



Council Chambers,
BERRIGAN. 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **21st September, 2016**, when the following business will be submitted:-

9.00AM

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Items requiring Council Resolution

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12.	CLOSE OF MEETING	

No business, other than that on the Agenda, may be dealt with at this meeting unless admitted by the Mayor.

ROWAN PERKINS
GENERAL MANAGER

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Council Meeting

Wednesday, 21st September, 2016

BUSINESS PAPER

- 1. APOLOGIES**
- 2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
- 3. VISITORS ATTENDING MEETING**

11.00 am - Shannon O'Brien from Sydney Harbour
Kayaks

- 4. CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 17th August, 2016 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 August 2016, be received and that the accounts paid as per Warrant No. 08/16 totalling \$5,436,696.36 be confirmed.

REPORT

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 August 2016 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 August 2016.

Items requiring Council Resolution

- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 August 2016, totalling \$5,436,696.36 and will be submitted for confirmation of payment as per Warrant No. 08/16
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. Council's Investment Policy,
 - ii. Section 625 of the Local Government Act 1993 (as amended),
 - iii. the Minister's Amended Investment Order gazetted 11 January 2011,
 - iv. clause 212 of the Local Government (General) Regulations 2005, and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70.
- e) As normal, August has seen an increase in total funds held compared to the end of July. This increase results from the receipt of the normally scheduled Financial Assistance Grant and the payment of the first instalment (and in some instance the full year balance) of Council Rates.

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Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution

Statement of Bank Balances as at 31 August 2016

Bank Account Reconciliation

Cash book balance as at 1 August 2016	\$ 1,390,890.85
Receipts for August 2016	\$ 8,454,054.77
Term Deposits Credited Back	\$ -
	\$ 9,844,945.62

Less Payments Statement No 08/16

Cheque Payments V075674 - V075681	\$ 12,415.62
Electronic Funds Transfer (EFT) payroll	\$ 481,733.55
Electronic Funds Transfer (EFT) Creditors E024468 - E024698	\$ 911,161.13
Term Deposits Invested	\$ 4,000,000.00
Loan repayments, bank charges, etc	\$ 31,386.06
Total Payments for August 2016	\$ 5,436,696.36
Cash Book Balance as at 31 August 2016	\$ 4,408,249.26

Bank Statements as at 31 August 2016	\$ 4,410,769.37
Plus Outstanding Deposits	
Less Outstanding Cheques/Payments	\$ 2,520.11
Reconciliation Balance as at 31 August 2016	\$ 4,408,249.26

INVESTMENT REGISTER

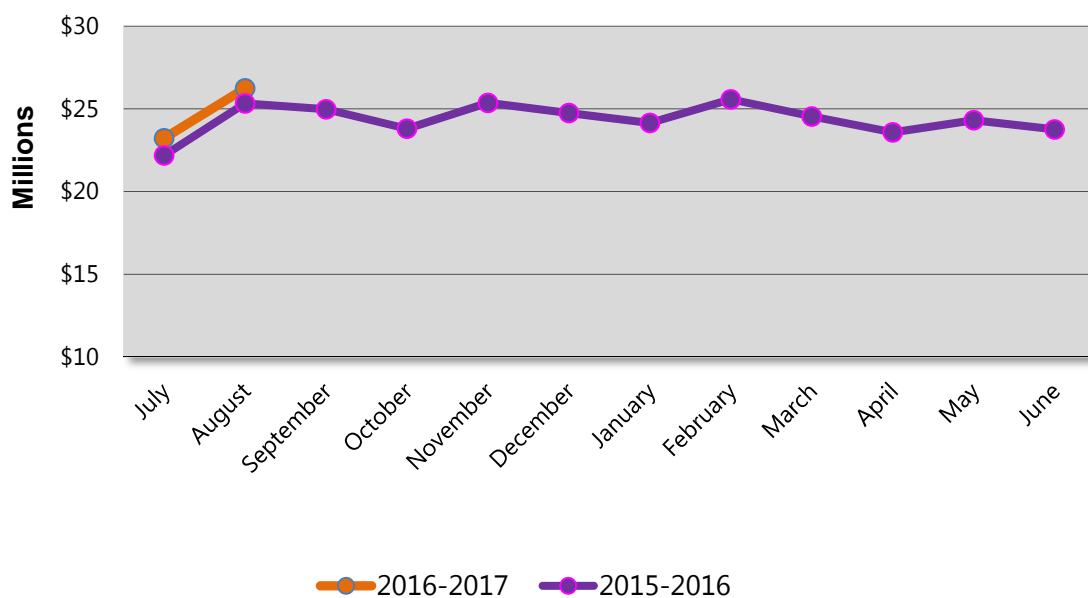
INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	117/15	182	3.00%	22/03/2017	\$ 2,000,000.00
AMP	125/16	209	2.95%	7/03/2017	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	270	2.95%	8/04/2017	\$ 2,000,000.00
Bank of Queensland	119/15	180	3.05%	10/09/2016	\$ 2,000,000.00
Bank of Queensland	123/16	180	2.98%	29/11/2016	\$ 2,000,000.00
Bendigo Bank	122/16	365	3.00%	26/05/2017	\$ 2,000,000.00
Central Murray Credit Union	104/14	90	2.80%	14/09/2016	\$ 2,000,000.00
Central Murray Credit Union	104/14	126/16	3.05%	30/08/2017	\$ 2,000,000.00
Defence Bank Limited	102/14	270	2.95%	4/04/2017	\$ 2,000,000.00
Defence Bank Limited	106/14	180	3.00%	2/10/2016	\$ 1,000,000.00
NAB (LIRS LOAN)	110/15	180	3.05%	3/10/2016	\$ 1,630,000.00
T-CORP HOURGLASS AT CALL		AT CALL			\$ 1,200,000.00
					\$ 21,830,000.00

Total Funds Held at 31 August 2016	\$26,238,249.26
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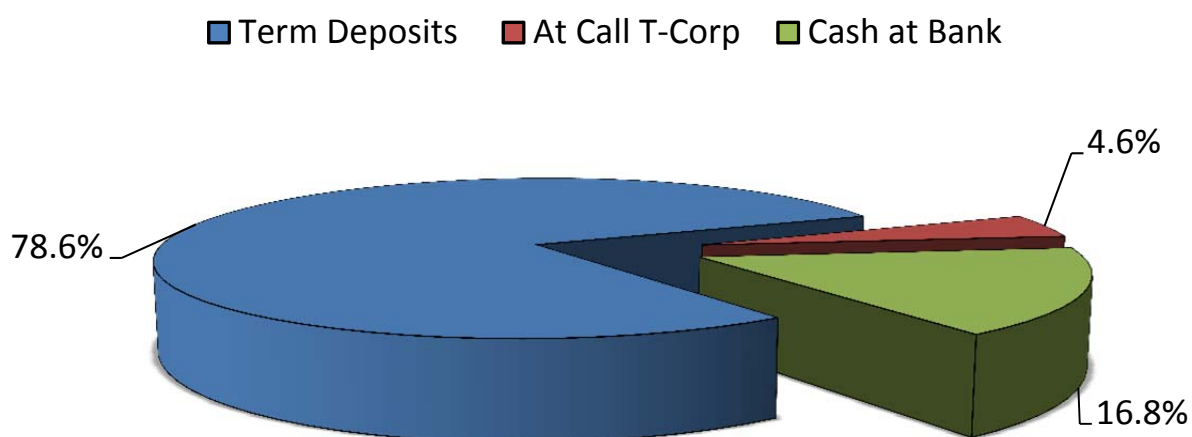
Carla von Brockhusen - Finance Manager

Items requiring Council Resolution

Total Funds Held

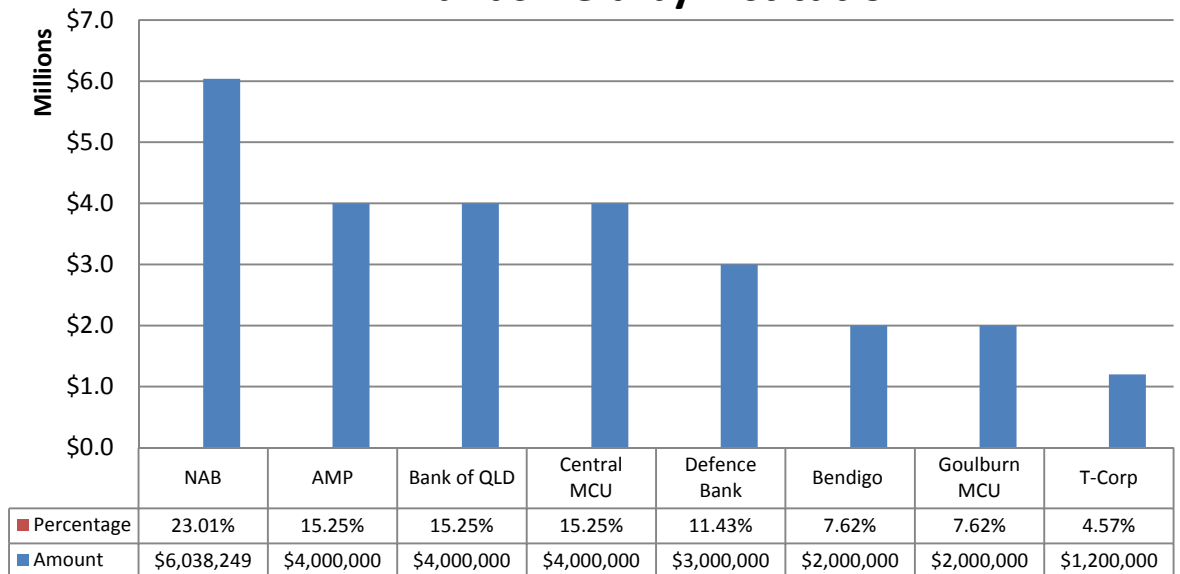


Funds Held By Type



Items requiring Council Resolution

Funds Held by Institution



Changes in Investment Portfolio for August 2016

Previous Investment			New Investment		
Prior Financial Institution	Amount	Interest Rate	Current Financial Institution	Amount	Interest Rate
NAB	\$1,000,000.00	2.85%	CALLED BACK		
ME BANK	\$2,000,000.00	2.85%	CALLED BACK		
NAB	\$1,000,000.00	2.95%	CALLED BACK		
AMP	\$2,000,000.00	3.00%	AMP	\$2,000,000.00	2.95%
			AMP	\$2,000,000.00	2.95%
			CMCU	\$2,000,000.00	3.05%

Items requiring Council Resolution

**5.2 SUSPENSION OF ALCOHOL FREE ZONE –
CHANTER STREET BERRIGAN**

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 24.128.1

RECOMMENDATION: - that the Council, subject to Police approval and development consent being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter Street, Berrigan from 6.00pm to 11.00pm on Friday 2 December 2016 in accordance with Section 645 of the *Local Government Act 1993*.

REPORT:

The Berrigan and District Development Association (BDDA) are proposing to hold their annual Market Night in Berrigan on Friday, 2 December 2016.

For this event, the adjacent roads will be closed to traffic from 6.00pm to 11.00pm – subject to Council and police approval.

Elements of the event require approval under the *Local Government Act 1993* and this is taking place through other existing Council procedures.

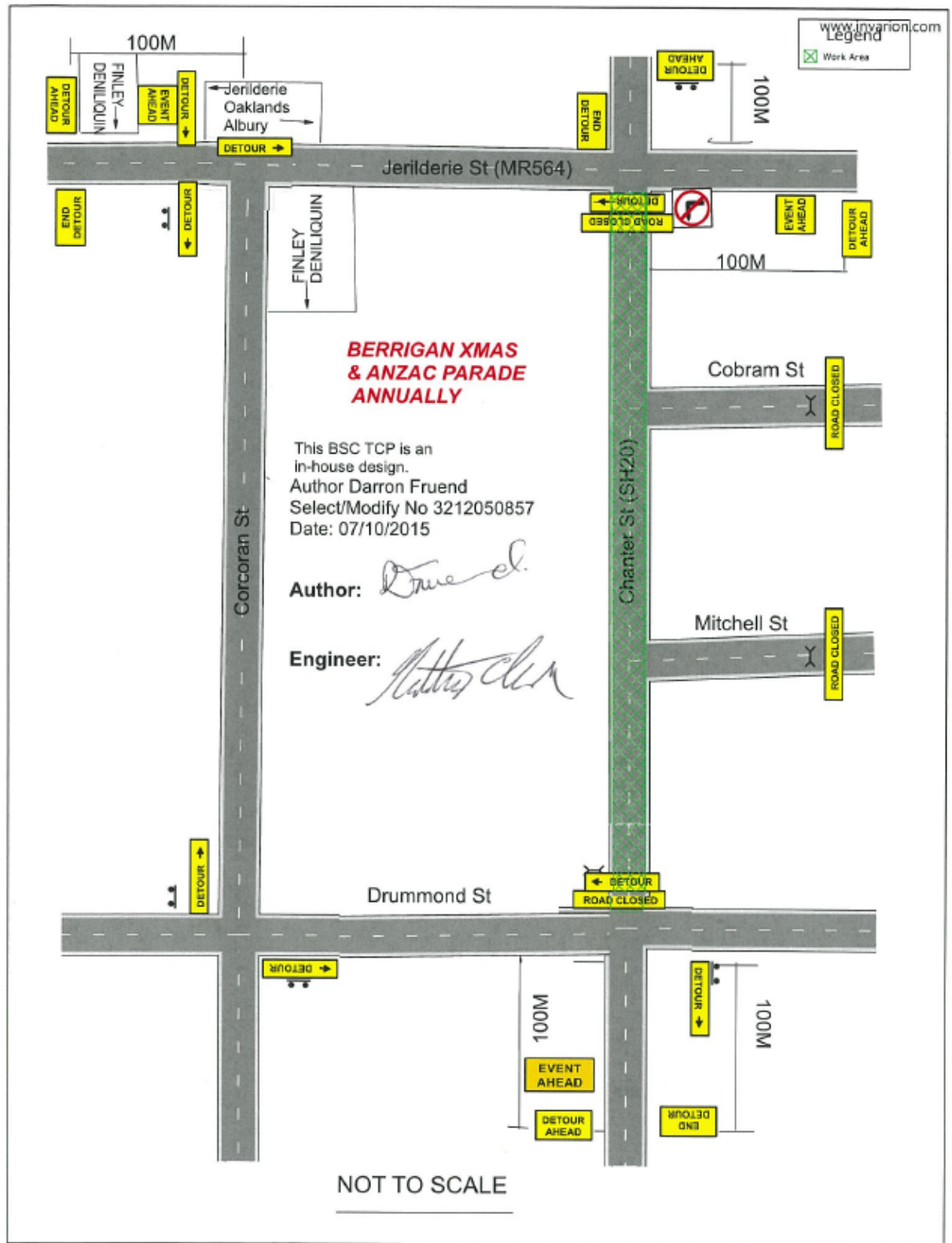
The BDDA has requested the restrictions on alcohol consumption be lifted during this period for the area closed to traffic. A map of the area is shown at the end of the report.

The Council has no set policy on the lifting of alcohol restrictions but it has lifted these restrictions on alcohol consumption for this event in the past. Previous events conducted by this organisation have not created any public disturbance issues.

Under s645 of the Local Government Act, the Council may suspend the operation of an Alcohol Free Zone if desired. This power cannot be delegated. If the Council wishes to suspend the operation of the Zone, it must publish notice of the suspension in a newspaper circulating in the area concerned. In addition, the Alcohol-Free Zone guidelines advise that the Council must liaise with the police.

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Items requiring Council Resolution



Items requiring Council Resolution

**5.3 LAWSON DRIVE FOOTPATH PROPOSED
 HALF-COST SCHEME**

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: HCS Lawson Drive Footpath

RECOMMENDATION: - that the Council

1. in accordance with Council's policy: Administration of contributory footpath and kerb and gutter schemes pursuant to clauses 217, 218 & 219 of the Roads Act 1993, a half cost scheme be initiated for the proposed footpath along Lawson Drive from Buchanans Road to Hay Street, Barooga
2. adopt the proposed alignment for Lawson Drive Footpath as set out below:

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Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution



Rev	DATE	REVISION DETAILS	BY

SCALES:

PROJECT TITLE:
Lawson Drive Footpath

DRAWING DESCRIPTION:
GENERAL LAYOUT - SHEET 01


56 CHANTER STREET BERRIGAN NSW 2712
Phone: 03 5888 5100 Fax: 03 5885 2092

DESIGNED BY:	DATE:	FIELD BOOK/FILE:	DATE:
DRAWN BY:	DATE:	SURVEYED BY:	DATE:
CHECKED BY:	DATE:	JOB NO:	
APPROVED BY:	DATE:	Sheet No	01
		No in Set	00
		SIZE	A3
		REV	
DRAWING NUMBER:		01	

Items requiring Council Resolution

Items requiring Council Resolution

REPORT:

Currently in the 2016-17 financial year budget there is an allocation available for the installation of a footpath on Lawson Drive, Barooga, from Buchanans Road to Hay Street. This footpath has also been identified on the Barooga Pedestrian Access and Mobility Plan (PAMP) for Barooga adopted by Council on 16th of July, 2014.

Ideally the footpath would be located on the north side of Lawson Drive for its entire length, however, due to gardens and features that have been installed by the property owners, installing a footpath on the north side of Lawson Drive for its entire length would cause significant disruption to what is already an aesthetically pleasing street and would prove to be a very difficult design. Therefore it is recommended to continue the footpath on the southern side of Lawson Drive for part of the proposed length.

The proposed length of the footpath is approximately 335m with concrete driveways taken into account and has an estimated total cost of \$36,116.28 excluding GST with and anticipated income of \$9,850.14 thus leaving an estimated expenditure to the Council of \$26,226.14. There is a current expenditure budget of \$ 40,000 offset by an income of \$17,000 leaving a net expenditure budget of \$23,000 for the 2016-2017 financial year budget which results in an estimated overspend of \$3,226.14. The estimated overspend seems reasonably close to the budget figure and the final figure will not be known until quotations are sought and received from contractors.

The existing footpath leading down to the swing bridge is too steep in accordance with Austroads Part 6A: Pedestrians and Cyclists Paths and it is therefore recommended that the footpath is continued past the carpark as it can be installed at a flatter more suitable longitudinal gradient.

There is currently a gravel path that runs from just south of Keamy Court north-west past the proposed extent of works (47m). It is recommended to install a concrete path for the proposed extent of works in place of the gravel path as it provides a smoother more consistent walking surface and requires less maintenance.

The existing carpark will need to be extended to the south as currently when vehicles park at 90 degrees to the road there is some overhang to the kerb, particularly with larger vehicles, which therefore impedes the existing gravel track.

Details of the proposed scheme are set out below:

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Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
LOT 42 DP1045702 44 LAWSON DRIVE BAROOGA NSW 3644	50%	19.77	\$2,135.16	\$1,067.58	\$106.76	\$1,174.34	\$1,067.58
LOT 43 DP1045702 46 LAWSON DRIVE BAROOGA NSW 3644	50%	11.70	\$1,263.60	\$631.80	\$63.18	\$694.98	\$631.80
LOT 44 DP1045702 48 LAWSON DRIVE BAROOGA NSW 3644	50%	13.60	\$1,468.80	\$734.40	\$73.44	\$807.84	\$734.40
LOT 45 DP1045702 50 LAWSON DRIVE BAROOGA NSW 3644	50%	13.00	\$1,404.00	\$702.00	\$70.20	\$772.20	\$702.00
LOT 46 DP1045702 52 LAWSON DRIVE BAROOGA NSW 3644	50%	7.00	\$756.00	\$378.00	\$37.80	\$415.80	\$378.00
LOT 47 DP1045702 54 LAWSON DRIVE BAROOGA NSW 3644	50%	27.00	\$2,916.00	\$1,458.00	\$145.80	\$1,603.80	\$1,458.00
LOT 1 DP1121364 56 LAWSON DRIVE BAROOGA NSW 3644	50%	29.34	\$3,168.72	\$1,584.36	\$158.44	\$1,742.80	\$1,584.36
LOT 165 DP752274 35 LAWSON DRIVE BAROOGA NSW 3644	50%	61.00	\$6,588.00	\$3,294.00	\$329.40	\$3,623.40	\$3,294.00
BERRIGAN SHIRE COUNCIL ROAD RESERVE	0%	152.00	\$16,416.00	\$0.00	\$0.00	\$0.00	\$16,416.00
	Total	334.41	\$36,116.28	\$9,850.14	\$985.01	\$10,835.15	\$26,266.14

Items requiring Council Resolution

**5.4 HALF COST SCHEME 01/14/15 FOOTPATH
CONSTRUCTION – COBRAM STREET, BERRIGAN
(EAST SIDE, ALEXANDER AVENUE TO THE
SOUTHERN BOUNDARY OF LOT 6 DP 521710)**

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.167.2 & HCS 01/14/15

RECOMMENDATION: - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of footpath in Cobram street, Berrigan (east side), from the intersection of Alexander Avenue to the southern boundary of lot 6 DP 521710 and make a charge on abutting property owners in accordance with the Schedule for Scheme 01/14/15 as set out below.

**SCHEDULE: SCHEME NO. 01/14/15
FOOTPATH CONSTRUCTION – COBRAM STREET, BERRIGAN (EAST SIDE,
ALEXANDER AVENUE TO THE SOUTHERN BOUNDARY OF LOT 6 DP 521710)**

Estimated full unit rate is \$75.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

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Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Exc GST \$	GST \$	Total Owner's Cost Inc GST \$	Council Cost \$
LOT 11 DP561420	25.00%	24.08	\$2,167.20	\$541.80	\$54.18	\$595.98	\$1,625.40
LOT 12 DP561420	50.00%	27.13	\$2,441.70	\$1,220.85	\$122.09	\$1,342.94	\$1,220.85
LOT 1252 DP1079420	25.00%	6.1	\$549.00	\$137.25	\$13.73	\$150.98	\$411.75
LOT 9 SEC T DP7911	50.00%	20.117	\$1,810.53	\$905.27	\$90.53	\$995.79	\$905.27
LOT 10 SEC T DP7911	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40
LOT 1 DP24780752	50.00%	30.054	\$2,704.86	\$1,352.43	\$135.24	\$1,487.67	\$1,352.43
LOT 2 DP247807	50.00%	20.117	\$1,810.53	\$905.27	\$90.53	\$995.79	\$905.27
LOT 3 DP247807	50.00%	20.117	\$1,810.53	\$905.27	\$90.53	\$995.79	\$905.27
LOT 4 DP24780760	50.00%	40.857	\$3,677.13	\$1,838.57	\$183.86	\$2,022.42	\$1,838.57
LOT 5 DP247807	50.00%	21.203	\$1,908.27	\$954.14	\$95.41	\$1,049.55	\$954.14
LOT 2 DP518698	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40
LOT 3 DP518698	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40

Items requiring Council Resolution

LOT 26 DP791324	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40
LOT 5 DP521710	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40
LOT 6 DP521710	50.00%	20.12	\$1,810.80	\$905.40	\$90.54	\$995.94	\$905.40
BERRIGAN SHIRE COUNCIL	0.00%	42.825	\$3,854.25	\$0.00	\$0.00	\$0.00	\$3,854.25
	TOTAL	373.32	\$33,598.8 0	\$14,193.23	\$1,419.3 2	\$15,612.55	\$19,405.58

Items requiring Council Resolution

REPORT:

Currently the half cost scheme for footpath (HCS 01/14/15) is under construction on Cobram Street Berrigan. Council resolved on the 18th of February, 2015:

that the Council include the footpath on the east side of Cobram Street, Berrigan from Alexander Avenue to the southern boundary of 74 Cobram Street in the Capital Works Program for 2015/16 to be constructed as a half-cost scheme.

A copy of the report that was put before Council on the 18th of February, 2015 may be found in Appendix "A".

Initially the footpath was to be a gravel walking path as opposed to concrete footpath which was to stop short of Alexander Avenue due to an existing footpath on the western side of Cobram Street running north. However, after community consultation the majority of the property owners were opposed to the gravel walking track and requested the installation of a concrete footpath on a half cost scheme.

Unfortunately, due to an oversight by staff, the scheme was not put before Council for formal adoption and while consultation has occurred with the majority of owners and they have been advised of their obligations under the scheme, there was no consultation carried out with the first three properties south of Alexander Avenue until 12th September, 2016.

Letters were sent to the three affected property owners that had previously received no consultation on the 12th of September, 2016 informing them of the estimated costs that they would need to contribute should the half cost scheme be adopted by Council along with a questionnaire to determine if the property owner was in favour or opposed to the proposed scheme.

To date there have been no responses from the questionnaire sent to the three property owners.

It is recommended that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of footpath in Cobram Street, Berrigan (east side), from the intersection of Alexander Avenue to the southern boundary of lot 6 DP 521710 in order to have a continuous footpath/walking track from the Berrigan Race Club to the intersection of Alexander Avenue as at this point pedestrians may decide to continue on Cobram Street or turn onto Alexander Avenue. This section along Cobram Street has also been identified on the Berrigan Pedestrian Access and Mobility Plan adopted by Council on the 16th of July, 2014.

