrigan Shire Heritage Committee
- Berrigan Shire Youth Development Committee
- Berrigan Sportsground Committee
- Berrigan War Memorial Hall
- Berrigan War Memorial Swimming Pool
- Boomanoomana Landcare Committee
- Finley Recreation Reserve Committee of Management
- Finley Showground Sporting Complex Committee
- Finley War Memorial Hall & School of Arts
- Finley War Memorial Swimming Pool
- Fullers Road Landcare
- Mary Lawson Memorial Wayside Rest Committee
- Native Dog Landcare Group
- Retreat Public Hall
- Tocumwal Foreshore
- Tocumwal Friends of the Library Group
- Tocumwal Historic Aerodrome Museum
- Tocumwal Rail Preservation Committee
- Tocumwal Recreation Reserve Committee
- Tocumwal Swimming Pool Committee
- Tocumwal War Memorial Hall

## COUNCIL INFORMATION AND ACCESS TO INFORMATION

### LIST OF COUNCIL DOCUMENTS AVAILABLE TO THE PUBLIC

The *Government Information Public Access Act 2009* (GIPA Act) and associated regulation provides you with a general right of access to information held by the Council as long as it does not infringe privacy or other laws or there are public interest considerations against disclosure.

A range of information about the Council and its operations is available on the Council's website and/or the Council administration office in Berrigan.

You are entitled to inspect these documents held by the Council on the Council's website – unless there is an unreasonable additional cost to the Council to publish these documents on the website – or at the offices of the Council during ordinary office hours or at any other place as determined by the Council.

Any current or previous document of this type may be inspected by you free of charge. Copies can be supplied for reasonable copying charges.

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application under this Act:

- Council's Agency Information Guide ([available on Council's website](#))
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament;
- Council's policy documents ([available on Council's website](#))
- Council's Disclosure Log of Formal Access Applications ([available on Council's website](#));
- Council's Register of Government Contracts ([available on Council's website](#));
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the GIPA regulations as open access information

Schedule 1 of the GIPA Act also stipulates that the following additional documents are to be provided as open access information by Council:

1. Information about Council and Council meetings
  - a. Code of meeting practice
  - b. Agendas, minutes and business papers for any meeting of the Council or any committee of the Council
  - c. Councillors expenses and facilities policy
2. Council Administration
  - a. Berrigan Shire Council Code of Conduct
  - b. Annual Report, Financial Statements and Auditor's Report
  - c. Equal Employment Opportunity Management Plan
  - d. Land Register,

- e. Investment Register,
  - f. Delegations Register
  - g. Register of voting on planning matters
  - h. Register of graffiti removal work
3. Plans and policies
- a. A range of Council policies are available [on the Council's website](#)
  - b. Other Council plans, strategies and reports can be found at: ([available on the Council's website](#))
4. Development and Planning
- a. Environmental planning instruments and development control plans
  - b. Development Applications and associated documents
5. Other documents
- a. Leases and licences for use of public land classified as community land
  - b. Register of contracts
  - c. Register of gifts
  - d. Returns of the interests of Councillors, designated persons and delegates
  - e. Register of current declarations of disclosures of political donations

#### HOW TO ACCESS INFORMATION THE COUNCIL HOLDS

Under the GIPA Act the Council has an obligation to provide greater accessibility to government information for the public.

Documents available for free can be found on the Council's website (<http://www.berriganshire.nsw.gov.au>) or picked up in person at the Council's office in Berrigan during office hours.

You may come to the Council's office at 56 Chanter Street, Berrigan, and view the Council's open access information during office hours (8.00am to 5.00pm Monday to Friday excluding public holidays).

#### ACCESS TO AND AMENDMENT OF COUNCIL RECORDS

Any person can request to view his/her own personal record and can request the alteration of certain information that is held by the Council in connection with its administrative functions and if the information is, in the person's opinion, incomplete, incorrect, out of date or misleading. Any records of a legal or accounting nature cannot be altered without proper approval or advice.

