



**Minutes of the Council Meeting held in the Council Chambers on
Wednesday 18th October, 2017 commencing at 9:10am**

Min. No. Present: Cr Matthew Hannan (Mayor)
Crs: John Bruce, Colin Jones, Bernard Curtin, Denis Glanville, Daryll Morris, John Taylor, Ross Bodey, Engineering Services Manager (Matthew Clarke), Director of Corporate Services (Matthew Hansen), Director of Technical Services/Acting General Manager (Fred Exton) and Development Manager (Laurie Stevens).

Apology
Nil.

Declaration of Items of Pecuniary and other Interests
Nil

4. CONFIRMATION OF MINUTES

190 RESOLVED Crs Morris and Glanville that the Minutes of the meeting held in the Council Chambers on Wednesday 20th September, 2017 and the Extraordinary meeting held in the Council Chambers on Wednesday 4th October, 2017 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

191 RESOLVED Crs Taylor and Morris that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2017, be received and that the accounts paid as per Warrant No. 09/17 totaling \$3,529,374.19 be confirmed..

5.2 BERRIGAN SPORTSGROUND COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.174.4

Min. No.

192 **RESOLVED** Crs Morris and Glanville that the Council:

- A) revoke existing members of the Barooga Advancement Group 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 Dickens
Secretary: Bruce Rendell
Treasurer: Andrew Parr
Committee: Stuart Schifferle
Stuart Pyle
Rohan O'Neill
Rachel Arnold
John Dickens
Justin O'Neil
Brendan Haintz

5.3 FINLEY SHOWGROUND & SPORTING COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.174.4

193 **RESOLVED** Crs Morris and Glanville that the Council:

- A) revoke existing members of the Barooga Recreation Reserve Committee of Management.

- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Showground & Sporting Committee of Management:

President: Rodger Sutton
Secretary/Treasurer: Carol Kennedy
Committee: Matthew Mueller
Trent Royston
Bill Rowlands
Troy Marshall
Cherilyn Taig
Mick Wane

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Katie Wallace
Rick Harris
Elsinor Harris
Keith Kennedy
Gordon Close
David Webb
Kerry Lunn
Roslyn Gustin
Tim Price

5.4 BERRIGAN CONSERVATION GROUP & TIDY TOWN COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 11.128.1

194 RESOLVED Crs Morris and Glanville that the Council:

- A) revoke existing members of the Berrigan Conservation Group and Tidy Town Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Berrigan Conservation Group and Tidy Town Committee of Management:

President: Mark Ryan
Secretary: Carol Cottam
Treasurer: Jude Lawrence
Committee: Maree Ryan
John Lane
Clara Way
Leigh Rogers
Robin Cobb
Carla von Brockhusen
Cristina von Brockhusen
Tracy Dunn
Jiq Sloan
Peter Cobb
David Batten

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5.5 PECUNIARY INTEREST RETURNS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 13.045.2

- 195 RESOLVED** Crs Bodey and Morris that the Council note the tabling of Pecuniary Interest Returns received from Councillors and designated officers for the period 1st July, 2016 to 30th June, 2017.

5.6 BENDIGO BANK AGENCY AGREEMENT

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.024.3

- 196 RESOLVED** Crs Morris and Bodey that the Council endorse the signing of the Bendigo Bank Agency agreement.

5.7 ESTABLISH A BENDIGO BANK ACCOUNT

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.024.3

- 197 RESOLVED** Crs Curtin and Taylor that the Council:
- Authorise the establishment of a Business Basic Bendigo bank account to facilitate the new banking agency operations.
 - Authorise the General Manager to appoint signatories on the account as per his delegation.

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5.8 DRAFT ANNUAL REPORT 2016 / 2017
AUTHOR: Strategic & Social Planning Coordinator
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 04.145.1

198 RESOLVED Crs Glanville and Morris that the Council adopt the Draft Annual Report 20156-2017 attached as Appendix "B".

5.9 UNAUTHORISED BUILDING WORKS
AUTHOR: Development Manager
STRATEGIC OUTCOME: Sustainable natural and built landscapes
STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: PF

199 RESOLVED Crs Morris and Jones that the Council instigate court action to validate the order to demolish and remove a transportable building that has been erected without consent on Lot 22 DP802966, 7 Davis Street, Berrigan so that enforcement action can be implemented.

5.10 2016/17 ANNUAL FINANCIAL STATEMENTS
AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.066.1

200 RESOLVED Crs Glanville and Morris to suspend standing orders, to defer consideration of this item until later in the meeting when the auditor representative, Phil Delahunty, arrives.

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5.11 Operational Plan Quarterly Review
AUTHOR: Strategic & Social Planning Coordinator
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO:

201 RESOLVED Crs Jones and Taylor that the Council:

1. Note the September Quarter Progress Report of the Annual Operational Plan 2017/18 circulated as appendix "F".

5.12 FINANCIAL REVIEW
AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO:

202 RESOLVED Crs Curtin and Jones that the Council:

1. Note the first quarterly review of the 2017/18 budget and vote the funds contained therein as shown in appendix "G".
2. Note the Quarterly Budget Review Statement attached also as appendix "H".