Items requiring Council Resolution

5.5 HALF COST SCHEME 02/16/17 KERB AND GUTTER CONSTRUCTION DEAN STREET, TOCUMWAL (EAST SIDE, HILL STREET TO GEORGE STREET)

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.167.4 & HCS 02/16/17

RECOMMENDATION: - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Dean Street, Tocumwal (East Side) between Hill Street and George Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 02/16/17 as set out below:

**SCHEDULE: SCHEME NO. 02/16/17
KERB AND GUTTER CONSTRUCTION - DEAN STREET, TOCUMWAL (EAST SIDE, HILL STREET TO GEORGE STREET)**

Estimated full unit rate is \$120.00 excluding GST per linear metre, inclusive of survey, design, construction and supervision.

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Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$	RMS Cost \$
LOT 19 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 20 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 2 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 1 SEC 3 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 1 DP321047	25.00%	25.14	\$3,620.16	\$905.04	\$90.50	\$995.54	\$905.04	\$1,810.08
LOT 2 DP321047	25.00%	25.15	\$3,621.60	\$905.40	\$90.54	\$995.94	\$905.40	\$1,810.80
LOT 20 SEC 2 DP6464	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
LOT 1 DP530287	25.00%	22.11	\$3,183.84	\$795.96	\$79.60	\$875.56	\$795.96	\$1,591.92
LOT 2 DP530287	25.00%	28.14	\$4,052.16	\$1,013.04	\$101.30	\$1,114.34	\$1,013.04	\$2,026.08
LOT 11 DP555203	25.00%	50.29	\$7,241.76	\$1,810.44	\$181.04	\$1,991.48	\$1,810.44	\$3,620.88
BERRIGAN SHIRE COUNCIL	0.00%	77.72	\$11,191.68	\$0.00	\$0.00	\$0.00	\$5,595.84	\$5,595.84
	TOTAL	480	\$ 69,120.00	\$14,482.08	\$ 1,448.21	\$ 15,930.29	\$ 20,077.92	\$ 34,560.00

Items requiring Council Resolution

REPORT:

Council's 2016/17 Capital Works Program includes the construction of Kerb and Gutter in Dean Street, Tocumwal.

Most of these works were planned to be partially funded from contributions from owners in accordance with Council's policy 'Administration of Contributory Footpath and Kerb and Gutter Schemes pursuant to clauses 217, 218 & 219 of the Roads Act 1993' in the ratios resolved from the Technical Services Committee Meeting Held on the 3rd of August, 2016:

RESOLVED Crs: O'Neill and Morris that in accordance with Council's policy: Administration of contributory footpath and kerb and gutter schemes pursuant to clauses 217,218 & 219 of the Roads Act 1993, a half cost scheme be initiated for the proposed kerb and gutter along Dean Street (east side) from George Street to Hill Street, Tocumwal at a distributed cost in the proportions of:

1. Roads and Maritime Services (RMS) 50% contribution
2. Berrigan Shire Council 25% contribution
3. Affected Property Owners 25% contribution

Affected owners have been advised of the proposed works and contributions in accordance with the policy and asked to advise of their agreement or otherwise to participate in the scheme. The notification advised them that if they did not respond by Friday the 19th August, 2016 for proposed kerb and gutter scheme, it would be assumed that they were in favour of the proposal.

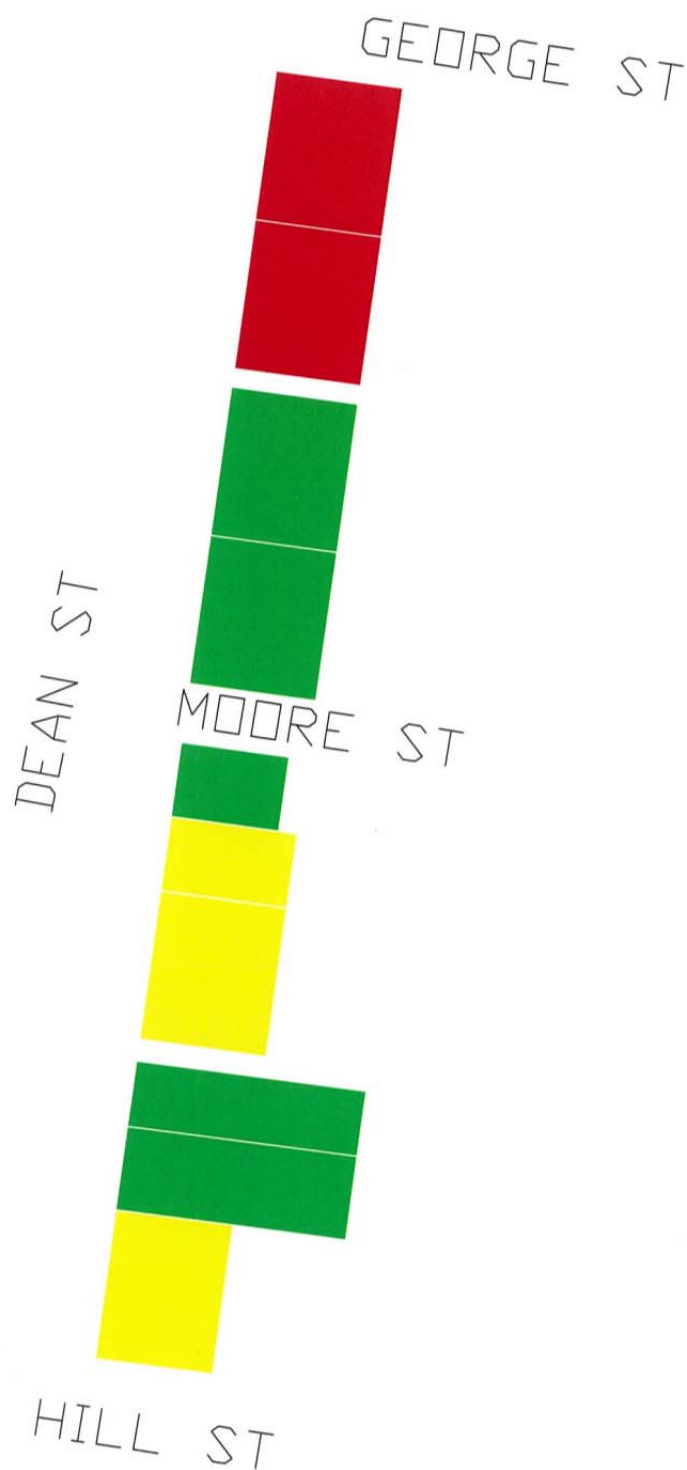
Set out below are the details of scheme 02/16/17 along with a map showing the affected properties. Red shading indicates that the landowner is NOT in agreement. Green shading indicates that the landowner IS in agreement and Yellow shading indicates those that have not responded to the Council's notification letter.

To date there have been 7 responses received, 5 in favour and 2 against (being from the same owner). Copies of objections received are attached as Appendix "B".

A meeting with the affected residents has been requested.

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Items requiring Council Resolution



Items requiring Council Resolution

5.6 HALF COST SCHEME 03/16/17 KERB AND GUTTER CONSTRUCTION JERILDERIE STREET, BERRIGAN – EAST SIDE (HORSFALL STREET TO ORR STREET)

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.167.2 & HCS 03/16/17

RECOMMENDATION: - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Jerilderie Street, Berrigan (East Side) between Horsfall Street and Orr Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 03/16/17 as set out below.

SCHEDULE: SCHEME NO. 03/16/17

K KERB AND GUTTER CONSTRUCTION JERILDERIE STREET, BERRIGAN – EAST SIDE (HORSFALL STREET TO ORR STREET)

Estimated full unit rate is \$120.00 excluding GST per linear metre, inclusive of survey, design, construction and supervision.

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Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$	RMS Cost \$
LOT 1 DP786301	25.00%	25	\$3,000.00	\$750.00	\$75.00	\$825.00	\$750.00	\$1,500.00
LOT 2 DP786301	25.00%	52.47	\$6,296.40	\$1,574.10	\$157.41	\$1,731.51	\$1,574.10	\$3,148.20
LOT 3 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 4 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 5 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 6 SEC 4 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 1 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 2 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 3 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 4 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
LOT 5 SEC 5 DP758097	25.00%	40.22	\$4,826.40	\$1,206.60	\$120.66	\$1,327.26	\$1,206.60	\$2,413.20
BERRIGAN SHIRE COUNCIL	0.00%	97.55	\$11,706.00	\$0.00	\$0.00	\$0.00	\$5,853.00	\$5,853.00
	TOTAL	537	\$64,440.00	\$13,183.50	\$1,318.35	\$14,501.85	\$19,036.50	\$32,220.00

Items requiring Council Resolution

REPORT:

Council's 2016/17 Capital Works Program includes the construction of Kerb and Gutter in Jerilderie Street, Berrigan.

Most of these works were planned to be partially funded from contributions from owners in accordance with Council's policy 'Administration of Contributory Footpath and Kerb and Gutter Schemes pursuant to clauses 217, 218 & 219 of the Roads Act 1993' in the ratios resolved from the Technical Services Committee Meeting held on the 3rd of August, 2016:

RESOLVED Crs: O'Neill and Morris that in accordance with Council's policy: Administration of contributory footpath and kerb and gutter schemes pursuant to clauses 217, 218 & 219 of the Roads Act 1993, a half cost scheme be initiated for the proposed kerb and gutter along Jerilderie Street from Horsfall Street to Orr Street, Berrigan, at a distributed cost in the proportions of:

1. Roads and Maritime Services (RMS) 50% contribution
2. Berrigan Shire Council 25% contribution
3. Affected Property Owners 25% contribution

Affected owners have been advised of the proposed works and contributions in accordance with the policy and asked to advise of their agreement or otherwise to participate in the scheme. The notification advised them that if they did not respond by Friday the 19th August 2016 for proposed kerb and gutter scheme, it would be assumed that they were in favour of the proposal.

Set out below are the details of scheme 03/16/17 along with a map showing the affected properties. Red shading indicates that the landowner is NOT in agreement. Green shading indicates that the landowner IS in agreement and Yellow shading indicates those that have not responded to the Council's notification letter.

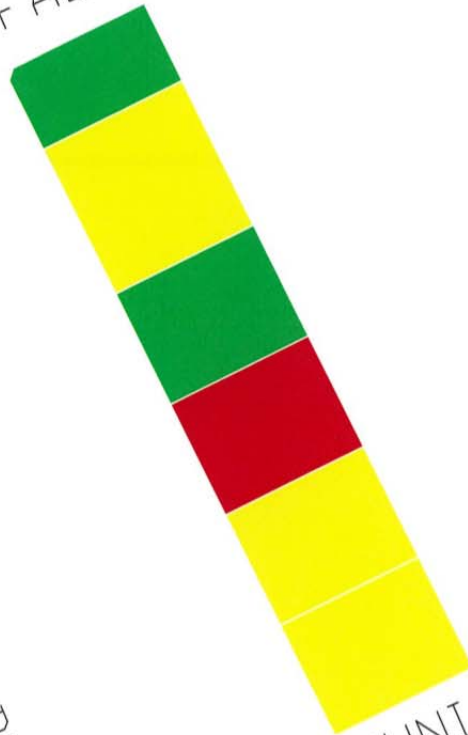
To date there have been 5 responses received, 4 in favour and 1 against. A copy of the objection received is attached as Appendix "C".

A meeting with the affected residents has been requested.

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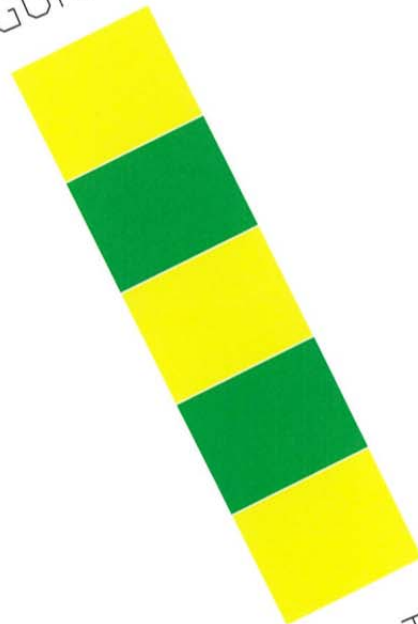
Items requiring Council Resolution

HORSFALL ST



JERILDERIE ST

NANGUNIA ST



ORR ST

Items requiring Council Resolution

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**5.7 HALF COST SCHEME 04/16/17 FOOTPATH
CONSTRUCTION CARTER STREET BERRIGAN
(SOUTH SIDE, JERILDERIE STREET TO
BAROOGA STREET)**

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.167.2 & HCS 04/16/17

RECOMMENDATION: - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of footpath in Cater Street, Berrigan (South Side) between Jerilderie Street and Barooga Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 04/16/17 as set out below.

**SCHEDULE: SCHEME NO. 04/16/17
FOOTPATH CONSTRUCTION CARTER STREET BERRIGAN (SOUTH SIDE,
JERILDERIE STREET TO BAROOGA STREET)**

Estimated full unit rate is \$90.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
LOT 1 DP1146793	25%	13.95	\$1,506.60	\$376.65	\$37.67	\$414.32	\$1,092.29
LOT 2 DP808886	50%	16.00	\$1,728.00	\$864.00	\$86.40	\$950.40	\$777.60
LOT 3 DP1146793	0%	15.12	\$1,632.96	\$0.00	\$0.00	\$0.00	\$1,632.96
LOT 1 DP748872	25%	34.90	\$3,769.20	\$942.30	\$94.23	\$1,036.53	\$2,732.67
LOT 2 DP1146793 9	50%	15.12	1632.96	\$816.48	\$81.65	\$898.13	\$734.83
Road Reserve	0.00%	12	\$1,296.00	\$0.00	\$0.00	\$0.00	\$1,296.00
	TOTAL	107.09	\$ 11,565.72	\$ 2,999.43	\$ 299.94	\$ 3,299.37	\$ 8,266.35

Items requiring Council Resolution

REPORT:

Council's 2016/17 Capital Works Program includes the construction of Footpath in Carter Street, Berrigan.

Most of these works were planned to be partially funded from contributions from owners in accordance with Council's policy 'Administration of Contributory Footpath and Kerb and Gutter Schemes pursuant to clauses 217, 218 & 219 of the Roads Act 1993'.

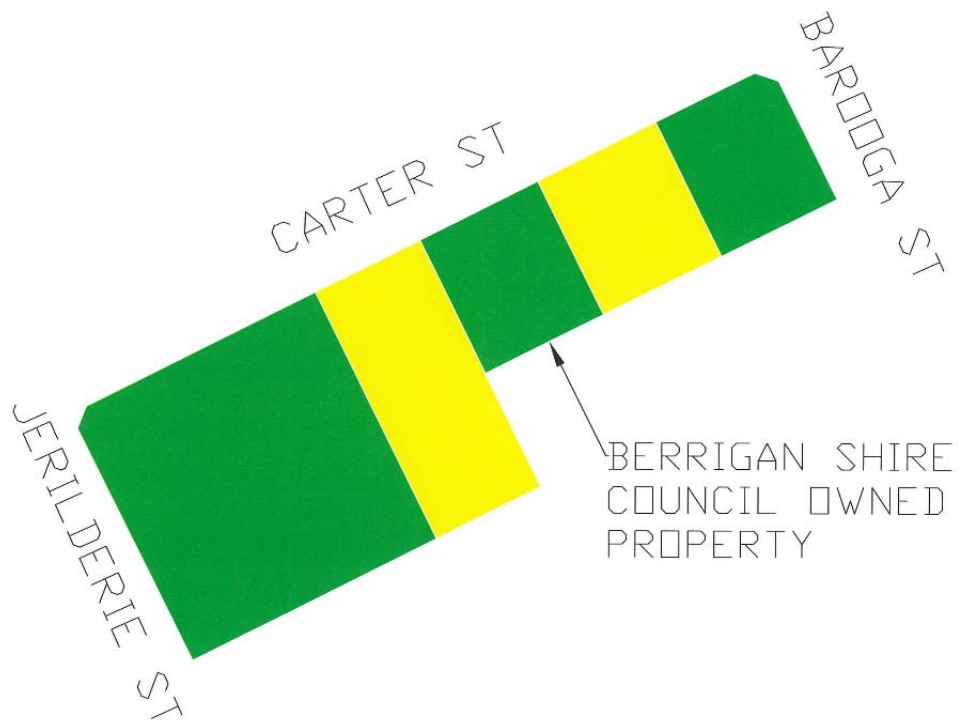
Affected owners have been advised of the proposed works and contributions in accordance with the policy and asked to advise of their agreement or otherwise to participate in the scheme. The notification advised them that if they did not respond by Friday the 9th September, 2016 for proposed footpath scheme, it would be assumed that they were in favour of the proposal.

Set out below are the details of scheme 04/16/17 along with a map showing the affected properties. Red shading indicates that the landowner is NOT in agreement. Green shading indicates that the landowner IS in agreement and Yellow shading indicates those that have not responded to the Council's notification letter.

To date there have been 2 responses received, 2 in favour and 0 against.

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Items requiring Council Resolution



Items requiring Council Resolution

5.8 KERB AND GUTTER CONSTRUCTION JERSEY STREET (EAST SIDE), AND TUPPAL ROAD (SOUTH SIDE), TOCUMWAL BETWEEN THE RAILWAY TRACK AND CHANTER STREET

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: HSC 01-16-17; 03-16-17

RECOMMENDATION:

1. that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy, Council proceed with the construction of kerb and gutter in Jersey Street (East Side), and Tuppal Road (South Side), Tocumwal between the railway track and Chanter Street and make a charge on abutting property owners in accordance with the Schedule for Scheme 01/16/17 as set out below.
2. that the owner lot 9 Sec 38 DP758981 Tocumwal NSW 2714 be given an extension of time for payments from 4 equal payments over 3 years to 7 equal payments over 6 years for the total combined cost of both half cost schemes: HSC 01/16/17 and HSC 03/14/15.

SCHEDULE: SCHEME NO. 01/16/17

KERB AND GUTTER CONSTRUCTION JERSEY STREET (EAST SIDE), AND TUPPAL ROAD (SOUTH SIDE), TOCUMWAL BETWEEN THE RAILWAY TRACK AND CHANTER STREET

Estimated full unit rate is \$120.00 excluding GST per linear metre, inclusive of survey, design, construction and supervision.

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Berrigan Shire Council Business Paper, 21st September, 2016

Items requiring Council Resolution

Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Inc GST \$	Council Cost \$
LOT 9 DP758981	50%	49.71	\$5,965.20	\$2,982.60	\$298.26	\$3,280.86	\$2,982.60
LOT 1 DP344664	25%	50.2	\$6,024.00	\$1,506.00	\$150.60	\$1,656.60	\$4,518.00
LOT A DP346493	25%	50.54	\$6,064.80	\$1,516.20	\$151.62	\$1,667.82	\$4,548.60
LOT 1 DP514751	50%	70.24	\$8,428.80	\$4,214.40	\$421.44	\$4,635.84	\$4,214.40
LOT 2 DP514751	50%	10.1	\$1,212.00	\$606.00	\$60.60	\$666.60	\$606.00
LOT 10 SEC 35 DP758981	50%	50.27	\$6,032.40	\$3,016.20	\$301.62	\$3,317.82	\$3,016.20
LOT 1 SEC 35 DP758981	50%	50.52	\$6,062.40	\$3,031.20	\$303.12	\$3,334.32	\$3,031.20
LOT 7 DP111594	50%	29.83	\$3,579.60	\$1,789.80	\$178.98	\$1,968.78	\$1,789.80
LOT 117 DP752296	25%	22.1	\$2,652.00	\$663.00	\$66.30	\$729.30	\$1,989.00
LOT 117 DP752297	50%	128.6	\$15,432.00	\$7,716.00	\$771.60	\$8,487.60	\$7,716.00
BERRIGAN NSW 2712	0.00%	29.9	\$3,588.00	\$0.00	\$0.00	\$0.00	\$3,588.00
	TOTAL	542.01	\$65,041.20	\$27,041.40	\$2,704.14	\$29,745.54	\$37,999.80

Items requiring Council Resolution

REPORT:

The original budget for the Chanter Street road reconstruction, drainage and kerb and gutter was \$200,333. At the technical services committee meeting held on Wednesday 3rd August, 2016, Council resolved that an additional \$50,000 was to be relocated from the McAllister Street, Finley budget to the Chanter Street, Tocumwal budget. At the time of the meeting the proposed kerb and gutter, drainage and widening was only to extend from Chanter Street to the south side of the most northern driveway on the eastern side of Jersey Street, Tocumwal.

There has been a request from the owner of lot 117 DP752296 Tocumwal NSW 2714 to continue the kerb from Jersey Street around the corner along Tuppal Road (the front of his property). In order to accommodate this addition to the proposed works an additional \$30,000 is required which would include widening the existing spray seal on Tuppal Road. With the additional \$30,000 the total budget for the works on Chanter Street and Jersey Street would be \$280,333. It is recommended the additional funding be taken from the McAllister Street budget.

It is also recommended that the owner lot 9 Sec 38 DP758981 Tocumwal NSW 2714 be given an extension of time for payments as this property owner will be affected by this half cost scheme (01/16/17) and the half cost scheme for Chanter Street (03/14/15). It is recommended that the payment process be amended for this property owner from 4 equal payments over 3 years to 7 equal payments over 6 years of the total combined cost of HSC 01/16/17 and 03/14/15.

There has been no request for a meeting from the property owners.

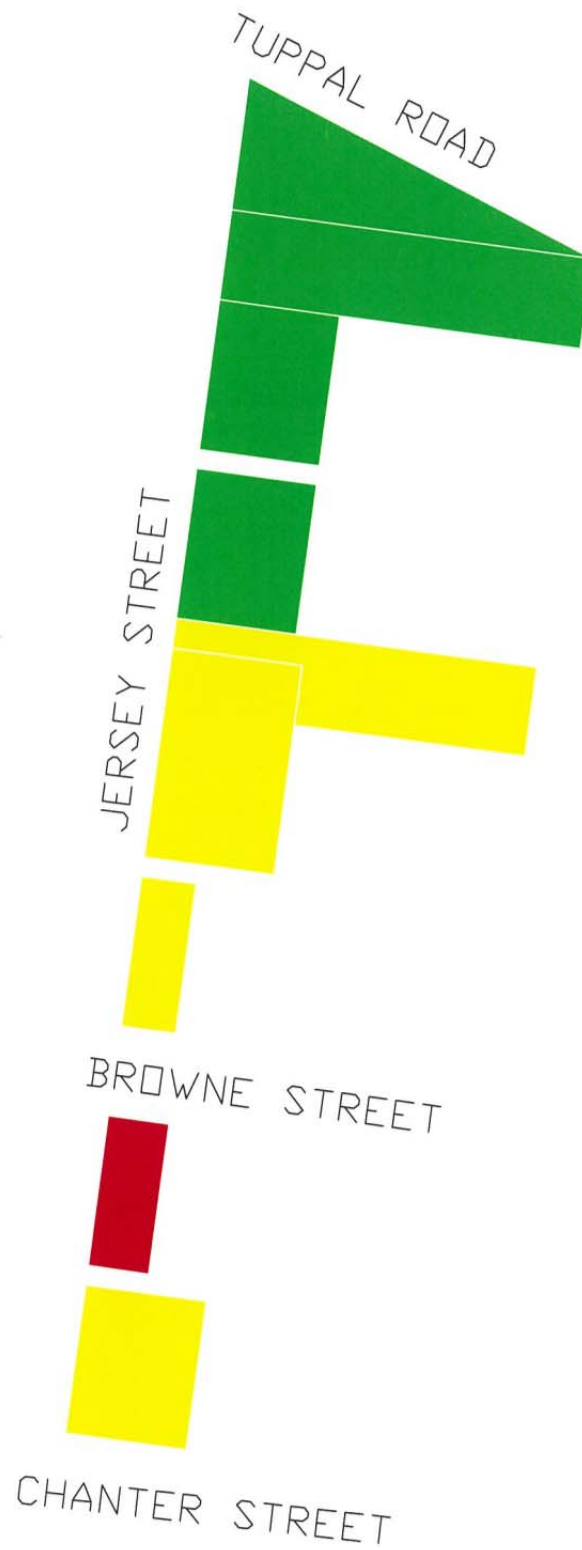
To date there have been 4 written responses received: 3 in favour and 1 opposed. A copy of the written objection is attached in Appendix "D".

Affected owners have been advised of the proposed works and contributions in accordance with the policy and asked to advise of their agreement or otherwise to participate in the scheme. The notification advised them that if they did not respond by Friday the 19th August, 2016 for proposed footpath scheme, it would be assumed that they were in favour of the proposal.

Set out below are the details of scheme HSC 01-16-17 along with a map showing the affected properties. Red shading indicates that the landowner is NOT in agreement. Green shading indicates that the landowner IS in agreement and Yellow shading indicates those that have not responded to the Council's notification letter.

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Items requiring Council Resolution



RESOLUTION

Items requiring Council Resolution

5.9 ANNUAL RETURNS – VOLUNTEER COMMITTEES OF MANAGEMENT

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: 04.074.1

RECOMMENDATION: - that the Council note the annual returns submitted by the following Volunteer Committees of Management

- Barooga Advancement Group
- Barooga Community Botanical Gardens
- Barooga Recreation Reserve
- Berrigan Conservation Group and Tidy Towns
- Berrigan War Memorial Hall
- Berrigan War Memorial Swimming Pool
- Finley Recreation Reserve
- Finley Showgrounds
- Finley War Memorial Hall and School of Arts
- Retreat Hall
- Tocumwal Friends of the Library
- Tocumwal Historic Aerodrome Museum
- Tocumwal Rail Preservation Group
- Tocumwal Swimming Pool

REPORT:

The Council has a range of volunteer committees of management established under s355 of the *Local Government Act* 1993 who provide local government services on behalf of the Council.