The Director Corporate Services has been appointed as the Council's Public Officer and Right to Information Officer. Among other duties, the Director Corporate Services may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director Corporate Services is also responsible for determining applications for access to documents or for the amendment of records.



Council has in place a Privacy Management Plan for dealing with private or personal information.

The Council will endeavour to make as much information as possible available proactively or upon request, unless there is an overriding public interest against disclosure. In some cases, it may be necessary to lodge a formal access application. Access forms are available on the Council's website or by contacting the Council's Public Officer.

Requests for amendment of a document of the Council which you feel is incorrect will require you to make written application to the Director Corporate Services in the first instance.

Matthew Hansen  
Director Corporate Services  
Berrigan Shire Council  
56 Chanter Street  
BERRIGAN NSW 2712

Telephone: (03) 5888 5100  
Email: [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au)

#### OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

The Office of the Information and Privacy Commissioner (OIPC) has been established to oversee the GIPA Act. The OIPC provides information about the right to access information held by NSW government agencies, including Councils.

You can contact the OIPC via:

Level 11, 1 Castlereagh Street  
SYDNEY NSW 2001  
GPO Box 7011  
SYDNEY NSW 2001  
T: 1800 472 679  
E: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)



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## 7.19 FINANCIAL STATEMENTS 2018/19

- 108 **RESOLVED** Crs Jones and Reynoldson that the Council, not having received any submissions in relation to its 2018/19 Annual Statements and having considered the reports presented by the Audit Office of New South Wales, adopt the 2018/19 Annual Statements and the Report on the conduct of the Audit.

## 7.20 STATE GOVERNMENT FUNDING FOR NSW PUBLIC LIBRARIES

- 109 **RESOLVED** Crs Bruce and Reynoldson that the Council:
1. make representation to the local State Member, Helen Dalton MLA , in relation to the need for a sustainable state funding model for the ongoing provision of public library services;
  2. write to The Hon. Don Harwin, Minister for the Arts and The Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model;
  3. take a leading role in lobbying for sustainable state government funding for libraries; and
  4. endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

## 7.21 COMPULSORY ACQUISITION OF CROWN LAND

- 110 **RESOLVED** Crs Bruce and Reynoldson that the Council resolve to submit an Application for the Compulsory Acquisition of Land to the Minister of Local Government and/or the Governor in respect of Crown Land in Berrigan being Lot 160 DP 823017 and Lots 140 & 149 DP 752284 to facilitate the acquisition of that land.

## 7.22 SEPTEMBER QUARTER REVIEW

- 111 **RESOLVED** Crs Bodey and Taylor that the Council:
1. Note the September Quarter Progress Report of the Annual Operational Plan 2019/20 circulated as **Appendix "G"**

**7.23 FINANCIAL REVIEW**

**112 RESOLVED** Crs Taylor and Reynoldson that the Council:

1. Note the first quarterly review of the 2019/20 budget and vote the funds contained therein as shown in **Appendix “H”**
2. Note the Quarterly Budget Review Statement attached also as **Appendix “I”**

**7.24 DROUGHT COMMUNITIES PROGRAMME – EXTENSION:  
ROUND 2**

**113 RESOLVED** Crs Taylor and Bodey that the Council prioritise Drought Communities Programme projects as:

Renovation of shops in Finley	\$100k
Tocumwal Historic Aerodrome Museum	\$400k
Berrigan Golf Club automatic water system	\$53k
Finley Golf Club sprinkler system	\$200k
Lions Park Barooga	\$100k
Painting Berrigan CBD for further development and consideration	\$100k

**7.25 CHRISTMAS DECORATIONS**

**114 RESOLVED** Crs Bruce and Jones that the Council allocate \$1000 per town for Christmas events to the Chambers etc. per annum and the Chambers etc. to report back on how the funds were utilised.