5.13 FINLEY SENIOR CITIZENS BUILDING
AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Supported and engaged communities
STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 05.005.9

203 RESOLVED Crs Bruce and Jones that staff bring forward a report to the next Council meeting for consideration regarding the terms of use of the Senior Citizens building by the Finley Mens Shed.

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5.14 FOLK SONG – OUTBACK THEATRE FOR YOUNG PEOPLE

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.2 Support community engagement through life-long learning, culture and recreation

FILE NO: 26.128.3

- 204 RESOLVED** Crs Glanville and Curtin that the Council write to Outback Theatre for Young People to commend them for their work on the *Folk Song* project.

Camillus O’Kane (Town Planner) entered the Chambers at 9:40am.

5.15 DEVELOPMENT APPLICATION 29/18/DA/D5 – BEING THE CONSTRUCTION OF A CARPORT

AUTHOR: Town Planner

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 29/18/DA/D5

- 205 RESOLVED** Crs Morris and Taylor that the Council approve the Development Application 29/18/DA/D5 for the Construction of a Carport subject to the following conditions:

1. Approved Plans

The development shall be implemented in accordance with the details set out on the plans A Line Building Systems Pty Ltd Project Number 11691A-1 (Sheets A1.1, A2.1, A2.2, A2.3, A3.1, A3.2), BSC-001, the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. 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
- (c) has notified the Council of the appointment
- (d) has given the Council at least 2 days’ notice of the intention to commence erection of the building.

(Section 81A EP&A Act 1979)

3. 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

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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)

4. 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)

5. 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.

6. Stormwater

Roofwater from the building must be piped underground to the existing dwelling's stormwater disposal system in accordance with the Building Code of Australia and Relevant Australian Standards to ensure runoff does not affect neighbouring properties.

7. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia

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 to be erected on building & demolition site

- (a) 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:
 - (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

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10. Carport to remain open

The carport is not to be enclosed to ensure that sufficient solar access is available to the neighbouring property owners. Any modification to the carport will require the prior approval of Council.

Division:

In Favour: Crs Matthew Hannan (Mayor), Colin Jones, Bernard Curtin, Denis Glanville, Daryll Morris, John Taylor, Ross Bodey.

Against: Cr John Bruce

5.16 TOCUMWAL AERODROME – CLASSIFICATION OF LAND

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.3 Connect local, regional and national road, rail, and aviation infrastructure

FILE NO: 15.128.31

206 RESOLVED Crs Glanville and Bodey that the Council:

1. commence the process to classify the following land as 'operational' land under section 31 and 34 of the *Local Government Act 1993*;

- a. Lot 37 DP 1233177
- b. Lot 38 DP 1233177
- c. Lot 39 DP 1233177
- d. Lot 40 DP 1233177
- e. Lot 41 DP 1233177
- f. Lot 42 DP 1233177
- g. Lot 43 DP 1233177
- h. Lot 44 DP 1233177
- i. Lot 45 DP 1233177
- j. Lot 46 DP 1233177
- k. Lot 47 DP 1233177
- l. Lot 48 DP 1233177
- m. Lot 49 DP 1233177, and

2. advertise its intention to so classify the land with any submission received in relation to the proposal being considered at the council meeting to be held on 15 November 2017.

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5.17 DOCUMENTS FOR SIGNING AND SEALING

AUTHOR: Environmental Engineer/Acting General Manager

STRATEGIC OUTCOME: Diverse and resilient business

**STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our
natural resources and built
landscapes**

FILE NO: T06/17/18

- 207 RESOLVED** Crs Glanville and Taylor that the Council sign and seal Contract No. T06/17/18 for the Barooga Raw Water Upgrade for the contract sum of \$117,875 and sign and seal the Tocumwal Foreshore-Town Beach Camping Area Contract for the Supply of Services.

**5.18 CHRISTMAS OFFICE CLOSURE AND DECEMBER
COUNCIL MEETING**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

**STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives
and strategic actions facilitate the
effective governance by Council of
Council operations and reporting**

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- 208 RESOLVED** Crs Curtin and Jones that the Council:
- Close the Shire Office from 4:00pm on Friday 22nd December, 2017 reopening on Tuesday 2nd January, 2018 with those days not being public holidays or weekends being deducted from staff leave entitlements.
 - Close the Shire Libraries from close of business on Friday 22nd December, 2017 until Tuesday 2nd January, 2018 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 13th December, 2017.

Cr John Taylor left the Chambers at 10:10am.