These volunteer committees are required to submit an annual return to the Council at the end of every financial year.

The return contains information on the membership of their committee, their income, and expenditure, their assets and other information required for various reports required by the Council's auditors and/or other levels of government.

Committees were given until 31 August 2016 to submit their annual returns.

The table below summarises the financial position of those committees who submitted their return by the due date.

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Items requiring Council Resolution

Committee	Year ending 30/616		Cash and investments 30 June 2016
	Income	Expenditure	
Tocumwal Swimming Pool	\$60,226	\$41,401	\$80,585
Barooga Advancement Group	\$21,122	\$32,991	\$18,635
Barooga Community Botanical Gardens	\$8,710	\$8,020	\$3,113
Barooga Recreation Reserve	\$57,910	\$55,139	\$10,865
Berrigan Conservation Group	\$4,398	\$5,692	\$11,002
Berrigan War Memorial Hall	\$6,966	\$6,426	\$12,038
Berrigan War Memorial Swimming Pool	\$53,201	\$29,032	\$47,859
Finley Recreation Reserve	\$51,149	\$36,557	\$24,780
Finley Showgrounds	\$14,985	\$13,745	\$22,484
Finley War Memorial Hall and School of Arts	\$10,775	\$6,149	\$7,899
Retreat Hall	\$6,750	\$6,324	\$3,984
Tocumwal Friends of the Library	\$1,026	\$1,912	\$2,857
Tocumwal Historic Aerodrome Museum	\$15,003	\$7,470	\$84,344
Tocumwal Rail Preservation Group	\$1,005	\$375	\$3,632

At the time of writing, the following committees have not submitted returns

- Berrigan Shire Youth Development.
- Berrigan Sportsground
- Boomanoomana Landcare Group
- Finley Pioneer Rail Precinct
- Finley Railway Park
- Finley Recreation Reserve
- Finley Second Hand Shop & Community Self Help Group
- Finley Tidy Towns
- Finley War Memorial Swimming Pool
- Fullers Road Landcare Group
- Mary Lawson Wayside Park and Log Cabin Museum
- Native Dog Landcare
- Tocumwal Foreshore Committee
- Tocumwal Historic Aerodrome Museum
- Tocumwal Recreation Reserve
- Tocumwal War Memorial Hall

Reminder letters have been sent to these committees.

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Items requiring Council Resolution

Copies of the submitted returns are available for perusal at the Council administration office.

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Items requiring Council Resolution

**5.10 TOCUMWAL HISTORIC AERODROME MUSEUM
COMMITTEE OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 30.160.3

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Tocumwal Historic Aerodrome Museum Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the TOCUMWAL HISTORIC AERODROME MUSEUM Committee of Management:

President	Bob Brown
Secretary/	Gina Brown
Treasurer	Lea Grant
Committee	David Grant

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

RESOLUTION

Items requiring Council Resolution

5.11 TOCUMWAL SWIMMING POOL COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 26.160.3

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Tocumwal Swimming Pool Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the TOCUMWAL SWIMMING POOL Committee of Management:

President/	Jill Barnett
Secretary	
Treasurer	Lynne Cooper
Committee	Wayne Priestley, Maria Merrington, Kevin McCumstie, Sue Petersen, Penny and Randall Jones, Anne Logie.

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

**5.12 TOCUMWAL FRIENDS OF THE LIBRARY
COMMITTEE OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 03.095.2

RECOMMENDATION: - that the Council:

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

President	Lois Johnson
Secretary	Esther Bryan
Treasurer	Gayle Blakey
Committee	Ann Way, Janice Whitten, Rosita Baker, Josie Johnson, Barbara Davis

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

RESOLUTION

Items requiring Council Resolution

5.13 RETREAT HALL COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 05.101.5

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Retreat Hall Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the RETREAT HALL Committee of Management:

President	Steven Kydd
Secretary	Rosemary Tilley
Treasurer	Kerryanne Kydd
Committee	Stephen Barnes, John Beer, Lorraine Beer, Dorothy Wright, Marg Maxwell, Gill Taylor, Col Taylor, Ruth Kydd

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

**5.14 FINLEY SCHOOL OR ARTS AND WAR MEMORIAL
HALL COMMITTEE OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 05.101.3

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Finley School of Arts and War Memorial Hall Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY SCHOOL OF ARTS AND WAR MEMORIAL HALL Committee of Management:

President	Ross Whittaker
Secretary	Jan Gray
Treasurer	Ross Whittaker
Committee	Robyn Purves, Helen Armstrong, Noel and Fran Avard, Heather Davis, Christine Lawlor, Ted Gray, Jim Sibraa

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

RESOLUTION

Items requiring Council Resolution

**5.15 FINLEY SHOWGROUNDS AND SPORTING
COMPLEX COMMITTEE OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 21.101.8

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Finley Showgrounds and Sporting Complex Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY SHOWGROUNDS AND SPORTING COMPLEX Committee of Management:

President	Bill Rowlands
Secretary	Carol Kennedy
Treasurer	Carol Kennedy
Committee	Matt Mueller, Trent Royston, Keith Kennedy, David Webb, Gordon Close, Graeme Fisher, Ros Gustin, Kerry Lund, Roger Sutton, Tim Pryse

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

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

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 26.160.1

RECOMMENDATION: - 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
Secretary	Doris Fowler
Treasurer	Jude Lawrence
Committee	Peter Cobb, Barbara Fox, Gayle Andreskie, Tom Pyle, Heather Pyle, Gary Lehre

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

RESOLUTION

Items requiring Council Resolution

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

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 05.101.1

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Berrigan War Memorial Hall Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BERRIGAN WAR MEMORIAL HALL Committee of Management:

President	Neville Dalgliesh
Secretary	Ian Rendell
Treasurer	Bruce Rendell
Committee	Barry and Marnie Steer, Steve Malcolm

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

**5.18 BERRIGAN CONSERVATION AND TIDY TOWN
COMMITTEE OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 11.128.1

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Berrigan Conservation 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 AND TIDY TOWN Committee of Management:

President	Mark Ryan
Secretary	Carol Cottam
Treasurer	Jude Lawrence
Committee	Maree Ryan, Robin Cobb, Peter Cobb, Jiquette Sloan, Clara Way, Robert Way, Christina Renneberg, John Lane, Leigh Rogers, Andrea O'Neil, Carla Von Brockhusen, Alan Lawrence, David Batten

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

5.19 BAROOGA RECREATION RESERVE COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 21.101.2

RECOMMENDATION: - 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 BAROOGA RECREATION RESERVE Committee of Management:

President	Ray Nye
Secretary/ Treasurer	Michael O'Dwyer
Committee	Max Steward, Wes Sutton, Ben O'Dwyer, Sheilah Keamy, Dub Kruz, Kristie Primmer, Jordan Flanagan, Tania Poole, Tim Nolan, Vince Ballerini

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

**5.20 BAROOGA COMMUNITY BOTANICAL GARDENS
COMMITTEE OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 21.101.1

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Barooga Community Botanical Gardens Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the BAROOGA COMMUNITY BOTANICAL GARDENS Committee of Management:

President	Lynn Knight
Secretary	Ruth Burnett
Treasurer	Murray Burnett
Committee	Jan Cullen, Ray Wright, Wendy Wright, C Wigg, I Twigg, M Nixon, G Brentnall, G Backhouse

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

RESOLUTION

Items requiring Council Resolution

**5.21 BAROOGA ADVANCEMENT GROUP COMMITTEE
OF MANAGEMENT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of
Council operations and reporting

FILE NO: 02.036.1

RECOMMENDATION: - 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 BAROOGA ADVANCEMENT GROUP Committee of Management:

President	Darrell Bowden
Secretary	Neil Duffield
Treasurer	Nicole Foster
Committee	Natasha Bignell, Barry Kennedy, Sue Kennedy, Tom Sagers, Jennifer Small, Bob Davis, Lyn thatcher, Dennis thatcher, Lyn Mountney, Jackie Klaver, Trevor Ellison, Mel Bowden, Lee May, Ian Yeaman, Sheila Duffield, Lyn Woodhead

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

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Items requiring Council Resolution

5.22 FINLEY RECREATION RESERVE COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Finley Recreation Reserve Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY RECREATION RESERVE Committee of Management:

President	Barry Dawe
Secretary	Matt Whitty
Treasurer	Paul Evans
Committee	Russell Anderson, Rick Gardiner, Pat Kelly, Russell Anderson, Chris Shaw, Helen Lewis, Lynda Whiley, Ashley Haynes, Lindsay Donkin, Amanda Lyons, Michael Archer, Paul Evans

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

RESOLUTION

Items requiring Council Resolution

5.23 FINLEY SCHOOL OF ARTS UPGRADE

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: 05.101.3

RECOMMENDATION: - that the Council accept the quotation provided by GPG Architecture and Design to provide design documentation and project management for the redevelopment of the Finley School of Arts at an estimated cost of \$73,240

REPORT:

At its ordinary meeting on 17 August 2016, the Council resolved that:

that Council defer consideration of the Finley School of Arts upgrade until the September 2016 Council meeting.

In line with that resolution, a report on the Finley School of Arts upgrade is below.

Background

At its ordinary meeting on 15 June 2016, the Council resolved that:

subject to receipt of a grant of \$200,000, the Council proceed to develop the Finley School of Arts in accordance with the concept plan set out below and further that ... the Council engage GPG Architecture and Design to prepare detailed construction plans and specifications satisfactory to implement construction of the concept and suitable to call tenders for the construction with GPG Architecture and Design to supervise the construction by the successful tenderer.

To this end, the Council provided GPG Architecture and Design with a brief – based on their earlier concept plan – to quote for the project, including:

1. Detailed design drawings and specifications
2. Preparation and lodgement of a development application
3. Administration of the tender process
4. Administration of the construction contract

GPG Architecture has submitted a quotation based on a Contract Sum estimate of \$480,000 plus GST. This would include one (1) site visit per month for six months.

As well as the items listed above, GPG have also quoted on:

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1. Additional structural investigations – site inspection and report
2. Quantity surveyor progress reporting
3. Post tender items – Mechanical, Electrical and Hydraulic

Total cost for all the above from GPG is \$73,240.

GPG have also provided a suggested project timeframe which would see the project completed by the end of July 2017 – subject to no unexpected delays with development consent and/or tendering. This may be pushed out slightly as a result of the Council's decision in August to defer a decision on accepting their quote.

Note that at the time of writing the decision on the Council's application for funding under the ClubGrants Category 3 funding program has not been received by the Council, although one was expected in August. Until a decision on funding is made, the Council is unable to progress the project.

Options

The Council may consider the following options:

1. Accept the quotation as provided

The Council put forward a proposal for the redevelopment of the School of Arts site, consulted widely with the Berrigan Shire community about the proposal and modified the proposal after consideration of feedback from the community.

This would allow the project to progress as quickly as possible, in line with the Council's earlier resolution. This of course depends on the success of the Council's funding application as well.

2. Defer a decision until the result of the grant application is known

The result of the Council's funding application under ClubGrants Category 3 funding program is still unknown and no indication of a likely announcement date has been provided. That said, Council staff consider the application to be a strong one and with a reasonable chance of success.

Without the ClubGrants funding for the project, the Council will need to reconsider its funding model for the project to find an additional \$200,000.

On the other hand, work on the design and documentation for the project would still be able to be used no matter the funding method determined by the Council – subject to the scope of works not significantly changing

3. Seek further quotes

The Council has only sought one quote for the design and documentation works, as GPG Architecture have been involved with the project from its early days and have a

Items requiring Council Resolution

thorough understanding of the brief and the constraints –such as heritage etc. – associated with the project.

The Council may wish to seek further quotes from other firms. This may delay the project while those quotes are sought and a new firm is brought up to speed with the brief.

4. Modify and/or decide not to proceed with the proposed works

The Council may if it wishes, decide not to proceed with the proposed works or substantially modify the project, and therefore not accept the quote provided.

A decision of this nature would necessarily mean negotiating any changes and/or declining any funding that may be offered under the ClubGrants Category 3 funding program.

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Items requiring Council Resolution

5.24 MURRAY DARLING ASSOCIATION ANNUAL CONFERENCE

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 11.106.2

RECOMMENDATION: - that Councillors and attend the Murray Darling Association Annual Conference at Dubbo on 26th and 27th October 2016.

REPORT:

The Council is a member of the Murray Darling Association. The Association has the following origin and purpose and objectives:

ORIGIN AND PURPOSE

- The Association was formed by Local Government and recognises its special relationship with Local Government. The continuing support of Local Government is central to achieving the objectives of the Association.
- The Association recognises the Murray-Darling Basin as its focus and seeks to ensure that the environmental integrity of the Basin is conserved and protected while sustainable development is encouraged.
- The Association believes that Local Government has a major role in natural resource management and the Association will assist local government irrespective of political boundaries
- The Association is a focus for community participation in the Basin and will provide information, facilitate debate and seek to influence the policies of governments.

OBJECTIVES

- The objectives of the Association are:
- To promote the right balance between consumptive use and water for the environment.
- To promote sustainable development.
- To recognise the social values of the Basin and ensure they are maintained.

RESOLUTION

Items requiring Council Resolution

- To engage in partnerships with bodies who undertake relevant research projects.
- To support educational initiatives that promotes and develops the Basin.
- To maintain and develop good relations with governments the Association will:
- Co-operate with and assist the Commonwealth Government and Governments of the Australian Capital Territory, New South Wales, Queensland, South Australia and Victoria in any action, which will, in the Association's opinion, advance the development of the Murray-Darling Basin.

The Council is a long standing member of the Association and its predecessor the Murray Valley League.

It has been the Council's past practice to have its two appointed delegates to the Association attend its Annual Conference. These delegates will most likely have been appointed at the Statutory meeting held before the ordinary Council meeting.

The theme of this year's conference is "Local Government – The Voice of the Basin".

The Council hosted the 2015 Annual Conference.

Registration costs for the Annual Conference are:

- | | |
|-------------------|-------|
| • Registration | \$450 |
| • Civic Reception | \$80 |
| • Study Tour | \$120 |

Travel, sustenance and accommodation are additional. Any expenses associated with partner attendance are a personal expense.

A copy of the Annual Conference program is circulated with this agenda as Appendix "E".

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Items requiring Council Resolution

5.25 ROAD CLOSURE

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 28.152.1

RECOMMENDATION: - that the Council supports the closure of the lane and that the Council:

1. Submit an application to NSW Department of Primary Industries – Lands to close the road.
2. Upon closure and creation of title to the land that Council transfer the land to the adjoining owner at current market value.
3. Advise the applicant that all costs associated with the road closure are to be met prior to the transfer of the land.

REPORT:

Council is in receipt of an application to close an unused section of a lane off Jersey Street, Tocumwal to enable further development of the land to proceed. (See Appendix “F”)

The land initially enabled access to the rail reserve and bisects the existing property. As indicated in Appendix “F” The hatched section is classified as a public road and the section highlighted in red is identified as a Crown Road. The owner of the surrounding property has applied to the NSW Department of Industry - Lands to close this section of the road to facilitate the further development of the land.

As Council may be aware a developer is negotiating with the property owner to re-develop the old flour mill and silos and to subdivide and consolidate the land. (See Appendix “F”) In addition the owner of the land wishes to extend the existing shed, as indicated in appendix “F”, to provide additional working space for the current tenants’ business.

The small section of public road has never been constructed, no Council funds have been expended, no services encumber the land and it is not required for future access purposes.

It is considered that the land is suitable for closure and disposal. Should this proposal be supported the Council would be required to submit an application to the NSW Department of Industry – Lands for the closure. Fees associated with the closure will need to be the responsibility of the applicant. Should the road be closed, it would be granted separate title and the land would be vested in Council as

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operational land which could then be disposed of to the applicant as current market value.

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Items requiring Council Resolution

5.26 ROAD CLOSURE

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 28.152.1

RECOMMENDATION: - that the Council supports the closure of Wores Hill Road and that the Council:

1. Submit an application to the NSW Department of Primary Industries – Lands to formally close the road.
2. Upon the creation of title the land be transferred to the adjoining property owner at current market value.
3. Advise the applicant that all costs associated with the closure of the road are to be met prior to the transfer of the land.

REPORT:

Council is in receipt of an application to close Wores Hill Road, Barooga. The road extends east from Sandfords Road for a distance of 1.1km and connects to Crown land in the vicinity of Mt Gwynne. (See Appendix “G”)

The road bisects a rural property and is generally a property access driveway to a dwelling located on the property. (See Appendix “G”) Whilst the road has the status of a public road and is signposted as such it is noted that it is closed to traffic due to a gate being installed at the entrance to the road from Sandfords Road. Council has undertaken sporadic maintenance grading of the road over some years.

It should be noted that the owner of the adjoining land has been in discussions with Council regarding the potential development of the property which has the potential for further expansion which may encroach the road reserve. The development of the land would require the upgrading of the road at the developers cost however the subsequent maintenance that would be required to be undertaken could be a further burden to Council in the future.

The eastern section of the road is unconstructed and, while providing access to the Crown land, has not been utilised for this purpose for many years. Access to the Crown land is also available from the east via Yarrawonga road and the closure of Wores Hill Road would not alienate this land.

It is considered that the proposed road closure would be appropriate given the road is currently only utilised as a property access track and there are no benefits accruing to the Council or the public in retaining the road.

RESOLUTION

Items requiring Council Resolution

5.27 SERVICE PRESENTATION AWARDS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 22.017.1

RECOMMENDATION: - that the Council:

- hold its annual service presentation awards event on Thursday 17th November 2016 at Berrigan Sportsground; and
- 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:

REPORT:

The Council annually conduct an event to recognize long service by Councillors and staff. The event is usually held mid November and coincides with a general staff training day held prior to the awards.

It is proposed to conduct the general staff training day on Thursday 17th November 2016 and staff are seeking to formalise the Councils continuing support for the service awards and the actual date of any such awards.

The service awards reflect milestones of 5, 10, 15 years etc

The awards component of the day would commence at approximately 3.30 pm

For the service awards component of the day the Council usually suspends its Drug and Alcohol Free Workplace Policy and provides drinks for approximately 1.5 – 2 hours.

RESOLUTION

Items requiring Council Resolution

5.28 LGNSW ANNUAL CONFERENCE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.3 Strengthen strategic relationships and partnerships with community, business and government

FILE NO: 14.165.7

RECOMMENDATION: - that the Council authorize attendance at the 2016 LGNSW Annual conference by the Mayor, Deputy Mayor, Cr and the General Manager

REPORT:

The Council, like most NSW Councils is a member of Local Government NSW (LGNSW). LGNSW is the peak local government body in NSW and broadly represents the interest of NSW Councils to other levels of government.

LGNSW also provides training and industrial services to Councils.

LGNSW was formed by the amalgamation of the former Shires Association and Local Government Association which broadly represented the interests of Rural and urban Councils respectively although they shared a central administration.

LGNSW hold an annual conference in October each year which rotates between urban and regional venues.

The relevant Council policy presently provides for attendance at the conference by the Mayor, Deputy Mayor and the General Manager and one other Councillor that has not previously attended the conference.

This year's conference will be held at Wollongong on Monday 17th and Tuesday 18th October 2016. Given the location the most effective means of travel will be by car leaving on Sunday 16th and returning on Wednesday 19th October 2016.

Registration costs etc for the event are:

- Full registration \$999

Travel, sustenance and accommodation are additional.

Partners attending are a personal expense and relevant registration costs would be:

Presidents reception \$77

RESOLUTION

Items requiring Council Resolution

Conference dinner \$154

NSW Reconciliation Council breakfast \$55

ALGWA Breakfast \$55

Whilst accommodation has been booked, staff are seeking confirmation of continued application of the Council's existing policy regarding attendance at the conference and if is the case the nomination of a relevant Councillor to also attend.

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Items requiring Council Resolution

5.29 OAM HONOUR BOARD

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2022 objective and strategies inform Council planning and community led projects

FILE NO: 02.023.3

RECOMMENDATION: - the direction of the Council is sought

REPORT:

At the August 2016 Council meeting it was resolved to the effect that staff investigate another honour board for display in the Council Chambers to record those members of the community that have received Order of Australia Medals.

The cost of a similar honour board to those that already exist is \$660 installed but with no allowance for lettering. A total cost of about \$1,000 would be indicative.

In considering the issue several obvious questions arise which are:

Is the Council looking to recognise those that have received OAM's and what of recipients of other awards? There are about 115 available awards in total some obviously with more relevance than others.

There are 21 recipients of OAM's listed for the Council area and an unknown number of recipients of all awards.

Secondly, the Council's existing honour boards reflects its Mayors and its own Citizen and Junior Citizen of the Year awards so is it appropriate to reflect awards issued by others?

RESOLUTION

Items requiring Council Resolution

5.30 COUNCIL MEETINGS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 13.044.1

RECOMMENDATION: - that the Council continue with its practice of holding its Ordinary meetings at 9.15 am on the third Wednesday of the month, such meetings to be preceded by 'question time' at 9.00 am and that where required, Committee meetings be held commencing at 9.00 am on the Wednesday, 14 days before the ordinary Council meeting.

REPORT:

With the commencement of the new Council some consideration should be given to the timing of the conduct of Council and Committee meetings.

Consideration of this matter basically falls into two parts, that is, what day and at what time.

The time issue is largely one for the Council to consider as Officers have no preference whether it be morning, afternoon or evening.

It is clear some individual Councillors prefer different times, however, the Council has previously preferred early morning meetings whether that be for Council or Committees.

From the public perspective, day meetings tend to suit those with flexible or no work arrangements whilst those with consistent daytime work obviously prefer evenings.

In relation to the day of the week, the Wednesday was originally selected as it suited the local press that compiles its paper on Tuesdays and also allowed for Win TV coverage as it tended to come to the area on Fridays, i.e. for a report from the Council meeting.

Mondays are generally excluded as meeting days due to the number of public holidays which require alteration to meeting dates.

Fridays, whilst possible are not the easiest day due to production of weekly issues, Bulletin Board and the delay in producing Minutes etc.

Given the above, Tuesday, Wednesday and Thursday appear to be the best days.

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Committee meetings can be held on any day prior to the Council meeting, provided that adequate time is allowed to produce minutes and produce recommendations in the Council meeting agenda. Comments made regarding the time and day of Council meetings applies equally to the Committee meetings.

The proposed Committee meeting day provides a regular quarterly clash with meeting of Riverina And Murray Regional Organisation of Councils (RAMROC) although the future of that organization in doubt and the proposed formation of Joint Organizations this could be accepted at this time..

The recommendation reflects the status quo.

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Items requiring Council Resolution

5.31 MASSIVE MURRAY PADDLE

AUTHOR: Economic Development Officer

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO: 08.063.1

RECOMMENDATION: - that Council grants the 2016 Massive Murray Paddle \$5000 from the Major Events Fund.

REPORT:

Sydney Kayaks has requested \$5000 from the major event funding pool to assist in the marketing and promotion of the rebranded Murray River marathon – now known as the Massive Murray Paddle, an iconic river event since its inception in 1969. Sydney Kayaks have assumed ownership of the event however it still remains a fundraising event that will be run under a similar model to the Sydney City to Surf. Entrants will pay an entry fee but will also raise funds for their own nominated cause or charity.

Background: The Australian Red Cross ran the Murray Marathon for 40 years and in 2008 announced that was ending its association with the event after 8 years of falling competitor numbers. The YMCA took over the event in 2008 however in 2012, YMCA Victoria responded to continued falling participation by commissioning research into the sustainability of the event. Based on the recommendations of this research YMCA Victoria:

- a) Re-branded the event
- b) Changed the scheduling of the event from the Xmas New Year period to early November
- c) Increased entry fees; and
- d) Partnered with the region's Visitor Information Centres regarding the coordination of accommodation bookings.
- e) Planned to seek other major sponsors

Despite the changes the numbers participating in the event in 2013 and 2014 remained static. In seeking more corporate sponsorship the YMCA developed a partnership in 2015 with Sydney Kayaks and relinquished the event to them at the conclusion of the 2015 event. Sydney Kayaks is now introducing this event to a new cohort in Sydney and is also marketing the Murray River as Australia's premier kayaking destination.

This is an event that receives considerable media coverage and the national media coverage of this event is of benefit to Berrigan Shire.

The Massive Murray Paddle runs from Yarrawonga to Swan Hill over 5 days in November. Significantly for Council, Sydney Kayaks is promoting Tocumwal as a two

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night option for competitors and their team rather than one night in Yarrawonga and the second night in Tocumwal.

(Please note that the economic modelling below is assessed over a 2 day stay in Tocumwal and not the entirety of the event)

Event Impact Summary

Berrigan Shire - Massive Murray Paddle - Modelling the effect of \$209,190 from a Sports and Recreation Activities event with State significance					
	Output (\$)	Value-added (\$)	Wages & salaries (\$)	Employment (annual FTE)	Resident Jobs (annual FTE)
Direct impact	167,352	83,653	54,738	2.0	
Industrial impact	25,643	9,546	6,608	0.1	
Consumption impact	154,931	70,878	49,254	0.9	
Total impact on Berrigan Shire economy	347,926	164,077	110,600	3.0	2.6

Source: [National Institute of Economic and Industry Research \(NIEIR\)](#) ©2015. Compiled and presented in economy.id by [.id](#), the population experts. Note: All \$ values are expressed in 2012-13 base year dollar terms.