**7.26 ANNUAL REPORT 2018 - 2019**

**115 RESOLVED** Crs Taylor and Reynoldson that the Council adopt the Annual Report 2018-2019 attached as **Appendix “K”**

**7.27 TOCUMWAL FORESHORE COMMITTEE OF MANAGEMENT**

No action was taken in relation to this item.

**8.1 ITEMS FOR NOTING**

**116 RESOLVED** Crs Taylor and Reynoldson that Items for Noting numbered 8.1 to 8.4 inclusive be received and noted.

**8.1 AUSTRALIA DAY NOMINATION GUIDELINES**

- 8.2 SALE OF PROPERTY FOR UNPAID RATES 24 BUDD STREET, BERRIGAN
- 8.3 RECORDING OF COUNCIL MEETINGS
- 8.4 DEVELOPMENT DETERMINATIONS FOR MONTH OF OCTOBER 2019

**117** **RESOLVED** Crs Taylor and Bodey that the Council purchase microphone systems from Con Carr for \$15,000.

## **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 T07/19/20 DESIGN AND CONSTRUCTION OF THE TOCUMWAL NETBALL CHANGE ROOMS**

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.

**9.2 COBRAM-BAROOGA GOLF CLUB DRIVING RANGE PROJECT**

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.

**118 RESOLVED** Crs Bruce 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*.

**9.1 T07/19/20 DESIGN AND CONSTRUCTION OF THE TOCUMWAL NETBALL CHANGE ROOMS****9.2 COBRAM-BAROOGA GOLF CLUB DRIVING RANGE PROJECT**

The Council closed its meeting at 12.32pm. The public and media left the Chamber.

Open Council resumed at 12.33pm.

## **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 Taylor and Bodey that the Council note the report in relation to T07/19/20 Design and Construction of the Tocumwal Netball Change Rooms*

**RESOLVED** *Crs Bruce and Taylor that the Council note the draft summary of the Feasibility and Economic Impact Study for the Cobram-Barooga Golf Club Driving Range project and provide a letter of support for this project.*

### **10. COMMITTEES**

Nil

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

Nil

Fred Exton returned to the Council Chamber at 12.35pm.

### **12. DELEGATES REPORT**

#### **Cr Ross Bodey**

- Murray Darling Association Annual General Meeting
- Tocumwal Foreshore Annual General Meeting
- Massive Murray Paddle
- Tocumwal Chamber of Commerce & Tourism meeting

#### **Cr John Taylor**

- Nil

**Cr Roger Reynoldson**

- Nil

**Cr Colin Jones**

- Murray Darling Association Annual General Meeting
- Massive Murray Paddle
- Sacred Heart Presentation
- Tocumwal Chamber of Commerce & Tourism meeting
- No Flies on Us campaign award

**Cr John Bruce**

- Barooga Advancement Group meeting
- Berrigan Pool opening
- School of Arts inspection

**Cr Daryll Morris**

- Lone Pine seedling recognition

**13. BUSINESS ARISING**

**Cr John Bruce**

- Nil

**Cr Colin Jones**

- Fire Hazard
  - Corner Murray Street / Racecourse Road
- 112 Deniliquin Street John Haynes garage
- Walking Track compliment

**Cr Roger Reynoldson**

- Water Trading
- - still not permitted

**Cr John Taylor**

- Thanks Finley Golf Club pump

**Cr Ross Bodey**

- Lot 297 Newell Highway
  - progress with sale

**Cr Daryll Morris**

- Museum signage

**Engineering Services Manager**

- Nil

**General Manager**

- School Presentations

- Will open toilets at Tocumwal
- Barooga Cemetery
  - Ashes in Catholic section ok
  - Rose garden at Rotunda ok
  - John Bruce to talk to Ray Nye

**122** **RESOLVED** Crs Taylor and Jones that Cr Hannan be authorised to attend the 4<sup>th</sup> Annual Smart Local Government Summit 2020 from 19 February to 21<sup>st</sup> February 2020 in Melbourne.

There being no further business the meeting closed at 1.10pm.