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ITEMS FOR NOTING

- 6.1 TENDER T06/17/18 BAROOGA RAW WATER UPGRADE
- 6.2 T05/17/18 SUPPLY AND DELIVERY OF CUT-BACK BITUMEN
- 6.3 PURCHASE OF NEW PLANT ITEMS
- 6.4 RATES AND CHARGES – 2017/2018 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 1ST QUARTER REPORT TO COUNCIL
- 6.5 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING
- 6.6 DEVELOPMENT DETERMINATIONS FOR MONTH OF SEPTEMBER 2017

- 209** **RESOLVED** Crs Jones and Morris that Items for Noting numbered 6.1 to 6.6 inclusive be received and noted.

Cr John Taylor returned to the Chambers at 10:13am.

7. MINUTES OF THE TECHNICAL SERVICES COMMITTEE

- 210** **RESOLVED** Crs Morris and Bruce that recommendation number 1 inclusive of the Technical Services Committee Meeting held on 4th October, 2017 be adopted.

5. CAMPER WASTE MANAGEMENT TOCUMWAL

AUTHOR: Environmental Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 31.160.3

RECOMMENDATION NO. 1 that the Council approve a trial for additional opening hours at Tocumwal Landfill to assist with management of camper waste over the summer holiday period and support the proposals to confine the provision skip bins at Pumps Beach to the summer and Easter school holidays and to have no skip bins provided at Anzac Avenue.

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MAYORS REPORT

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

- Strawberry Field's on site meeting, Lower River Road
- Observer – RFS re Strawberry Fields
- Extraordinary meeting 4/10
- Finley School of Arts and War Memorial Hall Committee of Management meeting
- Phone meeting – Dept Planning re: population projections

211 **RESOLVED** Crs Morris and Taylor that the Mayors report be received.

DELEGATES REPORTS

Cr Bodey

- Strawberry Field's on site meeting, Lower River Road
- Murray darling Conference – Renmark SA

Cr Taylor

- Nil

Cr Morris

- Strawberry Field's on site meeting, Lower River Road

Cr Curtin

- Nil

Cr Glanville

- Strawberry Field's on site meeting, Lower River Road
- Tocumwal Pool Committee meeting

Cr Bruce

- Strawberry Field's on site meeting, Lower River Road
- Barooga Botanical Gardens Committee of Management Annual General meeting
- Book Launch – Angela Peris
- 25th Celebration – Cobram/Barooga Soroptimists
- Barooga Advancement Group meeting

The meeting adjourned at 10:35am.

The meeting reconvened at 10:58am.

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- 212** **RESOLVED** Crs Curtin and Glanville that the Council resume standing orders.

Phil Delahunty and Carla von Brockhusen (Finance Manager) entered the Chamber at 10:58am.

Phil Delahunty, the NSW Audit Office contracted auditors RSD Chartered Accountants, addressed the meeting:

- Conduct of audit report is circulated with the agenda
- Role of auditor
- Role of the Auditor General
- Rural Fire Service Red Fleet
- Level of required surplus
- Operating result comfortable

5.10 2016/17 ANNUAL FINANCIAL STATEMENTS

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

FILE NO: 12.066.1

- 213** **RESOLVED** Crs Morris and Glanville that the Council having satisfied itself in relation to the preparation of its financial reports and special schedules:

1. refer its financial statements to the Auditors for the audit report.
2. at its meeting to be held on Wednesday 15 November 2017, the Council present its audited financial reports and audited reports to the public and that the Council's intention be publicly notified.
3. sign the attached General Purpose Financial Report "Statement by Council" and the Special Purpose Financial Report "Statement by Council".
4. adopt the valuation of assets that Senior Officers have prepared in accordance with recognised valuation procedures as to a fair and reasonable value of those assets (see note 9).

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GENERAL BUSINESS

Cr Bruce

- Narrandera/Tocumwal Rail Line

Cr Jones

- Central Murray County Council future

Cr Glanville

- BBQ site at Lions Park going ahead

Cr Curtin

- Refugees – Manus Island PNG. Can we settle here?

Cr Morris

- Tocumwal home gym opening hours?

Cr Taylor

- Fincity Festival success

Cr Bodey

- Truck/Trailer parking – Dean Street, Tocumwal

- 214** **RESOLVED** Crs Bodey and Jones that the Council convey congratulations to Austin Evans on his election to the NSW State seat of Murray. That the Council requests his earliest presence in Tocumwal with a view to seek his urgent assistance to lobby the Roads and Maritime Services to fund the construction of a truck transfer station in Tocumwal.

This is in co-operation with the Council as their contribution will be the land component.

The transfer station is for the safety of all road users and the restriction of repair funds to the side of the road of Dean Street (Newell Highway).

Cr Hannan

- Toilets at Railway Park

Cr Bruce

- Strawberry Fields approving authority

- 215** **RESOLVED** Crs Curtin and Jones that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

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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.

Tocumwal Visitor Information Centre

This item is classified CONFIDENTIAL under section 10A(g) 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 matters concerning legal action by the Council.

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Council closed its meeting at 12:30pm. The staff, public and media left the Chamber.

There were no resolutions of the Council while the meeting was closed to the public.

There being no further business the meeting closed at 12:50pm.