The proposed Massive Murray Paddle event is planned to start on the 21/11/2016 and run for 2 days. It is an event of State significance and is estimated to attract 1101 visitors per day over the 2 days, with an average spend per person per day of \$95. This equals a total visitor spend of \$209,190 attributed to this event. Assuming the event will be held in Berrigan Shire, it is calculated to have the following potential impact:

Impact on Output

The total visitor spend of \$209,190 attributed to staging the Massive Murray Paddle would lead to a direct impact on output of \$167,352. This additional direct output from the economy would also lead to an increase in indirect demand for intermediate goods and services across related industry sectors. These indirect industrial impacts (Type 1) are estimated to be an additional \$25,643 in Output.

There would be an additional contribution to Berrigan Shire economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in Output of \$154,931.

The combination of all direct, industrial and consumption effects would result in total estimated rise in Output of \$347,926 in Berrigan Shire economy.

Impact on Value add and GRP

The impact of an additional of \$209,190 spend to the local economy as a result of running Massive Murray Paddle in Berrigan Shire would lead to a corresponding direct increase in Value-added of \$83,653. A further \$9,546 in Value-added would be generated from related intermediate industries.

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There would be an additional contribution to Berrigan Shire economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in Value-added of \$70,878.

The combination of all direct, industrial and consumption effects would result in an estimated addition in Value-added of \$164,077 in Berrigan Shire economy.

Value-added by industry represents the industry component of Gross Regional Product (GRP). The impact on Berrigan Shire's GRP as a result of staging this event is directly equivalent to the change in Value-added outlined above.

In summary, GRP in Berrigan Shire is estimated to increase by \$164,077.

Impact on Employment (jobs, 12mth FTE)

The employment impact of an event is expressed in Full Time Equivalent (FTE) jobs. For example, an event that generates 4 weeks of full time work for 13 people (52 weeks of full time work in total), would have an employment impact equivalent to 1.0 annual FTE job.

The direct addition of \$209,190 spend to the local economy as a result of staging the Massive Murray Paddle event in Berrigan Shire is estimated to lead to a corresponding direct increase of employment equivalent to 2.0 annual FTE jobs across a range of industries. From this direct expansion in the economy it is anticipated that there would be flow on effects into other related intermediate industries, creating an additional employment equivalent to 0.1 annual FTE jobs.

This addition of employment in the local economy would lead to a corresponding increase in wages and salaries, a proportion of which would be spent on local goods and services, creating a further increase equivalent to 0.9 annual FTE jobs through consumption impacts.

The combination of all direct, industrial and consumption effects would result in a total estimated increase of employment equivalent to 3.0 annual FTE jobs located in Berrigan Shire.

Discussion

In the past, the Berrigan Shire Council has provided funding to the Murray River Marathon through its agreement with the *Tocumwal on the Murray Tourism Board* (TMTB). The last time that funding was granted by the TMTB to YMCA Victoria was for the 2009 event.

Since 2009, Council has provided in-kind support related to participants and supporters use of the Tocumwal Foreshore reserve and its facilities. Council has also assisted with grading tracks into checkpoints. In 2015 Council granted \$5000.00 funding to the YMCA for the event.

The funding application is appendix "H".

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Items requiring Council Resolution

5.32 COUNCILLOR INDUCTIONS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 13.055.1

RECOMMENDATION: - that the Council commence an induction program for Councillors with such inductions to be held on Wednesday, commencing on 28th September 2016, between 5.00pm and 7.00 pm unless on a normal Council or Committee meeting day where they will be held at the conclusion of that meeting.

REPORT:

With the election of the new Council it is imperative that individual Councillors be inducted into the local government, generally, Berrigan Council operation etc as soon as possible.

It is recognized that there will be both returning and new Councillors and therefore differing knowledge levels however the proposed induction will be of benefit for all.

In the past these induction programs have operated over a 6 – 7 week period and typically address:

- Councillor roles and responsibilities
- Staff roles and responsibilities
- Local Government Act and other key statutory legislation
- Key obligations and controls
- Integrated Planning and Reporting including Community Strategic Plan, budgeting, asset management etc
- Development controls and Local Environmental Plan
- Key issues and opportunities
- Current projects
- Reform of local government

These sessions will be complimented by specific training and development opportunities both in house and through external providers over the life of the Council.

The induction sessions also provide an opportunity to meet with key Council staff.

RESOLUTION

Items requiring Council Resolution

As a separate issue, training and induction will be provided to relevant Councillors in relation to the Council's information systems and how to access these and use relevant Council provided equipment.

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Items requiring Council Resolution

5.33 AUSTRALIAN AVIATION HALL OF FAME

AUTHOR: Economic Development Officer

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy

FILE NO: 08.094.2

RECOMMENDATION: - that the Council submit an Expression of Interest to the Australian Aviation Hall of Fame regarding their possible location in Tocumwal.

REPORT:

Correspondence from the Australian Aviation Hall of Fame (AAHF) asking the Council to consider submitting an Expression of Interest to locate the Australian Aviation Hall of Fame in Tocumwal.

The Australian Aviation Hall of Fame was launched in 2010 as an initiative of the Australian aviation industry with the express purpose of honouring the many Australians, both individuals and organizations, who have made outstanding contributions to civil aviation. The mission of the association is to educate and inspire younger generations about aviation.

The association envisions that the building that houses the Hall of Fame will be funded by State and/or Federal grants, that local government could possibly assist with making land available or developing partnerships and that the AAHF would be responsible for the internal fit out and ongoing operational aspect of the facility. The Hall of Fame is currently based in Wagga Wagga where they have issues of distance from the city and being an isolated entity. The association has suggested that colocation with another drawcard is an appealing option.

Tocumwal has a very significant WW2 aviation history that is well documented in the collection of memorabilia at the Tocumwal Historic Aerodrome Museum currently housed in the Tocumwal Bowls Club. The museums tenure at the Bowls Club is limited due to impending redevelopment of the site. It is well known that Bob Brown has done an exceptional job in protecting and interpreting the Aerodrome history however Bob recognizes that the collection is in need of professional curation and also needs a permanent exhibition space that includes fulltime onsite staff member(s). Allowing public access to this unique piece of Australian history is of great importance however, the issue for the museum is how to adequately and sustainably staff such an exhibit.

There is the potential for a strong relationship between the Australian Aviation Hall of Fame and the Tocumwal Aerodrome Museum.

RESOLUTION

Items requiring Council Resolution

The Australian Aviation Hall of Fame is looking for a site to locate their exhibition and there are possibilities around Tocumwal including the Tocumwal Golf and Bowls Club and the Tocumwal Historic Aerodrome. Discussion has taken place with the Tocumwal Golf and Bowls Club who have indicated they would be interested in supporting an initial expression of interest. A further possibility would be to offer access to land at the Tocumwal Aerodrome.

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Items requiring Council Resolution

5.34 REVIEW OF POLICIES, CODES ETC

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the General Manager place before the Council over the next 10 months the following for review:

1. Delegations to the General Manager and other organisations, Committees etc.
2. Code of Conduct
3. Code of Meeting Practice
4. Community Strategic Plan and supporting plans
5. Strategic and business plans
6. Organizational structure
7. Council Policies
8. Payment of Expenses and provision of Facilities Policy

REPORT:

Following an election of a Council the Council is required to review certain items and it is also considered prudent to review others as both inform the Council of existing practices etc and also provide an opportunity for review.

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Items requiring Council Resolution

**5.35 VARIATION OF DEVELOPMENT STANDARD
CONTAINED IN BERRIGAN DEVELOPMENT
CONTROL PLAN 2014 – DA 12/17/DA/D1**

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO:

RECOMMENDATION: - that the Council not support the variation to Berrigan Development Control Plan 2014 and refuse Development Application No. 12/17/DA/D1 for the construction of a brick veneer dwelling & attached garage, as recommended in Item 6.7 of the Agenda of the Ordinary Council meeting held on the 17th August 2016, as the development proposal fails to meet the objectives and controls contained within that Plan.

Division:

In favour

Against

REPORT:

At the Ordinary Council Meeting held on Wednesday 17th August, 2016 it was resolved to defer consideration of Development Application 12/17/DA/D1 - construction of a brick veneer dwelling & attached garage pending receipt of further information. A copy of the August report is attached in Appendix "I".

The builders, acting on behalf of the property owners, provided a number of additional comments regarding the development as well as an amended site plan which is attached as Appendix "J".

At question are the objectives and controls contained in the Berrigan Development Control Plan 2014(DCP) which relate to residential development within the Shire. Chapter 2 – Residential Development, contains a number of controls whose purpose is to create well designed residential environments for current and future residents.

Some of the specific objectives of the controls include:

- To provide for a variety of residential developments that caters for the housing needs of local residents.
- Encourage dwelling design that has minimal impact on adjoining neighbours.
- Ensure that residential buildings offer visual interest and variety in their appearance and style.
- Ensure that new residential development is consistent and compatible with the desired form and density of an area.

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Items requiring Council Resolution

The controls are expressed firstly as the objective Council is seeking for residential development and secondly the development controls considered by Council to deliver these outcomes. In exceptional circumstances Council may consider a variance to a development control but only where the applicant has demonstrated in writing and/or with plans that the objective can still be achieved.

Part 2.1 Neighbourhood character - includes the following objectives:

- Provide for a mix of compatible dwelling types.
- Create aesthetically pleasing neighbourhoods.
- Residential areas providing high levels of amenity.

The controls include:

- The design of residential development is to suit the existing scale, density, setbacks and character of the neighbourhood.

Part 2.2 Streetscape – includes the following objectives:

- Residential development that makes a positive contribution to the streetscape.
- The provision of passive surveillance to the street.
- The integration of new development into the streetscape and neighbourhood.

The controls include:

- Dwellings are to “face” the primary street frontage.

Part 2.5 Building setbacks – includes the following objectives:

- Attractive streetscapes through consistency in front building setbacks.
- The maintenance of existing character in residential areas.

The controls include:

- A dwelling must have a minimum building line setback from the front (primary) property boundary of;
 - The average setback of the dwelling houses adjoining the subject allotment or a minimum of 4.5m.
- Garages should not extend forward of the front building line. Where the front building setback is less than 6m, any garage must be setback a minimum of 1 metre behind the building setback.

It should be noted that the DCP states that ‘in applying the development controls to a particular development proposal, both the general and specific development controls to that particular type of development are applicable. Where there is a conflict between a general and a specific development control, the specific development control shall apply to the extent of any inconsistency’.

The issue regarding this particular development proposal is that the garage attached to the dwelling is located 6m forward of the main building line therefore fails to meet the objectives and controls contained in the DCP as outlined above.

The submission received by Council in regard to this deferred matter indicates that the dwelling has been setback a further 1m therefore it will be situated 6m from the front boundary instead of 5m which will reduce the impact minimally.

Items requiring Council Resolution

The submission also raised a number of other points which, while they are commendable in relation to the design of the internal configuration and provision of a variety of facades of dwellings, do not address the objectives or controls contained in the DCP and does not provide a compelling reason or justification why the Council should support the proposal in this instance.

It is important to note that the DCP has been adopted by Council to reflect the objectives of the Environmental Planning and Assessment Act 1979, to assist in the administration of Berigan Local Environmental Plan 2013 and to provide good planning outcomes for development in the Shire.

In this instance it is considered that the requested information did not provide Council with sufficient justification that the objectives and controls of the DCP can be achieved therefore it is recommended that the development proposal be refused as initially recommended in the report to the August Council meeting of 2016.

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Items requiring Council Resolution

5.36 REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 25.138.1

RECOMMENDATION: that the Council make its submission to the IPART review of the Local Government Rating System as set out below:

Draft Recommendation		BSC Comment
1	Councils should be able to choose between the Capital Improved Value (CIV) and Unimproved Value (UV) methods as the basis for setting rates at the rating category level. A council's maximum general income should not change as a result of the valuation method they choose	<p>Support. The introduction of CIV will provide many Councils with a solution to the issue of fairly rating multi-unit developments such as apartments etc. IPART and Councils should be aware that a change to CIV will create "winners" and "losers" and this will need to be managed</p> <p>The ability to make a choice between the two valuation methods is welcome. Berrigan Shire Council and its community may be better off sticking with UCV and this should be available to this Council.</p> <p>On the other hand, there may be concerns with confusion in the community if the proposed ESPI moves to CIV and Councils choose to stick with CIV. In addition, the use of CIV in later recommendations may require the Council to have two sets of valuations.</p>
2	Section 497 of the Local Government Act 1993 (NSW) should be amended to remove minimum amounts from the structure of a rate, and section 548 of the Local Government Act 1993 (NSW) should be removed	<p>Oppose. While this Council does not set a minimum rate in any rating category and CIV would address some of the fairness issues for which many Councils use minimum rates, as a general rule the rating system should provide Councils with maximum flexibility to determine its own rating framework – in consultation with its community.</p> <p>However, this is not a matter of direct importance for this Council</p>

RESOLUTION

Items requiring Council Resolution

Draft Recommendation		BSC Comment
3	<p>The growth in rates revenue outside the rate peg should be calculated by multiplying a council's general income by the proportional increase in Capital Improved Value from supplementary valuations.</p> <p>– This formula would be independent of the valuation method chosen by councils for rating.</p>	<p>Support. This is a more consistent method of assessing growth in the underlying rating base of the Council and certainly is a better method of assessing capacity to pay.</p> <p>An issue of concern is the need for a Council to maintain two sets of valuations if it chooses to move to UCV</p>
4	<p>The Local Government Act 1993 (NSW) should be amended to allow councils to levy a new type of special rate for new infrastructure jointly funded with other levels of Government. This special rate should be permitted for services or infrastructure that benefit the community, and funds raised under this special rate should not:</p> <p>– form part of a council's general income permitted under the rate peg, nor</p> <p>– require councils to receive regulatory approval from IPART.</p>	<p>Support. This continues the principle that Councils should be given the maximum possible flexibility to set their own rating schedule in discussion with their community.</p> <p>This Council would question why the exemption from IPART approval is so narrow, however. If the Council and the community agree on the need for a new special purpose infrastructure item, the Council should be able to follow the normal Integrated Planning and Reporting procedure without requiring yet another IPART review.</p>
5	<p>Section 511 of the Local Government Act 1993 (NSW) should be amended to reflect that, where a council does not apply the full percentage increase of the rate peg (or any applicable Special Variation) in a year, within the following 10-year period, the council can set rates in a subsequent year to return it to the original rating trajectory for that subsequent year</p>	<p>Support. The lack of flexibility with the use of previously unused rate peg allocations prevents Councils having a serious conversation about annual rate-setting. At the moment, a Council would be derelict in its duties if it implemented even a one-year "pause" in taking up the entire amount of the rate peg as it would severely limit their ability to adjust their rate in future.</p> <p>This recommendation would allow the Council to discuss sensibly with its community the option of a pause in rate increases in times of economic difficulty, with the ability to recover that pause in future.</p> <p>While ideally rate pegging would be abolished <i>in toto</i>, this recommendation works to increase Council autonomy and flexibility and is supported.</p>

RESOLUTION

Items requiring Council Resolution

Draft Recommendation		BSC Comment
6	<p>The Local Government Act 1993 (NSW) should be amended to remove the requirement to equalise residential rates by 'centre of population'. Instead, councils should be allowed to determine a residential subcategory, and set a residential rate, for an area by:</p> <ul style="list-style-type: none"> – a separate town or village, or – a community of interest. 	<p>Support. This recommendation provides additional autonomy and flexibility for Councils to consider the access to services of various areas and ensure equity where property valuations in a certain area may lead to a perverse outcome.</p>
7	<p>An area should be considered to have a different 'community of interest' where it is within a contiguous urban development, and it has different access to, demand for, or costs of providing council services or infrastructure relative to other areas in that development</p>	<p>Support. This recommendation relates to the identification of areas where differing residential rates could be charged as per Recommendation 6.</p> <p>It is supported in line with that earlier recommendation</p>
8	<p>The Local Government Act 1993 (NSW) should be amended so, where a council uses different residential rates within a contiguous urban development, it should be required to:</p> <ul style="list-style-type: none"> – ensure the highest rate structure is no more than 1.5 times the lowest rate structure across all residential subcategories (ie, so the maximum difference for ad valorem rates and base amounts is 50%), or obtain approval from IPART to exceed this maximum difference as part of the Special Variation process, and – publish the different rates (along with the reasons for the different rates) on its website and in the rates notice received by ratepayers. 	<p>Support This recommendation relates to the identification of areas where differing residential rates could be charged as per Recommendation 6 and is supported in line with that earlier recommendation</p>

Items requiring Council Resolution

Draft Recommendation	BSC Comment
<p>9 At the end of the 4-year rate path freeze, new councils should determine whether any pre-merger areas are separate towns or villages, or different communities of interest.</p> <p>– In the event that a new council determines they are separate towns or villages, or different communities of interest, it should be able to continue the existing rates or set different rates for these pre-merger areas, subject to metropolitan councils seeking IPART approval if they exceed the 50% maximum differential. It could also choose to equalise rates across the pre-merger areas, using the gradual equalisation process outlined below.</p> <p>– In the event that a new council determines they are not separate towns or villages, or different communities of interest, or it chooses to equalise rates, it should undertake a gradual equalisation of residential rates. The amount of rates a resident is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for permitted Special Variations) each year as a result of this equalisation.</p> <p>The Local Government Act 1993 (NSW) should be amended to facilitate this gradual equalisation.</p>	<p>Support in part This recommendation applies to newly amalgamated Councils and thus does not apply to Berrigan Shire (at this stage). That said, in the main the recommendation allows the newly merged Council to develop its own rating strategy – in consultation with its community.</p> <p>The requirement that equalisation of rates should only be done gradually is difficult to support however. Gradual equalisation of rates in the main only serves to drag out the process and lead to greater community division and confusion. It also allows to the continuation of a regime where some residents are paying substantially higher rates than others for access to the same services – which is arguably unfair. Newly merged Councils should have the ability to immediately equalise rates – should they determine it is in the best interest of all its community.</p> <p>This would be consistent with the Council's position throughout the Fit for the Future proposal</p>
<p>10 Sections 555 and 556 of the Local Government Act 1993 NSW should be amended to:</p> <p>– exempt land on the basis of use rather than ownership, and to directly link the exemption to the use of the land, and</p> <p>– ensure land used for residential and commercial purposes is rateable unless explicitly exempted</p>	<p>Support The recommendation is more internally consistent with the overall purpose of rates exemptions than the current practice and is supported</p>

Items requiring Council Resolution

Draft Recommendation	BSC Comment
<p>11 The following exemptions should be retained in the Local Government Act 1993 (NSW):</p> <ul style="list-style-type: none"> – section 555(e) Land used by a religious body occupied for that purpose – section 555(g) Land vested in the NSW Aboriginal Land Council – section 556(o) Land that is vested in the mines rescue company, and – section 556(q) Land that is leased to the Crown for the purpose of cattle dipping. 	<p>Oppose. There is no valid reason why these specific purpose exemptions are required. If the use of the land meets the test of not being used for residential or commercial purposes, then it should be exempt – if not then Council should have the option to rate it</p>
<p>12</p> <p>Section 556(i) of the Local Government Act 1993 (NSW) should be amended to include land owned by a private hospital and used for that purpose.</p>	<p>Oppose. There is no valid reason why this specific purpose exemption are required. The basic test of “residential or commercial” could apply quite easily in this case. While many private hospitals are run by charitable organisations, some are “for profit” organisations. Why should a “for-profit” hospital be given a rates exemption?</p>
<p>13 The following exemptions should be removed:</p> <ul style="list-style-type: none"> – land that is vested in, owned by, or within a special or controlled area for, the Hunter Water Corporation, Water NSW or the Sydney Water Corporation (Local Government Act 1993 (NSW) section 555(c) and section 555(d)) – land that is below the high water mark and is used for the cultivation of oysters (Local Government Act 1993 (NSW) section 555(h)) – land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim (Local Government Act 1993 (NSW) section 556(g)), and – land that is managed by the Teacher Housing Authority and on which a house is erected (Local Government Act 1993 (NSW) section 556(p)). 	<p>Support. The removal of these exemptions is consistent with the general principle set out in Recommendation 10 and is supported</p>

RESOLUTION

Items requiring Council Resolution

Draft Recommendation		BSC Comment
14	<p>The following exemptions should not be funded by local councils and hence should be removed from the Local Government Act and Regulation</p> <ul style="list-style-type: none"> – land that is vested in the Sydney Cricket and Sports Ground Trust (Local Government Act 1993 (NSW) section 556(m)) – land that is leased by the Royal Agricultural Society in the Homebush Bay area (Local Government (General) Regulation 2005 reg 123(a)) – land that is occupied by the Museum of Contemporary Art Limited (Local Government (General) Regulation 2005 reg 123(b)), and 82 – land comprising the site known as Museum of Sydney (Local Government (General) Regulation 2005 reg 123(c)). <p>The State Government should consider whether to fund these local rates through State taxes.</p>	<p>Support in part. The basic test for exemptions per Recommendation 10 should apply to all these facilities.</p> <p>The Council has some concerns about its community being asked to further contribute via a new tax to the upkeep of community assets that largely benefit residents of Sydney however.</p>
15	Where a portion of land is used for an exempt purpose and the remainder for a non-exempt activity, only the former portion should be exempt, and the remainder should be rateable.	Support. Note that in practice the Valuer-General (or the private valuer) will need to separately value the portions of land that are exempt and rateable.
16	Where land is used for an exempt purpose only part of the time, a self-assessment process should be used to determine the proportion of rates payable for the non-exempt use.	Oppose. The Council is not opposed to the general principle but it has concerns about how a self-assessment is likely to work in practice and work involved in “auditing” self-assessments.
17	A council’s maximum general income should not be modified as a result of any changes to exemptions from implementing our recommendations.	Support. In principle, this is supported.
18	The Local Government Act 1993 (NSW) should be amended to remove the current exemptions from water and sewerage special charges in section 555 and instead allow councils discretion to exempt these properties from water and sewerage special rates in a similar manner as occurs under section 558(1).	Support. It provides Councils with more flexibility and discretion in setting rates and charges.

RESOLUTION

Items requiring Council Resolution

Draft Recommendation		BSC Comment
19	At the start of each rating period, councils should calculate the increase in rates that are the result of rating exemptions. This information should be published in the council's annual report or otherwise made available to the public	Oppose. While the desire for transparency is commendable, the purpose of informing the public is unclear. Rating exemptions are not in the main set by Council policy – they are mandated by state government legislation, even under the model for exemptions proposed in this report. It is unclear what the public can do with this information to effect change. This would be an additional burden on Councils for zero community gain.
20	<p>The current pensioner concession should be replaced with a rate deferral scheme operated by the State Government.</p> <p>– Eligible pensioners should be allowed to defer payment of rates up to the amount of the current concession, or any other amount as determined by the State Government.</p> <p>– The liability should be charged interest at the State Government's 10-year borrowing rate plus an administrative fee. The liability would become due when property ownerships changes and a surviving spouse no longer lives in the residence.</p>	For the determination of the Council
21	Section 493 of the Local Government Act 1993 (NSW) should be amended to add a new environmental land category and a definition of 'Environmental Land' should be included in the LG Act.	<p>Support. It provides Councils with more flexibility and discretion in setting rates and charges.</p> <p>That said, if the NSW government wishes to support landholders holding land for environmental purposes, it could do so outside the rating system.</p>
22	Sections 493, 519 and 529 of the Local Government Act 1993 (NSW) should be amended to add a new vacant land category, with subcategories for residential, business, mining and farmland	Support. The proposal does allow Councils additional flexibility to determine its own rating structure – although the use of CIV would address concerns about vacant land paying for services it isn't using in any case
23	<p>Section 518 of the Local Government Act 1993 (NSW) should be amended to reflect that a council may determine by resolution which rating category will act as the residual category.</p> <p>– The residual category that is determined should not be subject to change for a 5-year period.</p> <p>– If a council does not determine a residual category, the Business category should act as the default residual rating category</p>	Support. This recommendation gives Councils more flexibility in determining its rating system

RESOLUTION

Items requiring Council Resolution

Draft Recommendation		BSC Comment
24	Section 529 (2)(d) of the Local Government Act 1993 (NSW) should be amended to allow business land to be subcategorised as 'industrial' and or 'commercial' in addition to centre of activity	<p>Support. This recommendation provides more flexibility to Councils and should be supported.</p> <p>This categorisation is already a requirement under the proposed Emergency Services Property Levy (ESPL).</p>
25	Section 529 (2)(a) of the Local Government Act 1993 (NSW) should be replaced to allow farmland subcategories to be determined based on geographic location.	<p>Support. This recommendation provides more flexibility to Councils and should be supported.</p> <p>The use of sub-categories in this instance may lead to some equity issues unless tied to service levels.</p>
26	Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties.	<p>Oppose. In this review IPART classified rates as a wealth tax and not as a fee-for-service. This recommendation contradicts this basic classification.</p> <p>Councils, in consultation with their community, should be able to set their rating system to spread the overall rating burden as they see fit.</p> <p>Note also that a mine may only operate for a short time but the Council may need to deal with the externalities created by the development and the operation mine for some time after.</p>
27	Councils should have the option to engage the State Debt Recovery Office (SDRO) to recover outstanding council rates and charges.	<p>Support. This option would be very useful for the Council, especially when collecting smaller debts. Council staff have little confidence in the service provided by private debt collection firms – especially for smaller and longer-term debt</p>

RESOLUTION

Items requiring Council Resolution

Draft Recommendation		BSC Comment
28	The existing legal and administrative process to recover outstanding rates should be streamlined by reducing the period of time before a property can be sold to recover rates from five years to three years.	<p>Support. This is a reform that the Council and NSW local government as a whole has been seeking for many years. By the time an outstanding debt gets to three years, a general pattern of refusal (or inability) to pay has been established, one that is unlikely to change in the following two years.</p> <p>Some land in Berrigan Shire is valued at such a low level that even after two years, the value of the outstanding rates exceeds the market value of the land in question.</p> <p>It is unlikely that it will have a direct impact on the Council's use of legal action to collect rates but it will assist in dealing with ratepayers who wait until the five-year period is up to pay all their outstanding rates.</p>
29	All councils should adopt an internal review policy, to assist those who are late in paying rates, before commencing legal proceedings to recover unpaid rates.	Support. This would formalise the Council's existing process where legal action requires the approval of the Director Corporate Services and issuing a warrant requires the approval of the General Manager
30	The Local Government Act 1993 (NSW) should be amended or the Office of Local Government should issue guidelines to clarify that councils can offer flexible payment options to ratepayers.	Support. The Council considers these options are available now but for the avoidance of doubt formalising via guidelines would be appropriate.
31	The Local Government Act 1993 (NSW) should be amended to allow councils to offer a discount to ratepayers who elect to receive rates notices in electronic formats, e.g., via email.	<p>Support in part. The Council is currently introducing a system to issue electronic rates and charges notices. This will provide some encouragement for ratepayers to move to the new, less expensive system.</p> <p>The Council considers a more appropriate reform would be to allow the Council to levy an additional charge for a paper notice rather than a discount for an electronic levy.</p>
32	The Local Government Act 1993 (NSW) should be amended to remove section 585 and section 595, so that ratepayers are not permitted to postpone rates as a result of land rezoning, and councils are not required to write-off postponed rates after five years.	Support. This recommendation is in line with the views of local government and consistent with basic principles of fairness

RESOLUTION

Items requiring Council Resolution

Draft Recommendation		BSC Comment
33	<p>The valuation base date for the Emergency Services Property Levy (ESPL) and council rates should be aligned.</p> <p>– The NSW Government should levy the Emergency Services Property Levy on a Capital Improved Value (CIV) basis when Capital Improved Value data becomes available state-wide.</p>	<p>Support. The principle that the ESPL should be based on the value of the assets to be protected (as opposed to simply the unimproved land) is logically consistent and fair.</p> <p>Note that this would require all properties in a Council to be valued on a CIV basis, even if that Council chose to stick with its Unimproved Value rating system as per Recommendation 1</p>
34	<p>Councils should be given the choice to directly buy valuation services from private valuers that have been certified by the Valuer General.</p>	<p>Support. While most Councils will likely remain with the Valuer General, the availability of a private sector option will assist in placing some market pressure on the amount charged by the Valuer General for the service</p>

RESOLUTION

Items requiring Council Resolution

REPORT:

The Independent Pricing and Regulatory Tribunal (IPART) issued its draft report from its Review of the Local Government Rating System earlier this month. A copy of the draft report is attached as Appendix “K”. The draft report is welcome and will address some long standing issues of concern with the NSW rating system. In many places it brings the NSW rating system into line with other jurisdictions in Australia and elsewhere.

Some of the recommendations are quite bold, including:

1. The use of Capital Improved Values (CIV) for rating
2. The changes to exemption from rates
3. The replacement of the pensioner concession scheme with a rates deferral scheme.

4. The use of the State Debt Recovery Office to collect outstanding rates. IPART are accepting submissions on the draft report from all interested parties until 14 October 2016. Individuals are also welcome to make their own submission should they wish.

The draft report does not recommend the removal of the rate pegging system or its relaxation of the rate peg where the Council has met all its Integrated Planning and Reporting (IP&R) obligations as was flagged earlier in the review process. This is disappointing but not unexpected.

The IPART report states that:

The review seeks to design a rating system that would collect revenue more equitably and efficiently from ratepayers. It includes reviewing the valuation method used to calculate rates, exemptions and rating categories. Our draft proposals are not designed to increase the overall rates collected by councils

The report does improve the rating system and certainly will aid in the fairer distribution of the rating burden but it does not squarely address the overall issue of underfunded local government.

Perhaps the most disappointing omission from the report relates to the proposal flagged earlier by IPART to allow Councils some flexibility (up to 3%) around the rate peg where the Council has met all Integrated Planning and Reporting requirements. This would have allowed the Council to have a serious discussion with its community about future rate levels and levels of service without the cumbersome and bureaucratic IPART Special Rate Variation system.

RECOMMENDATIONS

Below is a list of the recommendations made by IPART, broken up into sections relating to each topic area.

Each IPART recommendation is in *italics* and is followed by some relevant information and a recommendation from Council staff.

Allow councils to use CIV as an alternative to UV in setting rates

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Items requiring Council Resolution

Capital Improved Value (CIV) is the value of the land and the improvements on the land. It differs from Unimproved Value – the current valuation used for rating in NSW – which only values the land without any of the improvements made to it. As such, Capital Improved Value is more like the Market Value that most landholders would be familiar with.

CIV allows for the fairer rating of multi-unit dwellings such as apartments. In the case of Berrigan Shire, this is not a major concern but it is for regional and urban centres.

The introduction and use of CIV for rating purposes will create “winners” and “losers” as changes in relative valuations between properties in rating categories shift, leading to a shift in the rating burden. This happens now each time properties are revalued – every three years at present – but the move to CIV will mean larger, more volatile changes in valuation, at least initially.

1. *Councils should be able to choose between the Capital Improved Value (CIV) and Unimproved Value (UV) methods as the basis for setting rates at the rating category level. A council's maximum general income should not change as a result of the valuation method they choose.*

Response: Support. The introduction of CIV will provide many Councils with a solution to the issue of fairly rating multi-unit developments such as apartments etc.

The ability to make a choice between the two valuation methods is welcome too. Given the particular circumstances of Berrigan Shire, it may be that UV is more appropriate for this Council. Relatively speaking, Berrigan Shire does not have many apartment buildings etc. but does have a large amount of vacant urban land. By rating vacant land similarly to developed land, UV provides more incentive to develop unused land.

The question for a future Council will be if this incentive is outweighed by the fairness issues for multi-unit properties that CIV addresses.

On the other hand, there is some value in having a consistent valuation regime across all of NSW and across all rates and charges.

2. *Section 497 of the Local Government Act 1993 (NSW) should be amended to remove minimum amounts from the structure of a rate, and section 548 of the Local Government Act 1993 (NSW) should be removed.*

Response: Oppose. While the Council does not set a minimum rate in any rating category and CIV would address some of the fairness issues for which many Councils use minimum rates, as a general rule the rating system should provide Councils with maximum flexibility to determine its own rating framework – in consultation with its community.

However, this is not a matter of direct importance for this Council.

Items requiring Council Resolution

Allow councils' general income to grow as the communities they serve grow

At the moment, a Council's rating base can only grow as properties are subdivided. All other growth in property values does not allow for increased rates for the Council as a whole as they are incorporated into the rate peg.

3. *The growth in rates revenue outside the rate peg should be calculated by multiplying a council's general income by the proportional increase in Capital Improved Value from supplementary valuations.*

– *This formula would be independent of the valuation method chosen by councils for rating.*

Response: Support. This is a more consistent method of assessing growth in the underlying rating base of the Council and certainly is a better method of assessing capacity to pay.

This would require the Council to maintain two sets of valuations. Further, if the Council stuck with UV for rating, the increase in allowable rates under this method would not necessarily be borne by the properties whose CIV has increased.

4. *The Local Government Act 1993 (NSW) should be amended to allow councils to levy a new type of special rate for new infrastructure jointly funded with other levels of Government. This special rate should be permitted for services or infrastructure that benefit the community, and funds raised under this special rate should not:*

– *form part of a council's general income permitted under the rate peg, nor*

– *require councils to receive regulatory approval from IPART.*

Response: Support. This continues the principle that Councils should be given the maximum possible flexibility to set their own rating schedule in discussion with their community. It is unclear where this would apply to Berrigan Shire Council.

The question that could be asked is why the exemption from seeking IPART approval is so narrow? The same exemption should apply if the Council and its community have agreed on the need for a new specific infrastructure item and a funding method via rates through the Integrated Planning and Reporting regime.

5. *Section 511 of the Local Government Act 1993 (NSW) should be amended to reflect that, where a council does not apply the full percentage increase of the rate peg (or any applicable Special Variation) in a year, within the following 10-year period, the council can set rates in a subsequent year to return it to the original rating trajectory for that subsequent year.*

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Items requiring Council Resolution

Response: Support. The lack of flexibility with the use of previously unused rate peg allocations prevents Councils having a serious conversation about annual rate-setting. At the moment, a Council would be derelict in its duties if it implemented even a one-year “pause” in taking up the entire amount of the rate peg as it would severely limit their ability to adjust their rate in future. Note the current Act allows for the Council to catch up only two years’ worth of rate peg allocations.

This recommendation, if enacted, would allow the Council to discuss sensibly with its community the option of a pause in rate increases in times of economic difficulty, with the ability to recover that pause in future.

While ideally rate pegging would be abolished *in toto*, this recommendation again works to increase Council autonomy and flexibility and should be supported.

Give councils greater flexibility when setting residential rates

6. *The Local Government Act 1993 (NSW) should be amended to remove the requirement to equalise residential rates by ‘centre of population’. Instead, councils should be allowed to determine a residential subcategory, and set a residential rate, for an area by:*

- *a separate town or village, or*
- *a community of interest.*

Response: Support. While this recommendation is unlikely to affect this Council directly – it already has the power to set different residential rates for each of its towns – it does provide additional autonomy and flexibility for Councils.

This recommendation is mainly useful for newly merged urban Councils, it would allow Berrigan Shire Council to set two separate residential rates in Tocumwal, for example – provided it could be justified in terms of differing access to services etc.

7. *An area should be considered to have a different ‘community of interest’ where it is within a contiguous urban development, and it has different access to, demand for, or costs of providing council services or infrastructure relative to other areas in that development.*

Response: Support This recommendation relates to the identification of areas where differing residential rates could be charged as per Recommendation 6. It could be supported in line with that earlier recommendation.

8. *The Local Government Act 1993 (NSW) should be amended so, where a council uses different residential rates within a contiguous urban development, it should be required to:*

Items requiring Council Resolution

- *ensure the highest rate structure is no more than 1.5 times the lowest rate structure across all residential subcategories (ie, so the maximum difference for ad valorem rates and base amounts is 50%), or obtain approval from IPART to exceed this maximum difference as part of the Special Variation process, and*
- *publish the different rates (along with the reasons for the different rates) on its website and in the rates notice received by ratepayers.*

Response: Support Again, this recommendation relates to the identification of areas where differing residential rates could be charged as per Recommendation 6. It could be supported in line with that earlier recommendation.

Note that this recommendation only applies to contiguous urban developments. It would still permit this Council to maintain its existing rating philosophy with more than a 50% difference in its *ad valorem* rates.

9. *At the end of the 4-year rate path freeze, new councils should determine whether any pre-merger areas are separate towns or villages, or different communities of interest.*

– *In the event that a new council determines they are separate towns or villages, or different communities of interest, it should be able to continue the existing rates or set different rates for these pre-merger areas, subject to metropolitan councils seeking IPART approval if they exceed the 50% maximum differential. It could also choose to equalise rates across the pre-merger areas, using the gradual equalisation process outlined below.*

– *In the event that a new council determines they are not separate towns or villages, or different communities of interest, or it chooses to equalise rates, it should undertake a gradual equalisation of residential rates. The amount of rates a resident is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for permitted Special Variations) each year as a result of this equalisation.*

The Local Government Act 1993 (NSW) should be amended to facilitate this gradual equalisation.

Response: Support in part This recommendation applies to newly amalgamated Councils and thus does not apply to Berrigan Shire (at this stage). That said, in the main the recommendation allows the newly merged Council to develop its own rating strategy – in consultation with its community.

The requirement that equalisation of rates should only be done gradually is difficult to support however. Gradual equalisation of rates in the main only serves to drag out the process and lead to greater community division and confusion. It also allows to the continuation of a regime where some residents are paying substantially higher rates than others for access to the same services – which is arguably unfair. Newly merged Councils should have the

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Items requiring Council Resolution

ability to immediately equalise rates – should they determine it is in the best interest of **all** its community.

This would be consistent with the Council's position throughout the Fit for the Future proposal.

Better target rate exemption eligibility

10. *Sections 555 and 556 of the Local Government Act 1993 NSW should be amended to:*

- exempt land on the basis of use rather than ownership, and to directly link the exemption to the use of the land, and*
- ensure land used for residential and commercial purposes is rateable unless explicitly exempted.*

Response: Support The recommendation is more internally consistent with the overall purpose of rates exemptions than the current practice and could be supported.

11. *The following exemptions should be retained in the Local Government Act 1993 (NSW):*

- section 555(e) Land used by a religious body occupied for that purpose*
- section 555(g) Land vested in the NSW Aboriginal Land Council*
- section 556(o) Land that is vested in the mines rescue company, and*
- section 556(q) Land that is leased to the Crown for the purpose of cattle dipping.*

Response: Oppose There is no valid reason why these specific purpose exemptions are required. If the use of the land meets the test of not being used for residential or commercial purposes, then it should be exempt – if not then Council should have the option to rate it.

The Council could if it wishes make this type of land exempt from ordinary rates if it chooses, regardless of this recommendation.

12. *Section 556(i) of the Local Government Act 1993 (NSW) should be amended to include land owned by a private hospital and used for that purpose*

Response: Oppose There is no valid reason why this specific purpose exemption are required. The basic test of “residential or commercial” could apply quite easily in this case. While many private hospitals are run by charitable organisations, some are “for profit” organisations. Why should a “for-profit” hospital be given a rates exemption?

Items requiring Council Resolution

13. *The following exemptions should be removed:*

- land that is vested in, owned by, or within a special or controlled area for, the Hunter Water Corporation, Water NSW or the Sydney Water Corporation (Local Government Act 1993 (NSW) section 555(c) and section 555(d))*
- land that is below the high water mark and is used for the cultivation of oysters (Local Government Act 1993 (NSW) section 555(h))*
- land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim (Local Government Act 1993 (NSW) section 556(g)), and*
- land that is managed by the Teacher Housing Authority and on which a house is erected (Local Government Act 1993 (NSW) section 556(p)).*

Response: Support The removal of these exemptions is consistent with the general principle set out in Recommendation 10 and should be supported.

14. *The following exemptions should not be funded by local councils and hence should be removed from the Local Government Act and Regulation*

- land that is vested in the Sydney Cricket and Sports Ground Trust (Local Government Act 1993 (NSW) section 556(m))*
- land that is leased by the Royal Agricultural Society in the Homebush Bay area (Local Government (General) Regulation 2005 reg 123(a))*
- land that is occupied by the Museum of Contemporary Art Limited (Local Government (General) Regulation 2005 reg 123(b)), and 82*
- land comprising the site known as Museum of Sydney (Local Government (General) Regulation 2005 reg 123(c)).*

The State Government should consider whether to fund these local rates through State taxes.

Response: Support in part. The basic test for exemptions per Recommendation 10 should apply to all these facilities.

There are valid concerns about rural communities being asked to further contribute to the upkeep of community assets that largely benefit residents of Sydney via a new tax however.

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Items requiring Council Resolution

15. *Where a portion of land is used for an exempt purpose and the remainder for a non-exempt activity, only the former portion should be exempt, and the remainder should be rateable.*

Response: Support. In principle, this could be supported. The Valuer-General (or the commissioned private valuer if permitted) would need to separately value the portions of land that are exempt and rateable

16. *Where land is used for an exempt purpose only part of the time, a self-assessment process should be used to determine the proportion of rates payable for the non-exempt use.*

Response: Oppose. The general principle can be supported but there are some concerns about how a self-assessment is likely to work in practice and the work involved in “auditing” self-assessments

17. *A council’s maximum general income should not be modified as a result of any changes to exemptions from implementing our recommendations.*

Response: Support. In principle, this should be supported. The Council should note that the implementation of this recommendation would not see the Council gain any additional revenue if fewer exemptions applied. Instead the “savings” would be applied across all other rate assessments.

18. *The Local Government Act 1993 (NSW) should be amended to remove the current exemptions from water and sewerage special charges in section 555 and instead allow councils discretion to exempt these properties from water and sewerage special rates in a similar manner as occurs under section 558(1).*

Response: Support. In principle, this should be supported. It provides Councils with more flexibility and discretion.

19. *At the start of each rating period, councils should calculate the increase in rates that are the result of rating exemptions. This information should be published in the council’s annual report or otherwise made available to the public.*

Items requiring Council Resolution

Response: Oppose. While the desire for transparency is commendable, the purpose of informing the public is unclear. Rating exemptions are not in the main set by Council policy – they are mandated by state government legislation. It is unclear what the public can do with this information. This would be an additional burden on Councils for zero community gain.

Replace the pensioner concession with a rate deferral scheme

20. *The current pensioner concession should be replaced with a rate deferral scheme operated by the State Government.*

– *Eligible pensioners should be allowed to defer payment of rates up to the amount of the current concession, or any other amount as determined by the State Government.*

– *The liability should be charged interest at the State Government's 10-year borrowing rate plus an administrative fee. The liability would become due when property ownership changes and a surviving spouse no longer lives in the residence.*

Response: The advice of the Council is sought.

This is a radical change in the method in which the pensioner concession is applied in NSW. At the moment, eligible pensioners are given a 20% rates discount – to a maximum of \$250 – on rates and charge funded jointly by Council (45% of the concession) and the NSW government (the remaining 55%).

The proposed alternative does not provide a discount but merely a deferment of rates until the property changes hands. The NSW government would fund this deferral at a subsidised interest rate, meaning from the Council's point of view

In favour of the recommendation

This could be seen as a fairer and simpler method of assisting pensioners than the current exemption regime. It is arguably better targeted and stops the current practice where the person who stands to inherit the property is often the main beneficiary of the concession.

The scheme will need to be operated by the NSW government as this Council does not have the capacity to fund such a scheme.

Pensioner concessions are likely to be a matter of great importance to this Council as its community continues to age. This proposal has the best prospect of addressing this issue completely.

Against the recommendation

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Items requiring Council Resolution

While the recommendation would ease the rates concession burden borne by the Council, it actually removes a NSW subsidy provided to support pensioners and replaces it with a subsidised loan.

It may impact pensioners who need to sell to move into supported accommodation (as the loan will be paid back from the sale price at settlement) as well as pensioners who use a reverse mortgage.

In the case of the property passing onto the heirs of a pensioner, those heirs will then need to find sufficient funds to pay the deferred rates. This may be difficult, especially if the new owner does not wish to sell or has trouble selling.

Provide more rating categories

21. *Section 493 of the Local Government Act 1993 (NSW) should be amended to add a new environmental land category and a definition of 'Environmental Land' should be included in the LG Act.*

Response: Support. This will allow the Council to set a differential rate for a property with a Vegetation Management Plan or similar. This may be desirable if the Council wishes to provide rates relief to a property owner who has set aside land for environmental benefit.

This would obviously then require the Council to spread those "lost" rates across remaining ratepayers.

If the NSW government thought it worthwhile to support landholders holding land for environmental purposes, it could do so outside the rating system and from its own funds.

22. *Sections 493, 519 and 529 of the Local Government Act 1993 (NSW) should be amended to add a new vacant land category, with subcategories for residential, business, mining and farmland.*

Response: Support. The proposal does allow Councils additional flexibility to determine its own rating structure – although the use of CIV would address concerns about vacant land paying for services it isn't using.

In the case of Berrigan Shire Council, it would be wise to consider carefully allowing vacant land to pay a different (especially lower) rate than developed land. The Council generally prefers property owners to develop vacant land and charging the same rate encourages owners to develop sooner or sell to someone who will.

23. *Section 518 of the Local Government Act 1993 (NSW) should be amended to reflect that a council may determine by resolution which rating category will act as the residual category.*

Items requiring Council Resolution

– *The residual category that is determined should not be subject to change for a 5-year period.*

– *If a council does not determine a residual category, the Business category should act as the default residual rating category*

Response: Support. Again, this recommendation gives Councils more flexibility in determining its rating system. However, it is unlikely that this proposal would be taken up by Berrigan Shire.

Note that the Business category is the current residual category.

24. *Section 529 (2)(d) of the Local Government Act 1993 (NSW) should be amended to allow business land to be subcategorised as ‘industrial’ and or ‘commercial’ in addition to centre of activity.*

Response: Support. This recommendation provides more flexibility to Councils and should be supported. Some detailed analysis would be necessary to determine if having separate differential rates for these categories would be a useful option for this Council.

The Emergency Services Property Levy (ESPL) will require the Council to categorise land in this manner in any case.

25. *Section 529 (2)(a) of the Local Government Act 1993 (NSW) should be replaced to allow farmland subcategories to be determined based on geographic location.*

Response: Support. This recommendation provides more flexibility to Councils and should be supported. Again, it is unlikely that this recommendation would be used by this Council.

26. *Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council’s costs of providing services to the mining properties.*

Response: Oppose. In this review IPART classified rates as a wealth tax and not as a fee-for-service. This recommendation contradicts this basic classification. Councils, in consultation with their community, should be able to set their rating system to spread the overall rating burden as they see fit.

Note also that a mine may only operate for a short time but the Council may need to deal with the externalities created by the development and the operation mine for some time after.

Items requiring Council Resolution

Recovery of council rates

Background

IPART are concerned about the use of local courts to recover what appear to them to be small amounts of money – less than \$2,000. This places a burden on local courts and appears to violate the principle that the Crown (which incorporates Councils as an arm of the NSW government) should be a model litigant; one that doesn't abuse the court system.

For a Council the size of Berrigan Shire, \$2,000 is a significant amount and can't just be left to wait until the property is able to be sold for unpaid rates and/or transferred. The recommendations below are intended to provide Council's with other options rather than the court system.

27. Councils should have the option to engage the State Debt Recovery Office (SDRO) to recover outstanding council rates and charges.

Response: Support. This option would be very useful for the Council, especially when collecting smaller debts. Council staff have little confidence in the service provided by private debt collection firms – especially for smaller and longer-term debt.

A model where most of the early collection effort is undertaken by Council staff and longer, stale debt is passed onto SDRO is potentially a more effective, cheaper and more compassionate debt collection model.

28. The existing legal and administrative process to recover outstanding rates should be streamlined by reducing the period of time before a property can be sold to recover rates from five years to three years.

Response: Support. This is a reform that the Council and NSW local government as a whole has been seeking for many years. By the time an outstanding debt gets to three years, a general pattern of refusal (or inability) to pay has been established, one that is unlikely to change in the following two years.

Some land in Berrigan Shire has such a low value that, even after two years, the value of the outstanding rates exceeds the market value of the land in question.

It is unlikely that it will have a direct impact on the Council's use of legal action to collect rates but it will assist in dealing with ratepayers who wait until the five-year period is up to pay all their outstanding rates.

29. All councils should adopt an internal review policy, to assist those who are late in paying rates, before commencing legal proceedings to recover unpaid rates.

Items requiring Council Resolution

Response: Support. This would formalise the Council's existing process where legal action requires the approval of the Director Corporate Services and issuing a warrant requires the approval of the General Manager.

30. *The Local Government Act 1993 (NSW) should be amended or the Office of Local Government should issue guidelines to clarify that councils can offer flexible payment options to ratepayers.*

Response: Support. These options are available now but for the avoidance of doubt formalising via guidelines would be appropriate.

The Council does not currently offer the complete range of flexible payment options. While it accepts direct credit payments (i.e. made by the ratepayer) it does not offer a direct debit (i.e. Council takes money from ratepayers account). This is to avoid problems that arise from such arrangements such as overdrawing accounts and disputes with ratepayers. This could be reviewed.

The Council also does not offer payment via Centrepay – Centrelink's bill payment service – this is due to the large relative cost that the Council is expected to bear for each payment.

31. *The Local Government Act 1993 (NSW) should be amended to allow councils to offer a discount to ratepayers who elect to receive rates notices in electronic formats, e.g., via email.*

Response: Support. The Council is currently introducing a system to issue electronic rates and charges notices. This will provide some encouragement for ratepayers to move to the new, less expensive system.

It should be noted that the recommendation is for a discount for electronic notices and not an additional charge for paper notices – which is the practice at Telstra and most power companies.

32. *The Local Government Act 1993 (NSW) should be amended to remove section 585 and section 595, so that ratepayers are not permitted to postpone rates as a result of land rezoning, and councils are not required to write-off postponed rates after five years.*

Response: Support. This recommendation is in line with the views of local government and consistent with basic principles of fairness.

This would generally be an issue where farmland is rezoned to residential or industrial, allowing development and increasing the property value.

The existing arrangement requires other ratepayers to subsidise a landholder whose property has **increased** in value as a result of a rezoning.

Other draft recommendations

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Items requiring Council Resolution

33. *The valuation base date for the Emergency Services Property Levy (ESPL) and council rates should be aligned.*

– The NSW Government should levy the Emergency Services Property Levy on a Capital Improved Value (CIV) basis when Capital Improved Value data becomes available state-wide.

Response: Support. The principle that the ESPL should be based on the value of the assets to be protected (as opposed to simply the unimproved land) is logically consistent and fair.

Note that this would require all properties in Berrigan Shire to be valued on a CIV basis, even if the Council chose to stick with its Unimproved Value rating system.

34. *Councils should be given the choice to directly buy valuation services from private valuers that have been certified by the Valuer General.*

Response: Support. While most Councils will likely remain with the Valuer General, the availability of a private sector option will assist in placing some market pressure on the amount charged by the Valuer General for the service.

The appropriateness of the Valuer-General being allowed to certify what in effect will be its competitors does not appear to be in line with competitive neutrality principles. A third party valuation accreditation scheme should be used instead.

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**DEVELOPMENT APPLICATION 24/17/DA/DM
STRAWBERRY FIELDS MUSIC FESTIVAL 2016**

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy

FILE NO: 24/17/DA/DM

RECOMMENDATION: that Development Application 24/17/DA/DM for the Strawberry Fields Festival 2016 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 Strawberry Fields Site Map, Event Plan, Alcohol Management Plan, Emergency Management Plan, Fire Management Plan, Medical Plan, Risk Assessment, Security Management Plan, Waste Plan, Water Activities Management Plan, the application form and any supporting information received with the application except as amended by the conditions specified hereunder.

2. Pollution

All necessary precautions must be taken to ensure that pollution of waterways does not occur in accordance with the provisions of section 120 of the *Protection of the Environment Operations Act 1997*.

3. Impact on Adjoining Properties

Measures must be taken to minimise and control the emission of dust and noise from the property to ensure that there is minimal impact on adjoining properties.

4. Combustible Material

The event site and camping areas must be grazed and / or slashed prior to the event so as to reduce combustible material and reduce the risk of harm by fire.

5. Aboriginal Place or Objects

Activities on the site must not harm or desecrate any Aboriginal place or object in accordance with the *National Parks and Wildlife Act 1974*. Should any Aboriginal object be discovered and / or harmed in, on or under the land, the event organisers must notify the NSW Office of Environment and Heritage.

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Items requiring Council Resolution

6. Mosquito Borne Diseases

Precautions must be undertaken prior to, and during, the event to reduce the potential for exposure to mosquito borne diseases given that there are large areas of stagnant water in close proximity to the site. The Murrumbidgee Local Health District of the NSW Department of Health in Wagga Wagga can be contacted on (02) 6933 9100 for advice.

7. Food Stall Holders

All food stall holders must operate in accordance with the *NSW Food Act 2003* to ensure that the health and well-being of patrons is maintained.

8. Emergency Services

All emergency service organisations in the locality must be notified at least two weeks prior to the event to ensure that all resources will be available in case of emergency.

9. Fencing

Appropriate fencing must be provided and maintained between the event site and adjoining properties throughout the event in order to contain patrons and prevent stock escaping.

10. Security

All security personnel must be licensed and boundaries with adjoining properties are to be monitored at all times with patrons warned upon entry that penalties apply if caught trespassing. Sufficient security personnel must be employed to achieve the above requirement and a security presence must be maintained from Thursday until Tuesday noon. This condition is added to maintain site safety and ensure patrons do not encroach on adjoining properties.

11. Native Vegetation

Any destruction or injury to native vegetation is to be undertaken in accordance with the provisions of the *Native Vegetation Act 2003* and where necessary an approval obtained from the Murray Catchment Management Authority.

12. Litter

Garbage bins must be provided throughout the area and the site must be inspected following the event to ensure all litter is collected and disposed of appropriately. At the cessation of the event a site inspection must be arranged with Council officers to ensure that there is no refuse remaining on site.

13. Site Inspection

An inspection by Council officers prior to the event must be arranged and undertaken to ensure all conditions of consent have been met and the proposal has been implemented in accordance with the submitted documents.

Items requiring Council Resolution

14. Traffic Management

Provision must be made on site for extensive traffic queuing areas and a sufficient number of traffic management staff employed to direct traffic in an orderly manner to ensure that queuing on Lower River Road does not occur at peak times or in the event of access to the camping areas being obstructed.

15. Liquor Licensing

A valid liquor license issued by the NSW Independent Liquor and Gaming Authority must be in place for the event and all persons responsible for the sale of alcohol must possess accredited Responsible Service of Alcohol certificates. Evidence of this must be provided to Council prior to commencement of the event.

16. Access

A wide, all weather access track must be provided to ensure that response vehicles will be able to access the site in the case of an emergency.

17. Water Activities Management

No infrastructure of any type (e.g. buoy, netting or barrier) is to be place in the river that might encourage persons to enter the water or swim out to hold on to it.

No pollution (including litter) from the development should enter or impact on the adjacent river (as required by the *Protection of the Environment Operations Act 1997*).

Division:

In favour

Against

REPORT:

Site

The subject site (over 3 individual properties) is adjacent to the Murray River, is located on Lower River Road, Tocumwal and is also identified as Lot 17 DP752304, Lot 2 DP 1077754 & Lot 23 DP 1109568. The site is approximately 10km west of the township of Tocumwal and has a combined area of 116.62ha in size. The site is located within Zone RU1 – Primary Production Zone under the provisions of the *Berrigan Local Environmental Plan 2013* (BLEP), and is currently used for low intensity agriculture. The land is designated both bushfire prone and flood prone under the provisions of the BLEP. There is a large area of approximately 10ha that is vacant of vegetation (excluding grass) in the north-west corner of the site. Otherwise, the site consists largely of open woodland native vegetation, with some cleared areas as indicated on the aerial photo below. Adjoining properties are generally

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similar in nature with the nearest permanent residence located approximately 1.5km 'as the crow flies' from the site.



Figure 1 – Aerial Photo showing subject site, star indicating approximate location of main stage

Proposal

This proposal is for the Strawberry Fields Festival event, which is which is a multi-day music & arts festival that has been held in the Berrigan Shire annually each November since 2011. The event attracts a multicultural and diverse audience and intends to not only entertain its patrons but to encourage an appreciation of the environment, providing opportunities for youth to engage with environmental organisations such as the Wilderness Society, TreeCreds, and community charitable initiatives. This year's event is aimed at the same

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audience as prior years, with a similar music policy. The audience is non-aggressive and the event itself is very relaxed. Primary features include:

- 2 main stages for live music and DJs, as well as a Tea Lounge for Acoustic Musicians;
- Cafe's, food and retail stalls trading throughout the weekend;
- Speakers and workshops featured during the day time;
- Art installations, murals & projections;
- Two bars serving craft ciders, beers and a limited range of spirits
- 100% of patrons camping on site throughout weekend.

Overall, it is important to emphasise that the event was founded with the intention of achieving the following three goals:

1. **Provide a platform for young, local and upcoming talent.**
2. **Create a unique environment for showcasing art and music**
3. **Celebrate the wild Australian bush**

EVENT PARTICULARS

The event is likely to attract up to 6,000 patrons (maximum number of tickets available), with approximately 500 additional staff and volunteers. This is up 1,000 patrons from 2015, due to the expansion of the site and that past Management noted that slight growth would both possible and comfortable. Gates to the venue will open to limited public on Thursday 17 November 2016 at 2:00pm. This is for 500 Cars only who have pre purchased a Vehicle Pass. All patrons must have vacated the property by 2:00pm Monday 21 November, after which time only Event Staff will remain in attendance to complete site clean-up and pack down. During the event, entrance gates will close from 1:00am - 9:00am with the exception of the movements of Event Staff, emergency services and other special circumstances.

Speakers and workshops will feature during the day time with primary entertainment running from 4pm Friday 18th November to 2:30am Saturday 19th November, 9am Saturday 19th Nov to 3:30am Sunday 20th November and then from 9am to 8pm Sunday 20th November. All patrons are to have vacated the property by 12pm Tuesday 24th November, after which time only Event Staff will remain to complete site clean up. Staff and contractors will overall attend the site intermittently from 1 November to 1 December 2015. Stage closures will be in effect during the late hours of the night on Friday, Saturday and Sunday nights to reduce potential noise impact and encourage rest.

Operational Management is quite extensive, and the Strawberry Fields team is an established and experienced group who have worked with the Berrigan Shire Staff over a number of years. The Event Directors have overall responsibility for the design and operation of the event, and overall responsibility to monitor the festival's contracted suppliers and service providers. The directors have also submitted a number of plans with the development application for the festival.

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These include a detailed and comprehensive Event Plan has been prepared and provided in support of this application (**See Appendix A**). This Plan is best read in conjunction with the Site Map (**See Appendix B**) which contain the location for a large Emergency Evacuation Point (at the aforementioned vacant area of the top of the site), traffic processing area, lower and upper camping areas, crew camping area, markets areas, stages, toilet facilities, waste management and emergency services. The Other Plans include:

1. Alcohol Management Plan (**See Appendix C**);
2. Emergency Management Plan (**See Appendix D**);
3. Fire Management Plan (**See Appendix E**);
4. Medical Plan (**See Appendix F**).
5. Risk Assessment (**See Appendix G**);
6. Security Management Plan (**See Appendix H**);
7. Waste Plan (**See Appendix I**); and
8. Water Activities Management Plan (**Appendix J**).

Major Improvements from previous events

As this festival is approaching sixth consecutive year within the Berrigan Shire, there are a number of issues which are highlights and identified as requiring attention. These include, but are not limited to;

- Patrons Swimming in the Murray River;
- Potential for Criminal Activity surrounding the Festival;
- Traffic / Lower River Road;
- Access;
- Potential fire risk;
- Noise disturbance & control;
- Food & Market Areas;
- Waste Management;
- Security;
- Trespassing; and
- Effect on native animals

Response to issues with previous events

Patrons Swimming in the Murray River

The 2015 Strawberry Fields Festival saw the introduction of supervised swimming in the Murray River. Whilst this initiative decreased trespassing into neighbouring properties, the land of beaching on Lot 17 DP752304 meant that patrons swimming had an impact on the banks of the Murray River. Additionally, an unauthorised structure was constructed without approval.

In response to concerns of Council and emergency stakeholders regarding patron safety while swimming in the Murray River and the preservation of the bank, the festival grounds will include two new property allotments in 2016 which allow superior access to the Murray River for Festival Patrons wishing to

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swim. The new swimming area features a wide embankment with shallow walk in access on a slow bend in the river, with no nearby major snags or sunken logs. The beaching is far superior both in access and nature to the swimming area at last year's festival. In addition, reduced currents, visibility across the area and the shallow walk in will dramatically improve access, reduce risk and facilitate smoother management.

Potential for Criminal Activity surrounding the Festival

In 2015, Police via roadblocks apprehended a number of event patrons. Charges included traffic violations, driving under the influence of drugs and alcohol and possession of a drug of dependence. In response, Strawberry Fields Management is absolutely committed to ramping up all possible efforts on this front in the interests of the safety of both its patrons and the broader community. The Event has identified a robust chain of initiatives which will be implemented in the lead up the event, at the event itself, and after the event. This includes that implementation of several initiatives to ensure Patrons leave the event safely and with an educated understanding of what may have been in their System.

The Event will continue to broadcast loud and clear via all available channels that Strawberry Fields completely prohibits and strongly discourages the use or possession of any illegal substance, as well as unsafe driving practices. The Event recognizes in particular the power of social media in communicating this message. With over 35,000 Facebook fans and thousands interacting with its Facebook posts each day, these channels provide a huge opportunity for the event to advertise a tough stance on responsible driving practices to its patrons and beyond. In addition to Facebook and the website, strict responsible driving messaging is included on all ticket terms and conditions of sale, entrance gate signage, and in any media articles. The event fully supports the activities of the Victorian and NSW Police and will do everything within its power to prevent patrons from engaging in any illegal activity whatsoever.

Traffic / Lower River Road

The event directors have implemented a number of changes to ensure the safety of road users along Lower River Road. These include:

- Temporary reduced speed limit of 80kmph along Lower River Road
- Electronic VMS Board sign at turnoff to Lower River Road highlighting reduced speed limit and be aware of oncoming trucks
- Additional signage at all Causeways and Bridges on Lower River Road so that traffic coming from Tocumwal is warned to Stop and Give Way

Furthermore, the following actions are being undertaken to reduce the volume of traffic on Lower River Road in relation to the event:

1. Soft opening on Thursday 17 November – 500 vehicles will be admitted to the festival venue on Thursday 17 November with an 'early access pass'. At our observed passenger ratio of 3.6 persons per vehicle this is effectively a 30%

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reduction in the number of cars which would otherwise arrive on Friday 18 November.

2. Subsidisation of long haul shuttle bus – Strawberry Fields will be financially subsidizing the cost of charter buses from Melbourne>Festival>Melbourne to be \$20 each way. Increasing the patronage of these buses also has the potential to reduce the volume of traffic on Lower River by a further 10% if not more.

3. Revised traffic processing area – the Site Map and queuing area will be updated allowing for more cars to be held within the Cottage Paddock so there are no vehicles queued on Lower River Road at any point during the festival.

An operations site survey completed in 2015 found that the majority of the traffic impact on Lower River Road is on the Friday of the event gate's opening as a large amount of patrons arrive to the festival during a similar time period. Therefore, the above measures will assist the festival's traffic impact on Lower River Road, which is especially importance given the event's close proximity to harvest season.

Access to the site

In response to requests by RFS, Strawberry Field's Management have also completed clearing an emergency access track that loops around the entire venue, to facilitate ease of access for any emergency vehicles which may need to enter the property via Lower River Road and wish to avoid any possible congestion through the main gate. Given the expansion of site, the main access track leading into the festival will be enforced by a condition of consent to ensure that it is all weather. This access track will also be wide enough to ensure that response vehicles will be able to access the site in the case of an emergency. Routes designated as "emergency service" access routes will be subject to regular patrols to ensure clear access is maintained at all times.

Potential Fire Risk

Given the nature of the site, a bushfire attack poses a real threat to festival site. Given the increase in patrons attending the Festival, the Strawberry Fields Management has stated that the scale of facilities will be increased to adequately address the site requirements and increased capacity. Based on the outcomes of the risk assessment, the provision of a fully operational on-site "first response" (firefighting) capability is considered appropriate to support the festival community for the duration of the event. A qualified and experienced "Fire/Emergency Management Co-ordinator" (*FMC*) who will head the Fire Management/Response Team (*FRMT*) and will perform the role of **Fire Commander** in the event of an incident occurring. In the event an evacuation of patrons, visitors, service providers and other persons becomes necessary, the Event Management (which includes event organisers) will initiate and co-ordinate evacuation activities pending the arrival of the appropriate statutory emergency service and at that time will assist in the management and response to the event as required. This is also detailed in the Fire Management Plan, which has been submitted with the application (**Appendix E**). The Fire

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Management Plan is extremely comprehensive, and it considered sufficient for the protection of the Festival Participants and surrounding properties.

Noise disturbance & control

As music festivals by their very nature create sound, noise control measures are necessary to mitigate the impacts to neighbouring residents. Management have consulted design professionals, which has led to reduced noise levels over four years. These have included discrete placement of stages to take advantage of natural amphitheatres and audio barriers and monitoring outputs at all times for compliance with reasonable standards.

Similar to the measures used at last year's festival, the organisers have also restructured and rescheduled late night entertainment to include periods of complete silence and cut back on overall hours of operation. Finally, in the event noise can be heard from a neighbouring residential property, affected parties will have 24 hour access to the direct satellite phone line of our Operations Room who will be able to convey any message to the Site Operations Manager and Event Directors.

Food & Market Areas

A dedicated Market Manager has been assigned responsibility for making traders aware of the Strawberry Fields food vendor policy and ensuring its enforcement, in addition to fielding any general inquiries from existing or prospective stallholders. A list of all food outlets has been made available to the Council.

All food vendors will be required to obtain a permit from Council to trade during the festival. We require all vendors using cooking equipment to provide food safety accreditation, and maintain safe fuel storage practices. At the booking stage, traders are not permitted petrol generators, as they can be provided power on site from our Event generators which will be installed, tested and tagged by the Site Electrician.

Waste Management

For this 2016 Festival, Greenfest Solutions have been engaged with the Waste Management Responsibility. Last year's festival saw only minor issues with waste, however there has been a strong commitment by Management to ensure strict adherence to their own internal 'leave no trace' policy. The event will implement an environmental harm reduction and waste management plan including but not limited to:

- Rubbish and recycling bins and larger skips located throughout the venue
- Regular staff patrols to ensure rubbish and recycling bins are not full nor overflowing
- Collection by truck of all rubbish from the event at event closure
- Music breaks for crowd involvement in rubbish collection at stages

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- Regular pumping of toilets during event
- All human waste product will be contained within toilet facilities and transported by the respective vendor to an appropriate disposal facility.

Security

One significant benefit for this 2016 Festival is that NSA Security, who managed the event last year, has been engaged again with this responsibility. At any one time a minimum of 25 professional security officers will be on duty. Areas within the scope of security responsibility include but are not limited to:

- Patron admission
- Summoning of emergency services
- Handling of patrons displaying anti-social or disruptive behaviour
- Effective and efficient entry-exit management
- Physical placement of security personnel

The event plan has stated that Security personnel will be in constant 2 -way radio contact with the venue's site office, first-aid officer and event supervisors and will be advised to act at their own discretion. A detailed security management plan (**Appendix H**) has also been submitted with the application, as also mentioned previously in this report. It is envisaged that the established culture of respect, honesty and cooperation amongst our patrons will assist in mitigating potentially impacts of unruly behaviour.

Trespassing

After experiencing issues relating to trespassing in early years, the Management Team have implemented a number of measures which has dramatically reduced these incidents. In 2015 there were minimal trespassing incidents at the Event, which was mainly due to the highly mobile Security Guards who independently patrolled the perimeters with Quad bikes. If caught Trespassing the person is advised to turn around and go back the way you came. They are instructed that if they return they will be handed over the NSW Police. It is also worth noting that the majority of trespassing incidences in previous years involved patrons gaining access to water features on adjoining properties as a result of the hot weather. Like 2015, the event this year will include a designated swimming area in the Murray River.

Effect on Native Animals

Appropriate noise and pollution conditions of consent will minimise the impact on native animals. An event of this nature will obviously unavoidably affect native animals in the area but with the duration of the event being five days this is not likely to be a long term impact. A condition of consent will require appropriate fencing between the site and adjoining properties to minimise the impact on neighbouring stock and prevent them from escaping.

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Report

There are a number of potential impacts related to a proposal of this type which must be addressed if development approval is to be granted.

• **Relevant State Environmental Planning Policy provisions**

Deemed SEPP - *Murray Regional Environmental Plan No 2—Riverine Land* (MREP2) applies to riverine land of the River Murray within Berrigan Shire. This proposal is located within the area to which this Plan applies. One of this SEPP's main objectives is 'to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray'. As a temporary use of the land the proposal does not trigger any specific referral or consultation requirements under the provisions of this plan and it is not inconsistent with the general aim of the plan to enhance the riverine environment for the benefit of all users. Given the limited duration of the event and the substantial environmental commitments provided by the proponent in the Event Plan, it is considered that the provisions of MREP2 have been satisfied.

The second is *State Environmental Planning Policy (Rural Lands)* 2008, which aims 'to facilitate the orderly and economic use and development of rural lands for rural and related purposes'. The site is not considered to be prime agricultural land given the extensive scrub & native vegetation and that it is mainly used for low intensity agriculture and sporadic grazing from time to time. The Strawberry Fields Event is therefore considered to be a welcomed addition to economic generation for Agricultural Land, which is in line with Rural Planning Principle (c), under section 7 of this SEPP.

• **Relevant Berrigan Local Environmental Plan 2013 (BLEP) provisions**

One of the BLEP Primary Production Zone's objectives is 'to permit development that enhances the agricultural and horticultural production potential of land in the locality. This festival meets this objective, especially as one of the festival's goals is to celebrate the Australian bush. Additionally, this development will meet another objective as it encourages 'diversity in primary industry enterprises and systems appropriate for the area'. The aforementioned limited duration will ensure limited conflict between land uses within this zone.

Clause 2.8 – Temporary Use of Land

Clause 2.8 allows for developments of this nature so long as the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. The maximum period under this clause is 52 days. It is anticipated that the entire time of bump in, the festival and bump out will be only the month of November (30 days), and therefore will not exceed 52 days.

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Clause 5.9 – Preservation of trees or Vegetation & Clause 6.5 – Terrestrial Biodiversity

Section 5.9 of the Berrigan Local Environmental Plan 2013 contains an objective to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. This development does not require removal of any vegetation of native tree species.

Clause 5.11 – Bush Fire Hazard Reduction

As mentioned before, the land has been identified as bushfire prone. A Fire Management Plan was submitted by the applicant when lodging this development application. The report highlights that ‘as part of site preparation works, the reduction of “ground based” fuels is proposed’. Such works are in accordance of Clause 5.11 of the *Berrigan Local Environmental Plan 2013* – which allows authorised work without development consent. The site visit by Council Officers confirmed that reduction of on ground fuel loads through raking and stockpiling.

Clause 6.2 – Flood Planning

The main objective of Clause 6.2 of the LEP is to minimise the flood risk to life and property associated with the use of land. It also states that a consent authority must not grant development consent unless it is ‘satisfied that the development is compatible with the flood hazard of the land’. Whilst the current height of the Murray River at the time of writing is of a height can cause minor flooding, it is extremely unlikely that the event would suffer from intense flash flooding that would cause risk to property and life. Additionally, the stages and market areas are not located in low lying sections of the subject site. Overall, the risk analysis submitted with this application has identified flooding as a high; however generally flooding in this location has at least 5 days warning.

Other LEP Provisions

There are no heritage items which are being demolished or removed as per clause 5.10 of the *Berrigan Local Environmental Plan*. Finally, conditions of consent will be added to the development approval to ensure that the associated earthworks comply with clause 6.1, which is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

• **Relevant Development Control Plan(s) provisions**

In taking into account provisions of the *Berrigan Development Control Plan 2014*, Strawberry Fields Festival does not fit neatly into a specific chapter. The proposal is consistent with the objectives of Commercial Development, especially which encourages orderly and economic development within the

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Shire having regard to its commercial and retail needs. Below is a list of some of the headings found under chapters of the DCP which will be used in this assessment:

Access

Section 3.4 of the DCP relates to parking and access. One of the important controls under this section requires that development must be designed with sufficient turning areas for the vehicles expected to require access to the site. The site is already capable of large vehicle access which already occurs on a sporadic basis for the day-to-day operation of the festival. A condition of consent will require the access driveway to be of a state that will allow emergency vehicles to be able enter and leave safely without having an adverse impact on road traffic. The site map submitted with the application also shows the Traffic Processing Area to ensure that car entering the festival will also not cause impact of existing road traffic. Finally, the internal access track will be all weather and sufficient width for emergency vehicles as mentioned previously.

Traffic & Car Parking

Due to the expected car-pooling and some patrons opting for the organised bus transport, management estimates that the number of cars travelling to the event will contain an average of 3.6 persons per vehicle. Due to the implementation of an extensive parking plan and an effective crowd control strategy, it is expected that the event will have only a light impact on the local traffic conditions. Extra staff will be employed to supervise this entry during peak periods. The following will also be implemented:

- ✚ Event staff will be stationed throughout the camping area, car park and at the entrance to the event;
- ✚ Patron cars will queue within the event property to ensure no impact to traffic on the local main road;
- ✚ Signage will be employed extensively inside the venue to indicate the desired traffic flow (for both directions) and a speed limit of 10 km p/h enforced at all times.
- ✚ Patron parking will be permitted within the allocated camping area unless it is seen that this area has become overly congested in which case the overflow will be used.
- ✚ In the event of any adverse weather or other obstacles, overflow parking will be available in an allocated section near the entrance to the property
- ✚ Parking space will be marked with hazard tape to ensure that access ways are not blocked.

The above measures meet the objectives of the section of the Development Control Plan.

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Flood Prone Land

This chapter of the DCP has generally been address in the aforementioned Flood Planning (Clause 6.2 of the *Berrigan LEP 2013*).

Notification Policy

This chapter of the DCP is addressed later in the report, in the Submission section. That application has advertised in the *Cobram Courier* and the *Southern Riverina News* for the required period (14 days) and neighbours were notified. Additionally, the stakeholders as well as all organisations with an interest in the event were individually notified by email.

• **Other Likely Impacts of Development**

Primary Matters	Comment
Public Domain	Suitable pedestrian linkages are provided within the site. All patrons will camp on the venue premises. The majority of the property has been designated for camping, complete with toilets, path lighting and access to free drinking water.
Utilities	A minimum of 45,000 litres of clean drinking water will be provided through a temporary underground piping system and nine generators with a rated power output of 40KVa will be employed.
Environmental Impacts	Any significant environmental impacts are considered to be short term in nature due to the limited duration of the event. The proposal was referred to the Environmental Protection Authority (EPA) for comment with no objection received. Their response is discussed below and recommendations are incorporated within the conditions of consent.
Noise	As discussed above, measures have been taken to mitigate this with improvements made from previous years.
Natural Hazards	A comprehensive emergency management plan has been submitted establishing the administrative structure and procedures for the handling of emergencies including natural hazards (See Appendix E).
Safety, security and crime prevention	Professional security officials will control underage admission, monitor the festival boundary and prevent access to the electrical generators. Officials will also

Items requiring Council Resolution

	handle patrons displaying anti-social behaviour and summon emergency services as required.
Social Impact	This proposal has the potential to have a negative impact in terms of social cohesion in the locality. This has been mitigated as far as is possible through notification and consultation with residents in the locality and wider Tocumwal community organisations.
Economic Impact	The proposal will have a significant positive economic impact. Event attendees are likely to patronage shops and services in Tocumwal and local businesses are actively tendered.
Swimming	As mentioned above, this proposed site will have a designated swimming area in the Murray River, located at the south of the site. A Water Activities Management Plan (found in Appendix H) provides an overview of the plans, strategies and processes being applied to the management of water based recreational activities. A specialist, “professional” lifeguard service has been engaged to provide appropriate aquatic management, supervision, response and recovery services to the festival community for the duration of the event. Swimming and recreational use of the river by festival participants will be restricted to specified times during daylight hours only (<i>nominally 1000 – 1800 hrs</i>) and will only be permitted within a clearly defined/designated area – this being subject to patrol and supervision by the “lifeguards”. The ability for organisers to effectively prohibit participants from entering the waterway in pursuit of individual aquatic recreation, is considered impractical and unachievable, therefore the establishment of appropriate controls designed to mitigate risk and manage aquatic behaviour is preferred.

RESOLUTION

Items requiring Council Resolution

Submissions

The proposed event was advertised, neighbours notified and referred to a number of public authorities and emergency service organisations. The main event planning documents were also placed on the Berrigan Shire's Website. Written submissions on the proposal were accepted until Tuesday 13th September 2016. At the close of agenda (the same day), a total of 32 submissions had been received (one neutral, and 31 in support).

1. The son of a neighbouring property owner contacted the Berrigan Shire to express his support for the festival. Whilst he no longer lives in the Shire, he expressed that 'he doesn't often get the time to visit my hometown but this event always draws him back'. He also stated that 'It would be a great shame if the festival was disallowed as it is a wonderful event that aims at providing a great experience for its patrons without negatively impacting the wider community. I look forward to attending again this year'
2. The Head of the NSW Environmental Protection Authority (South Branch-Albury Unit) reviewed the application and recommended that Council ensure the proponent is aware of the following and implements all measures necessary to:
 - Minimise and control the emission of dust and noise that have the potential to impact on neighbouring properties. Guidance to assist Council assess and manage noise is contained in the EPA's Noise Guide for Local Government; and
 - Ensure that pollution of waterways does not occur during any construction and operation of the activity. Under section 120 of the POEO Act, it is an offence to pollute waters.
3. A young person who works professionally in the area wrote in support of the application, especially as they believed that 'the whole festival is quite respectful of its surroundings and its patrons' and that the 'Berrigan Shire is thirsty for more culture... so it would be wonderful to see one of the largest festivals of its kind operated so well and legitimately, continue locally'. Finally, they stated that 'The practical approaches and delivery abilities the progressive organisers seem to maintain and implement year after year are impressive in my opinion'.
4. A local business owner also wrote in support of the Festival. Overall, they unequivocally expressed that 'Berrigan Shire cannot afford to lose this event' and that 'our local economy is enhanced by residents and visitors alike and the more visitors we can attract is a very positive contribution which we should all enthusiastically embrace and support'.
5. Two group submissions of approximately 25 individuals were submitted to Council supporting the event. The submissions highlighted the benefit to local businesses, contractors and services. Additionally, the individuals acknowledged that Strawberry Fields gives 'back to the local community by providing funding and donations'.

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6. A representative of the Tocumwal Chamber of Commerce & Tourism submitted correspondence in support of the application. It was their belief that 'the organisers spend around \$200,000.00 in the immediate Tocumwal, Finley area each festival'. On behalf of the members, the Chamber 'gratefully accepts this cash injection into the local economy'.
7. The Biralee Pre-School Management Committee also supported the application. Whilst acknowledging their past receipt of a Community Grant from Strawberry Fields Music Festival, they especially expressed that 'Strawberry Fields Music Festival is a professionally run event that is beneficial to the Berrigan Shire community engaging local contractors and facilities in the lead up to and after the event'.
8. Finally, a neighbouring property owner also responded positively to the application. They stated that they 'have perused the Event Plan and other supporting documents and were confident that the festival organisers undertake a program of continuous improvement in conducting this festival'. In addition, they also articulated that 'any minor and temporary inconveniences caused by this event are far outweighed by the positive returns generated'.

Overall, the Strawberry Fields Management worked particularly hard to engage stakeholders through consultation and holding a debriefing session after the 2015 Festival. This consultation and negotiation with stakeholders may have contributed to the more positive responses to this year's proposal.

Response to Submissions

As there have been no submissions in opposition to the event, the only response required is to ensure that the NSW Environmental Protection Authority (South Branch- Albury Unit) recommended measures for the minimisation and control of dust and noise emissions, as well as pollution control is met through appropriation conditioning within the conditions of consent.

Public Interest

The proponent has demonstrated that the event is to be well organized in a professional manner. It is worth noting the positive economic impacts likely to result from the attraction of up to 6,000 patrons to the outskirts of Tocumwal. In addition to the potential benefits of those attending taking a detour into the township of Tocumwal the applicant proposes to actively support local businesses by renting out local motels and B&Bs for staff accommodation, engaging local contractor and equipment hire and providing complementary free market stalls to residents of Tocumwal. Furthermore, the applicants have acknowledged that the local community plays a key role in sustaining the festival. In response to this goodwill, the event allocates \$1.00 from every ticket sold to a community fund – to be on forwarded to local charities.

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Conclusion / Legislation

The assessment of this development application has been undertaken to especially consider the relevant parts of Section 79C of the Environmental Planning and Assessment Act 1979. Upon taking into account these considerations, the proposal for the Strawberry Fields Festival will be an important income generating business for the Township of Tocumwal and surrounding townships. This development is seen of high importance given that it will generate further employment for local people, promote tourism to the Berrigan Shire as well as provide a much needed social outlet for the young people of the area.

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5.38 2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 4.4 Connect local, regional and national road, rail, and aviation infrastructure

FILE NO: 04.039.1

RECOMMENDATION: that Cr and the Executive Engineer attend the 2016 National Local Roads and Transport Congress to be held in Toowoomba, Queensland from the 9th to the 11th November, 2016.

REPORT:

Registration information has been released for the 2016 National Local Roads and Transport Congress to be held in Toowoomba, Queensland from the 9th to the 11th November, 2016.

The theme of the Congress is Local Infrastructure – Developing Regions and it will focus on the value and importance of strong regional and local collaboration and how those connections contribute to Australia’s economic competitiveness.

A copy of the program for the Congress is attached as Appendix “L”.

The Congress has generally been attended by the Director Technical Services and one Councillor. I am recommending that this year’s event be attended by a Councillor and the Executive Engineer, Matthew Clarke, as it will provide him with some important exposure to high level industry contacts and improve his understanding of the broader transport issues that we have to work within.

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**5.39 TENDER T01/16/17 TOCUMWAL AERODROME
SUBDIVISION CONSTRUCTION**

AUTHOR: Executive Engineer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: T01/16/17

RECOMMENDATION: - that the Council

1. accepts the tender submission from Fenhill Pty Ltd in the amount of \$499,381.47;
2. sign and seal the contract documents in relation to 1 above;
3. appoint the Director of Technical Services as the Contract Superintendent.

REPORT:

This tender is for T01/16/17 Tocumwal Aerodrome Subdivision Construction. As part of the 2016-17 financial year budget a 12 lot subdivision on the Tocumwal Aerodrome is scheduled to be completed.

The contract is a lump sum contract.

The total value of the contract based on Tender Price is \$499,381.47

The tendered price is below the engineers estimate for the works and will allow completion of the works within the budget included in the grant agreement for the National Stronger Regions Fund. A future report to Council will outline some amendments to scope of works and funding arrangements to service this grant.

Tenders closed at 2:00pm Wednesday 7th September, 2016. At the time of closing a total of 5 submissions were received:

FENHIILL PTY LTD
PEARSE EARTHMOVING
EXCELL GRAY BRUNI
MAWSON CONSTRUCTION PTY LTD
ANDREW GOLDMAN EXCAVATIONS

Items requiring Council Resolution

Consideration of the Tenders

All tenders were considered by the Tender Evaluation Committee:

Matthew Clarke	Executive Engineer
Fred Exton	Director of Technical Services
Yasir Hassan Orakzai	Design Engineer

Consideration of Tenders

Each Tender was evaluated in accordance with the following evaluation Criteria:

Criteria	Highest Possible Score	Weighting
1. Price	4	5
2. Compliance with Specification	4	5
3. Track Record	4	2
4. Quality Systems	4	2
5. Availability of Appropriate Skills & Resources	4	2
6. Work Health & Safety Considerations	4	3
7. Contract completion date	4	3

A summary of each tenders evaluation by the tender assessment panel is provided in the confidential section of this agenda.

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of Fenhill Pty Ltd as the preferred tender.

Supervisor

The superintendent of the contract will be the Director of Technical Services and the superintendent's representative will be the Executive Engineer.

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**TOCUMWAL FORESHORE DEVELOPMENT –
CLUBGRANTS CATEGORY 3 APPLICATION**

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: 05.101.7

RECOMMENDATION: - that the Council:

1. submit an application for funding under the CLUBGrants Category 3 Sport and Recreation program for the construction of a splash park at the Tocumwal Foreshore and associated works.
2. Fund its contribution of \$200,000 for the total project cost from:
 - a. \$54,600 – Levee Reserve
 - b. \$145,400 – Capital Works Reserve

REPORT:

In its 2016/17 Operational Plan, the Council included the following action item:

*3.2.1.2.3.2 Recognise as part of the development of Open Space and Community Facilities Strategic Plan the following Council priorities: Investigation of indoor sports facility at Finley, Toilets and Railway Park Finalisation & **implementation of the Tocumwal Foreshore Masterplan***

Over the past 12 months, the Council has been preparing a masterplan for the redevelopment of the Tocumwal Foreshore area, in consultation with the Tocumwal community and Liesl Malan Landscape Architects. This masterplan is almost complete and ready for adoption.

The aim of the masterplan is to develop an agreed future direction for the Tocumwal Foreshore area, to allow for the coordinated development of the area and to assist in planning future works. It is also designed to be used to assist in leveraging funding via grants from other levels of government and/or the private sector where appropriate.

While the plan has not yet been formally adopted by the Council, a grant program has been announced that may assist in funding one of the early stages of the masterplan – the construction of a splash park and associated works.

Project

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The construction of a splash park and associated works has been identified as Stage 2 of the Tocumwal Foreshore masterplan (Stage 1 being design, business plan development and other planning activities for the foreshore). The works and an estimated cost as per the masterplan are shown below

Item	Cost
Development of a detailed brief for Design & Construct Splash Park	\$ 2,500
Construction of levee section near splash park	\$ 54,600
Design & Construct Splash Park including grading, play spaces, equipment and plant room, toilets, pergola concrete, rubber surfaces, furniture, BBQ, lighting, tree planting and soft landscaping	\$ 775,000
Decommission / closure of toilets in the current VIC ground floor	\$ 150,000
Sub-total	\$ 979,600
Contingency (35%)	\$ 342,860
Total	\$1,322,460

The inclusion of a 35% contingency is a conservative position taken as detailed design work has not been undertaken for the project.

The Council has previously seen the construction of a splash park at the Tocumwal Foreshore to be a priority project.

Funding program

The NSW government has opened the 2016-17 CLUBGrants Category 3 Sport and Recreation funding round. Funding of between \$500,000 to a maximum of \$1,000,000 is available to successful applications. The program will only allow for a 10% contingency, payable if and when required.

Eligible projects include the building, upgrading, renewing or expanding of sports facilities, parks and active recreational facilities that are accessible and available to the public to use.

Expressions of interest close on **Friday 23 September 2016** with full applications to be submitted by invited applicants in November 2016. Successful applicants are expected to be advised in March 2017.

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While the Council has not formally adopted the Tocumwal Foreshore masterplan, this CLUBGrants funding round is a good opportunity to leverage the Council's own funding to put together a strong application. This opportunity may not come around again for at least 12 months and perhaps two years.

Funding model

Working on a total project cost of \$979,600 and a 10% contingency, a funding model for the project could look like this.

Source of funds	Amount	Contingency
Council	\$200,000	\$40,000
Foreshore Committee	\$200,000	
CLUBGrants Category 3	\$579,600	\$57,960
Total	\$979,600	\$97,960

The Tocumwal Foreshore Committee of Management has committed \$200,000 towards the project from its own funds and has written to the Council to that effect.

The Council has not allocated any funds towards the project in its 2016/17 capital works program or budget. However, it could use \$54,600 from its Levee Reserve to fund the levee works – the purpose of the reserve.

The balance of the Council contribution amounting to \$145,400 could be found from its Economic Development and Capital Works Reserve. This would leave the Capital Works Reserve with around \$1.1M unallocated to specific projects.

Alternatively, the Council could find the funds from elsewhere in its capital budget – i.e. scrapping or deferring another scheduled discretionary project.

Options

The Council has a range of options open to it

1. Submit an application for funding

This will allow the Council to take advantage of this funding opportunity and get on with delivering the project as soon as possible. The funding model above is a suggestion and Council may wish to modify it if it wishes

On the other hand, the Tocumwal Foreshore masterplan – while substantially complete – has not been formally adopted and the Council has

Items requiring Council Resolution

not formally incorporated any of the identified projects into its capital works plan.

The Council has not yet received development consent for the works and this could lead to delays as a wide range of authorities – and the public – will need to be consulted.

Submitting an application will mean committing the Council to the implementation of this project should the application be successful.

2. Not submit an application

This would allow the Council to formally adopt the Tocumwal Foreshore masterplan and then formally incorporate the planned stages into its future capital works program – noting that delivery of the larger stages will be contingent on the receipt of grant funding assistance from other levels of government.

It would also allow the Council to obtain development consent before committing itself to deliver the project.

On the other hand, it is likely to mean a 12 month or potentially two year delay before another funding opportunity comes around again.

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5.41 SAFE HAVEN ENTERPRISE VISA SCHEME

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO:

RECOMMENDATION: - the direction of the Council is sought

REPORT:

The Hon Catherine Cusack MLC, Parliamentary Secretary to the Premier, has written to the Council advising of the State's participation in the Safe Haven Enterprise Visa Scheme (SHEV) and seeking the Council's views on its willingness to welcome new arrivals and support and opportunities the BSC community might be able to offer refugees. Information is also sought as to how the State can work with local government to ensure successful resettlement outcomes

The Visas are effective for 5 years.

Sydney, Newcastle, Wollongong and the Central Coast areas are excluded from the scheme.

NSW recognizes that refugees should be encouraged to settle in areas with services and infrastructure to support them.

SHEV holders have access to Commonwealth and NSW services such as employment services, primary and secondary education, TAFE, Medicare, and mental health services and enjoy the same workplace rights as Australian workers.

Councils are encouraged to seek the views of their communities and express an interest in participation in the scheme, if appropriate, by 14th October 2016.

It is noted that some Councillors of the previous Council have expressed an interest in settling refugees in the area.

Whilst the timeframe for expressing an interest is extremely short, it is considered essential that if the Council is interested in participation, that strong community support can be demonstrated through a community engagement program as the success of participation will be determined by the community not the Council itself.

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A copy of the letter from the Parliamentary Secretary and a summary of the Commonwealth entitlement for SHEV are circulated with this agenda as Appendix "M".

For discussion.

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Items requiring Council Resolution

**5.42 LOCAL GOVERNMENT AMENDMENT (GOVERNANCE
AND PLANNING) ACT**

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council
of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the Council note the report regarding the
Local Government Amendment (Governance and Planning) Act.

REPORT:

As a part of the State Government's broader review of NSW local government, it has been reviewing the Local Government Act 1993. This review has been conducted by a specific taskforce and has included wide stakeholder consultation and consideration of the recommendations of the Independent Local Government Review Panel.

The review of the Act has been broken down into manageable sections and given the 2016 Council elections the State has progressed those amendments relating to governance and planning.

Whilst the amendments will be considered through the proposed Councillor induction program set out below are details of the specific amendments:

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Previous Provision	Amended Provision	Comment
<p>7 What are the purposes of this Act?</p> <p>The purposes of this Act are as follows:</p> <ul style="list-style-type: none"> (a) to provide the legal framework for an effective, efficient, environmentally responsible and open system of local government in New South Wales, (b) to regulate the relationships between the people and bodies comprising the system of local government in New South Wales, (c) to encourage and assist the effective participation of local communities in the affairs of local government, (d) to give councils: <ul style="list-style-type: none"> • the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and of the wider public • the responsibility for administering some regulatory systems under this Act • a role in the management, improvement and development of the resources of their areas, (e) to require councils, councillors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities. 	<p>7 Purposes of Act</p> <p>The purposes of this Act are as follows:</p> <ul style="list-style-type: none"> (a) to provide the legal framework for the system of local government for New South Wales, (b) to set out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government, (c) to provide for governing bodies of councils that are democratically elected, (d) to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government, (e) to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective. 	<p>Whilst more succinct the key change here is from community “participation” to community “engagement”.</p>
<p>Chapter 3 What is a council’s charter?</p> <p>Introduction. The charter contained in this Chapter comprises a set of principles that are to guide a council in the carrying out of its functions. A council may add other principles not inconsistent with those in</p>	<p>Chapter 3 Principles for local government</p> <p>8 Object of principles</p> <p>The object of the principles for councils set out</p>	<p>The key changes are are from some very specific and also some general provisions to more a more strategic and objective based principles that better reflect other proposed changes to the Act.</p> <p>Also make provision for involvement with proposed</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>the Chapter.</p> <p>The council's charter</p> <p>(1) A council has the following charter:</p> <ul style="list-style-type: none"> • to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively • to exercise community leadership • to exercise its functions in a manner that is consistent with and actively promotes the multicultural principles • to promote and to provide and plan for the needs of children • to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development • to have regard to the long term and cumulative effects of its decisions • to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible • to engage in long-term strategic planning on behalf of the local community • to exercise its functions in a manner that is consistent with and promotes social justice principles 	<p>in this Chapter is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.</p> <p>8A Guiding principles for councils</p> <p>(1) Exercise of functions generally</p> <p>The following general principles apply to the exercise of functions by councils:</p> <p>(a) Councils should provide strong and effective representation, leadership, planning and decision-making.</p> <p>(b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.</p> <p>(c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.</p> <p>(d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.</p> <p>(e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.</p> <p>(f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable</p>	<p>Joint Organizations.</p>

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Previous Provision	Amended Provision	Comment
<p>of equity, access, participation and rights</p> <ul style="list-style-type: none"> • to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government • to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants • to keep the local community and the State government (and through it, the wider community) informed about its activities • to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected • to be a responsible employer. <p>(2) A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.</p>	<p>way.</p> <p>(g) Councils should work with others to secure appropriate services for local community needs.</p> <p>(h) Councils should act fairly, ethically and without bias in the interests of the local community.</p> <p>(i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.</p> <p>(2) Decision-making</p> <p>The following principles apply to decision-making by councils (subject to any other applicable law):</p> <p>(a) Councils should recognise diverse local community needs and interests.</p> <p>(b) Councils should consider social justice principles.</p> <p>(c) Councils should consider the long term and cumulative effects of actions on future generations.</p> <p>(d) Councils should consider the principles of ecologically sustainable development.</p> <p>(e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.</p> <p>(3) Community participation</p> <p>Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.</p> <p>8B Principles of sound financial</p>	

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Previous Provision	Amended Provision	Comment
	<p>management</p> <p>The following principles of sound financial management apply to councils:</p> <p>(a) Council spending should be responsible and sustainable, aligning general revenue and expenses.</p> <p>(b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.</p> <p>(c) Councils should have effective financial and asset management, including sound policies and processes for the following:</p> <p>(i) performance management and reporting,</p> <p>(ii) asset maintenance and enhancement,</p> <p>(iii) funding decisions,</p> <p>(iv) risk management practices.</p> <p>(d) Councils should have regard to achieving intergenerational equity, including ensuring the following:</p> <p>(i) policy decisions are made after considering their financial effects on future generations,</p> <p>(ii) the current generation funds the cost of its services.</p> <p>8C Integrated planning and reporting principles that apply to councils</p> <p>The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:</p> <p>(a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	(b) Councils should identify strategic goals to meet those needs and aspirations. (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals. (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources. (e) Councils should regularly review and evaluate progress towards achieving strategic goals. (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals. (g) Councils should collaborate with others to maximise achievement of strategic goals. (h) Councils should manage risks to the local community or area or to the council effectively and proactively. (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.	
223 What is the role of the governing body? The role of the governing body is to direct and control the affairs of the council in accordance with this Act.	223 Role of governing body (1)The role of the governing body is as follows: (a) to direct and control the affairs of the council in accordance with this Act, (b) to provide effective civic leadership to the local community, (c) to ensure as far as possible the financial	The aim of this and following changes is to : <ul style="list-style-type: none"> • Reflect the role of the Councillors as a member of the governing body; • Reflect the role of a Councillor as an elected representative; • Clarify and try to refine the relationship with the General Manager.

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>sustainability of the council,</p> <p>(d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,</p> <p>(e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,</p> <p>(f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,</p> <p>(g) to keep under review the performance of the council, including service delivery,</p> <p>(h) to make decisions necessary for the proper exercise of the council's regulatory functions,</p> <p>(i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,</p> <p>(j) to determine the senior staff positions within the organisation structure of the council,</p> <p>(k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>(1) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.</p> <p>(2) The governing body is to consult with the general manager in directing and controlling the affairs of the council.</p>	
<p>224A Approval to reduce number of councillors</p> <p>(1) A council may resolve to make an application to the Minister to approve a decrease in the number of councillors within the limits referred to in section 224 (1).</p> <p>(2) The council must give not less than 42 days' public notice of its proposed resolution.</p> <p>(3) After passing the resolution, the council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.</p> <p>(4) The Minister may approve the application without amendment or may decline to approve the application.</p> <p>(5) If the Minister approves the application, the number of councillors of the council is reduced to the number specified in the application with effect on and from the day appointed for the next ordinary election of councillors after the application is approved.</p> <p>(6) Section 16 does not apply to a resolution of a council to make an application to the Minister under this section.</p> <p>(7) An application may be made under this section after the commencement of the Local Government Amendment (Elections) Act 2011 but before the expiry</p>	<p>Section 224A Approval to reduce number of councillors</p> <p>Omit section 224A (7)–(9). Insert instead:</p> <p>(7) An application may be made under this section only by a council that is prescribed by the regulations for the purposes of this section.</p> <p>(8) The application may be made after the commencement of this subsection (as substituted by the Local Government Amendment (Governance and Planning) Act 2016) and not later than 12 months before the next ordinary election of councillors after that commencement.</p> <p>(9) Nothing in this section prevents a council from making more than one application under this section or from taking action under section 224 to change the number of its councillors.</p>	<p>This section provides a streamlined opportunity for a Council to reduce its numbers at a future election.</p> <p>The Independent Local Government Review Panel was strongly of the view that Councils should have an uneven number of Councillors.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>of 5 months after that commencement.</p> <p>(8) Nothing in this section prevents a council from making more than one application under this section or from taking action under section 224 to change the number of its councillors.</p> <p>(9) A council for an area that is divided into wards may not make an application under this section for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3.</p>		
<p>226 What is the role of the mayor?</p> <p>The role of the mayor is:</p> <ul style="list-style-type: none"> • to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council • to exercise such other functions of the council as the council determines • to preside at meetings of the council • to carry out the civic and ceremonial functions of the mayoral office. 	<p>226 Role of mayor</p> <p>The role of the mayor is as follows:</p> <ul style="list-style-type: none"> (a) to be the leader of the council and a leader in the local community, (b) to advance community cohesion and promote civic awareness, (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities, (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council, (e) to preside at meetings of the council, (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act, (g) to ensure the timely development and adoption of the strategic plans, programs 	<p>The role of the Mayor has been significantly expanded to:</p> <ul style="list-style-type: none"> • See the Mayor as the leader of not only the Council but the community; • To be a driver of strategic direction; • To ensure community engagement; • To represent the Council to other organizations and other levels of government. • To provide strategic direction to the general manager and lead the performance review of the general manager.

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>and policies of the council, (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council, (i) to promote partnerships between the council and key stakeholders, (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council, (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community, (l) to carry out the civic and ceremonial functions of the mayoral office, (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level, (n) in consultation with the councillors, to lead performance appraisals of the general manager, (o) to exercise any other functions of the council that the council determines.</p>	
<p>232 What is the role of a councillor?</p> <p>(1) The role of a councillor is, as a member of the governing body of the council: •to provide a civic leadership role in guiding the development of the community strategic plan for the</p>	<p>232 The role of a councillor</p> <p>(1) The role of a councillor is as follows: (a) to be an active and contributing member of the governing body, (b) to make considered and well informed</p>	<p>See above and:</p> <p>Distinguish the two roles of a Councillor;</p> <p>Removes the role of providing individual leadership and guidance to the community (which is now a Mayor and Council Role)</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>area and to be responsible for monitoring the implementation of the council's delivery program</p> <ul style="list-style-type: none"> • to direct and control the affairs of the council in accordance with this Act • to participate in the optimum allocation of the council's resources for the benefit of the area • to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions • to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council. <p>(2) The role of a councillor is, as an elected person:</p> <ul style="list-style-type: none"> • to represent the interests of the residents and ratepayers • to provide leadership and guidance to the community • to facilitate communication between the community and the council. 	<p>decisions as a member of the governing body,</p> <p>(c) to participate in the development of the integrated planning and reporting framework,</p> <p>(d) to represent the collective interests of residents, ratepayers and the local community,</p> <p>(e) to facilitate communication between the local community and the governing body,</p> <p>(f) to uphold and represent accurately the policies and decisions of the governing body,</p> <p>(g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.</p> <p>(2) A councillor is accountable to the local community for the performance of the council.</p>	<p>Individual Councillors are accountable to the community for the performance of the Council (not individual Councillor performance)</p>
<p>234 When does a vacancy occur in a civic office?</p> <p>(1) A civic office becomes vacant if the holder:</p> <p>(a) dies, or</p> <p>(b) resigns the office by writing addressed to the general manager, or</p> <p>(c) is disqualified from holding civic office, or</p> <p>(d) is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under this Act or because the council has been suspended under this Act or as a consequence of a compliance order under</p>	<p>Section 234 When does a vacancy occur in a civic office?</p> <p>Insert after section 234 (1) (g):</p> <p>(g1) in the case of the office of a councillor, is elected as mayor by the electors, or</p> <p>Section 234 (5)</p> <p>Insert after section 234 (4):</p>	<p>There is a clear issue with a Council not having a Mayor between the Mayor (as a Councillor) going out of civic office and a new Mayor being elected by a Council.</p> <p>The Mayor and general manager are required to consult in relation to emergency expenditure of funds, say, during a disaster, which during this period could not occur.</p> <p>Previously the Mayor was the Mayor until a new Mayor was elected despite going out of civic office as a Councillor.</p>

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<p>section 438HA) without:</p> <ul style="list-style-type: none"> (i) prior leave of the council, or (ii) leave granted by the council at any of the meetings concerned, or (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or (f) becomes a mentally incapacitated person, or (g) is dismissed from civic office, or (h) ceases to hold the office for any other reason. <p>Note. See section 275 for the circumstances in which a person is disqualified from holding civic office.</p> <p>(2) For the purposes of subsection (1) (d), a councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.</p> <p>(3) If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.</p> <p>(4) Subsection (3) does not prevent the council from granting further leave of absence in respect of any future council meeting.</p>	<p>(5) The office of a mayor elected by councillors becomes vacant if the mayor ceases to hold office as a councillor.</p>	<p>This issue should be raised with the State.</p>
<p>253 Requirements before policy concerning expenses and facilities can be adopted or amended</p>	<p>Section 253 Requirements before policy concerning expenses and facilities can be adopted or amended</p>	<p>This amendment build on previous review of S252 of the Act that now requires a Council to adopt such a policy within its first twelve and streamlines to process to delete the requirement to advise OLG.</p>

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Previous Provision	Amended Provision	Comment
<p>(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.</p> <p>(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.</p> <p>(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.</p> <p>(4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Departmental Chief Executive:</p> <p>(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and</p> <p>(b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and</p> <p>(c) a copy of the notice given under subsection (1).</p> <p>(5) A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.</p>	Omit section 253 (4).	
<p>258 Administrator</p> <p>(1) When an administrator of a council appointed</p>	<p>Section 258 Administrator</p> <p>Insert "(including all the functions of a</p>	<p>All of the amendments relating to "Administrators" serves to clarify that an Administrator takes on the roles of the Council and the Mayor which had been subject to some legal conjecture.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>under this Division takes office:</p> <p>(a) any persons holding civic office in relation to the council cease to hold office, and</p> <p>(b) the administrator has all the functions of the council until immediately before the first meeting of the council held after the fresh election.</p> <p>(1A) If more than one administrator is appointed, each administrator has the functions of the council specified in the instrument of appointment.</p> <p>(2) An administrator must be paid a salary from the council's funds determined by the Governor.</p> <p>(2A) If more than one administrator is appointed for a council, the Minister may give directions for the purpose of resolving any issues that arise as a result of there being more than one administrator.</p> <p>(3) The Governor may terminate an administrator's appointment at any time.</p> <p>(4) An administrator ceases to hold office:</p> <p>(a) immediately before the first meeting of the council held after the fresh election, or</p> <p>(b) if the administrator's appointment is earlier terminated by the Governor.</p>	<p>councillor and the mayor)" after "council" where firstly occurring in section 258 (1) (b).</p>	
See above	<p>Section 258 (1B)</p> <p>Insert after section 258 (1A):</p> <p>(1B) If more than one administrator is appointed, one of the administrators is to be specified in the instrument of appointment as the person who is to exercise the functions of the mayor of the council.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>335 Functions of general manager</p> <p>(1) The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.</p> <p>(2) The general manager has the following particular functions:</p> <ul style="list-style-type: none"> • to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report • the day-to-day management of the council • to exercise such of the functions of the council as are delegated by the council to the general manager • to appoint staff in accordance with an organisation structure and resources approved by the council • to direct and dismiss staff • to implement the council's equal employment opportunity management plan. <p>(3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.</p>	<p>Section 335</p> <p>Omit the section. Insert instead:</p> <p>335 Functions of general manager</p> <p>The general manager of a council has the following functions:</p> <p>(a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,</p> <p>(b) to implement, without undue delay, lawful decisions of the council,</p> <p>(c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,</p> <p>(d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,</p> <p>(e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,</p> <p>(f) to ensure that the mayor and other councillors are given timely information and</p>	<p>Again, seeks to clarify respective roles and builds on the objectives or principles of the general amendments to the Act.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>advice and the administrative and professional support necessary to effectively discharge their functions,</p> <p>(g) to exercise any of the functions of the council that are delegated by the council to the general manager,</p> <p>(h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,</p> <p>(i) to direct and dismiss staff,</p> <p>(j) to implement the council's workforce management strategy,</p> <p>(k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.</p>	
<p>339 Annual reporting of contracts for senior staff</p> <p>The general manager must, at least once annually, report to the council on the contractual conditions of senior staff.</p>	<p>Section 339 Annual reporting of contracts for senior staff</p> <p>Omit the section.</p>	<p>This clause has no real impact for this Council as the General Manager is the only senior staff members whose remuneration is reported to the Council twice yearly.</p>
<p>360 Conduct of meetings of councils and committees</p> <p>(1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors.</p> <p>(2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those</p>	<p>Section 360</p> <p>Omit the section. Insert instead:</p> <p>360 Conduct of meetings of councils and committees</p> <p>(1) The regulations may prescribe a model</p>	<p>Whereas the Council could follow the regulation for meeting procedure the Council will now be required to have Code of Meeting Practice.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>regulations with provisions that are not inconsistent with them.</p> <p>(3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.</p>	<p>code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.</p> <p>(2) The model code may contain both mandatory and non-mandatory provisions.</p> <p>(3) A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.</p> <p>(4) A code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions.</p> <p>(5) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.</p>	
<p>362 Adoption of draft code</p> <p>(1) After considering all submissions received by it concerning the draft code, the council may decide:</p> <p>(a) to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360, or</p> <p>(b) to adopt the draft code as its code of meeting practice.</p> <p>(2) If the council decides to amend its draft code, it</p>	<p>Section 362 Adoption of draft code</p> <p>Omit section 362 (1) (a). Insert instead:</p> <p>(a) to amend those provisions of its draft mandatory code that are non-mandatory provisions, or</p>	<p>See above</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.</p>		
<p>365 How often does the council meet?</p> <p>The council is required to meet at least 10 times each year, each time in a different month.</p>	<p>Section 365A</p> <p>Insert after section 365:</p> <p>365A Reduction in meetings</p> <p>(1) A council may resolve to make an application to the Minister to approve a reduction in the number of times that a council is required to meet each year to a number specified in the resolution.</p> <p>(2) The council must give not less than 42 days' public notice of its proposed resolution.</p> <p>(3) After passing the resolution the council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.</p> <p>(4) The Minister may approve the application or decline to approve it.</p> <p>(5) If the Minister approves the application, the council is required to meet at least as often as specified in the resolution.</p> <p>(6) An application may be made under this section only by the councils prescribed by the regulations for the purposes of this section.</p>	<p>This Council has historically met twelve times a year but provides an opportunity to meet less than ten times per year if desired.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>(7) The application may be made after the commencement of this section and not later than 12 months before the next ordinary election of councillors after that commencement.</p> <p>(8) Nothing in this section prevents a council from making more than one application under this section.</p>	
<p>370 What are the voting entitlements of councillors?</p> <p>(1) Each councillor is entitled to one vote.</p> <p>(2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.</p>	<p>Section 370A</p> <p>Insert after section 370:</p> <p>370A Powers of Minister in relation to meetings</p> <p>(1) The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:</p> <p>(a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or</p> <p>(b) that it is in the interests of the electors for the area to do so.</p> <p>(2) A councillor or member of a council</p>	<p>This provision specifically provides capacity to allow certain business to proceed where it otherwise could not because of pecuniary interests.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	committee who attends a meeting in accordance with this section is not, for that reason only, taken to have engaged in misconduct within the meaning of Division 3 of Part 1 of Chapter 14.	
<p>372 Rescinding or altering resolutions</p> <p>(1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.</p> <p>(2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.</p> <p>(3) If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.</p> <p>(4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.</p> <p>(5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a</p>	<p>Section 372 Rescinding or altering resolutions</p> <p>Omit "regulations made under section 360 and, if applicable," from section 372 (1).</p>	Procedural only.

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>motion differently worded, but in principle the same.</p> <p>(6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.</p> <p>(7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.</p>		
<p>374 Certain circumstances do not invalidate council decisions</p> <p>Proceedings at a meeting of a council or a council committee are not invalidated because of:</p> <p>(a) a vacancy in a civic office, or</p> <p>(b) a failure to give notice of the meeting to any councillor or committee member, or</p> <p>(c) any defect in the election or appointment of a councillor or committee member, or</p> <p>(d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with section 451, or</p> <p>(e) a failure to comply with the code of meeting practice.</p>	<p>Section 374 Certain circumstances do not invalidate council decisions</p> <p>Omit “section 451” from section 374 (d). Insert instead “the council’s code of conduct”.</p>	<p>Procedural only.</p>
<p>376 Attendance of general manager at meetings</p> <p>(1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.</p>	<p>Section 376 Attendance of general manager at meetings</p> <p>Insert after section 376 (3):</p> <p>(4) The Audit, Risk and Improvement</p>	<p>Relates to establishment of Audit Risk and Improvement Committee.</p> <p>There are obvious issues around “appropriate’ and how this is determined.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.</p> <p>(3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.</p>	<p>Committee of a council may also exclude the general manager from a meeting while it deals with any other matter, if it thinks it appropriate to do so in the circumstances of the case.</p>	
<p>377 General power of the council to delegate</p> <p>(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:</p> <ul style="list-style-type: none"> (a) the appointment of a general manager, (b) the making of a rate, (c) a determination under section 549 as to the levying of a rate, (d) the making of a charge, (e) the fixing of a fee, (f) the borrowing of money, (g) the voting of money for expenditure on its works, services or operations, (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment), (i) the acceptance of tenders which are required under this Act to be invited by the council, (j) the adoption of an operational plan under section 405, 	<p>Section 377 General power of council to delegate</p> <p>Omit section 377 (1) (i). Insert instead:</p> <p>(i) the acceptance of tenders to provide services currently provided by members of staff of the council,</p>	<p>Allows staff to accept tenders except where it related to a service that would in effect replace Council staff.</p> <p>If the Council does delegate this power it needs to have some appropriate controls around it.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(k) the adoption of a financial statement included in an annual financial report,</p> <p>(l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,</p> <p>(m) the fixing of an amount or rate for the carrying out by the council of work on private land,</p> <p>(n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,</p> <p>(o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,</p> <p>(p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,</p> <p>(q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,</p> <p>(r) a decision under section 234 to grant leave of absence to the holder of a civic office,</p> <p>(s) the making of an application, or the giving of a notice, to the Governor or Minister,</p> <p>(t) this power of delegation,</p> <p>(u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.</p> <p>(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.</p>		

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
See above	<p>Section 377 (1A)</p> <p>Insert after section 377 (1):</p> <p>(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:</p> <p>(a) the financial assistance is part of a specified program, and</p> <p>(b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and</p> <p>(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and</p> <p>(d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.</p>	The aim of this provision is to expedite the use of Council funds where an allocation has been predetermined through the adoption on the operational plan.
<p>402 Community strategic plan</p> <p>(1) Each local government area must have a community strategic plan that has been developed and endorsed by the council. A community strategic plan is a plan that identifies the main priorities and aspirations for the future of the local government area covering a</p>	<p>Section 402 Community strategic plan</p> <p>Omit section 402 (3)–(7). Insert instead:</p> <p>(3) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June</p>	<p>The key change is that the Council prepares the Community Strategic Plan including engagement of the community.</p> <p>Previously the Council effectively facilitated the preparation of the Community Strategic Plan by the community.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>period of at least 10 years from when the plan is endorsed.</p> <p>(2) A community strategic plan is to establish strategic objectives together with strategies for achieving those objectives.</p> <p>(3) The council must ensure that the community strategic plan:</p> <p>(a) addresses civic leadership, social, environmental and economic issues in an integrated manner, and</p> <p>(b) is based on social justice principles of equity, access, participation and rights, and</p> <p>(c) is adequately informed by relevant information relating to civic leadership, social, environmental and economic issues, and</p> <p>(d) is developed having due regard to the State government's State Plan and other relevant State and regional plans of the State government.</p> <p>(4) The council must establish and implement a strategy (its community engagement strategy), based on social justice principles, for engagement with the local community when developing the community strategic plan.</p> <p>(5) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.</p> <p>(6) A draft community strategic plan or amendment of a community strategic plan must be placed on public exhibition for a period of at least 28 days and</p>	<p>following the election. The council may endorse the existing plan, or develop or endorse a new community strategic plan, as appropriate, to ensure that the area has a community strategic plan covering at least the next 10 years.</p>	<p>This restores some of the intentions of representative democracy.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>submissions received by the council must be considered by the council before the plan or amendment is endorsed by the council.</p> <p>(7) Within 28 days after a community strategic plan is endorsed, the council must post a copy of the plan on the council's website and provide a copy to the Departmental Chief Executive. A copy of a community strategic plan may be provided to the Departmental Chief Executive by notifying the Minister of the appropriate URL link to access the plan on the council's website.</p>		
<p>403 Resourcing strategy</p> <p>(1) A council must have a long-term strategy (called its resourcing strategy) for the provision of the resources required to implement the strategies established by the community strategic plan that the council is responsible for.</p> <p>(2) The resourcing strategy is to include long-term financial planning, workforce management planning and asset management planning.</p> <p>404 Delivery program</p> <p>(1) A council must have a program (its delivery program) detailing the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy.</p> <p>(2) The delivery program must include a method of assessment to determine the effectiveness of each</p>	<p>Sections 402A–406</p> <p>Omit sections 403–406. Insert instead:</p> <p>402A Community engagement strategy</p> <p>A council must establish and implement a strategy (called its community engagement strategy) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).</p> <p>403 Resourcing strategy</p> <p>A council must have a long-term strategy (called its resourcing strategy) for the provision of the resources required to perform its functions (including implementing the</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>principal activity detailed in the delivery program in implementing the strategies and achieving the strategic objectives at which the principal activity is directed.</p> <p>(3) The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.</p> <p>(4) A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted by the council.</p> <p>(5) The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.</p> <p>405 Operational plan</p> <p>(1) A council must have a plan (its operational plan) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.</p> <p>(2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.</p> <p>(3) A council must prepare a draft operational plan and</p>	<p>strategies set out in the community strategic plan).</p> <p>404 Delivery program</p> <p>(1) A council must have a program (called its delivery program) detailing the principal activities to be undertaken by the council to perform its functions (including implementing the strategies set out in the community strategic plan) within the resources available under the resourcing strategy.</p> <p>(2) The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.</p> <p>405 Operational plan</p> <p>A council must have a plan (called its operational plan) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.</p> <p>406 Integrated planning and reporting guidelines</p> <p>(1) The regulations may make provision for or with respect to integrated planning and reporting guidelines (referred to in this Chapter as the guidelines) to be complied</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.</p> <p>(4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.</p> <p>(5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.</p> <p>(6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.</p> <p>406 Integrated planning and reporting guidelines</p> <p>(1) The Departmental Chief Executive is to establish integrated planning and reporting guidelines (referred to in this Chapter as <i>the guidelines</i>) for the purposes of this Chapter.</p> <p>(2) The guidelines can impose requirements in connection with the preparation, development and review of, and the contents of, the community strategic plan, resourcing strategy, delivery program, operational plan, community engagement strategy, annual report and state of the environment report of a council.</p>	<p>with by councils.</p> <p>(2) Without limiting subsection (1), the regulations may impose requirements in connection with the preparation, development, consultation on and review of, and the contents of, the community strategic plan, resourcing strategy, delivery program, operational plan, community engagement strategy, annual report and environment reporting of a council.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(3) In particular (but without limiting subsection (2)), the guidelines can impose requirements in relation to any of the following:</p> <p>(a) the procedures to be followed in the preparation, development or review of plans, strategies, programs and reports,</p> <p>(b) the matters to be addressed or provided for by plans, strategies, programs and reports,</p> <p>(c) requirements for consultation in connection with the preparation, development or review of plans, strategies and programs,</p> <p>(d) the matters to be taken into account or to which regard is to be had in connection with the preparation, development or review of plans, strategies, programs and reports.</p> <p>(4) A council must ensure that the requirements of the guidelines are complied with.</p> <p>(5) The guidelines can include other material for the guidance of councils in connection with the plans, strategies, programs and reports to which this section applies.</p> <p>(6) The Departmental Chief Executive may review and amend the guidelines from time to time.</p> <p>(7) The guidelines and any amendment of the guidelines must be posted on the Department's website and notified in writing to each council by the Departmental Chief Executive.</p>		
<p>415 Auditing of financial reports</p> <p>(1) A council's auditor must audit the council's financial reports as soon as practicable (having regard to the</p>	<p>Section 415 Auditing of financial reports</p> <p>Insert after section 415 (3):</p>	<p>All of the changes to the sections of the Act relating to auditing effectively facilitate the transfer of responsibility for annual financial audits to the Auditor General.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>requirements of section 416 (1)) after they are referred for audit.</p> <p>(2) A council's financial reports must be audited in accordance with the requirements of:</p> <p>(a) the publications issued by the Australian Accounting Research Foundation, on behalf of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia, under the titles <i>Statements of Auditing Standards</i> and <i>Statements of Auditing Practice</i>, as in force for the time being, subject to the regulations, and</p> <p>(b) such other standards as may be prescribed by the regulations.</p> <p>(3) The regulations may prescribe matters that an auditor must consider and provide comment on in auditing a council's financial reports.</p>	<p>(4) In auditing the financial reports of the council, a council's auditor must also audit the financial reports of any council entity and report on that audit as part of the report on the council by the auditor.</p> <p>(5) In this Part:</p> <p>council entity means:</p> <p>(a) a partnership, trust, corporation, joint venture, syndicate or other body (whether or not incorporated) that a council has formed or participated in forming or has acquired a controlling interest in, other than an entity of a class prescribed by the regulations, or</p> <p>(b) any other entity of a class prescribed by the regulation</p>	<p>Also includes provision for the proposed performance auditing of Councils.</p> <p>Includes requirement to audit related Council entity.</p>
<p>419 Presentation of the council's financial reports</p> <p>(1) A council must present its audited financial reports, together with the auditor's reports, at a meeting of the council held on the date fixed for the meeting.</p> <p>(2) The council's auditor may, and if so required in writing by the council must, attend the meeting at which the financial reports are presented.</p>	<p>Section 419 Presentation of council's financial reports</p> <p>Omit section 419 (2). Insert instead:</p> <p>(2) The council's auditor may attend the meeting at which the financial reports are presented.</p> <p>(3) A council's auditor who carries out the functions of the auditor under an appointment by the Auditor-General must attend the meeting at which the financial reports are presented if the council gives not less than 7</p>	

Items requiring Council Resolution

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	days notice in writing that it requires the auditor to do so.	
<p>Division 3 Auditors</p> <p>422 Appointment of auditors</p> <p>(1) A council must appoint a person as its auditor. (2) A council's auditor may be: (a) an individual who is a registered company auditor, or (b) a partnership whose members or employees include a registered company auditor, or (c) a corporation whose employees include a registered company auditor. (3) If the council's auditor is a partnership, any member or employee of the partnership may act as the council's auditor as long as he or she is a registered company auditor. (4) If the council's auditor is a corporation, any employee of the corporation may act as the council's auditor as long as he or she is a registered company auditor. (5) An auditor may not be appointed or reappointed unless tenders for the appointment or reappointment have been called. (6) In this section, registered company auditor has the same meaning as it has in the Corporations Act 2001 of the Commonwealth and includes the Auditor-General.</p>	<p>Chapter 13, Part 3, Divisions 2A and 3</p> <p>Omit Division 3. Insert instead:</p> <p>Division 2A Other audit functions</p> <p>421A Definitions</p> <p>In this Division:</p> <p><i>Audit</i> includes examination and inspection.</p> <p><i>performance audit</i> means an audit under section 421B.</p> <p>421B Performance audits</p> <p>(1) The Auditor-General may, when the Auditor-General considers it appropriate to do so, conduct an audit of all or any particular activities of 1 or more councils to determine whether the councils are carrying out those activities effectively and doing so economically and efficiently and in compliance with all relevant laws. (2) A performance audit is separate from, and does not affect, any other audit required by or under this or any other Act.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>423 Disqualified persons</p> <p>(1) A person may not be appointed as a council's auditor:</p> <p>(a) in the case of an individual, if he or she is a disqualified person, or</p> <p>(b) in the case of a partnership, if any member or employee of the partnership is a disqualified person, or</p> <p>(c) in the case of a corporation, if the corporation or any employee of the corporation is a disqualified person.</p> <p>(2) In this section, disqualified person means a person:</p> <p>(a) who is a councillor or an employee of the council, or</p> <p>(b) who is in debt to the council otherwise than for rates or charges owed by the person as a ratepayer, or</p> <p>(c) who has a contractual arrangement with the council that (if the person were the council's auditor) might reasonably be seen to give rise to a conflict between the person's duties as an auditor and the person's interests under the arrangement.</p> <p>424 Auditor's term of office</p> <p>(1) A council's auditor holds office for 6 years and, if otherwise qualified, is eligible for re-appointment subject to this section.</p> <p>(2) The office of auditor becomes vacant if the auditor:</p> <p>(a) dies, or</p> <p>(b) completes a term of office and is not re-appointed,</p>	<p>(3) The Auditor-General is to report to the Departmental Chief Executive, the councils concerned and the Minister as to the following:</p> <p>(a) the result of a performance audit,</p> <p>(b) any other matters that the Auditor-General considers call for special notice.</p> <p>(4) At least 28 days before reporting on a performance audit, the Auditor-General must give to the Departmental Chief Executive, the councils concerned and the Minister a written summary of the Auditor-General's findings and recommendations in relation to the audit.</p> <p>(5) A report on a performance audit may be given before the expiration of 28 days if the Auditor-General has received any submissions and comments of, or notice that no submission or comment is to be made by, the Departmental Chief Executive and each council concerned.</p> <p>(6) A report on a performance audit:</p> <p>(a) is to include any submissions or comments made by the Departmental Chief Executive or by a council in response to the findings of the audit, and</p> <p>(b) may include any information that the Auditor-General thinks desirable in relation to the activities the subject of the audit, and</p> <p>(c) may include any recommendations arising out of the audit that the Auditor-General thinks fit to make, and</p> <p>(d) may be included in any other report of the Auditor-General.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>or (c) ceases to be qualified to hold office as auditor or becomes a disqualified person within the meaning of section 423, or (d) resigns office by notice in writing addressed to the council, or (e) becomes a mentally incapacitated person, or (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or (h) is removed by the council in accordance with this section. (3) The council may remove an auditor from office only with the consent of the Minister. (4) If the office of auditor becomes vacant, the council must appoint a qualified person to fill the vacancy.</p> <p>425 Auditor-General to be auditor in certain instances</p> <p>(1) The Auditor-General is authorised to audit a council's financial reports if the council fails to appoint an auditor or during any vacancy in the office of auditor. (2) The costs certified by the Auditor-General as having been incurred by the Auditor-General in</p>	<p>421C Auditor-General may report on local government on sector-wide basis</p> <p>(1) The Auditor-General is to report annually on any local government sector-wide matters arising from the examination of financial statements of councils and the exercise by the Auditor-General of audit or other functions under this Act. (2) The Auditor-General is to give a copy of the proposed report to the Departmental Chief Executive and the Minister at least 28 days before the report is made. (3) The Auditor-General may include in the report any submissions or comments made by the Departmental Chief Executive or a summary, in an agreed form, of any such submissions or comments.</p> <p>421D Tabling of reports</p> <p>(1) The Auditor-General is to lay (or cause to be laid) a report under this Division before both Houses of Parliament as soon as practicable after making the report. (2) If a House of Parliament is not sitting when the Auditor-General seeks to lay a report before it, the Auditor-General may present copies of the report to the Clerk of the House concerned. (3) The report: (a) is, on presentation and for all purposes, taken to have been laid before the House,</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>auditing a council's financial reports in accordance with the authorisation given by this section must be paid by the council.</p> <p>426 Auditor may exercise general power of inspecting accounting records</p> <p>(1) A council's auditor:</p> <p>(a) may inspect the council's accounting records and other records necessary in order to carry out the auditor's functions at any time, and</p> <p>(b) must inspect those records at such periods as may be prescribed by the regulations, for the purpose of forming an opinion as to whether the requirements of this Act and the regulations are being complied with.</p> <p>(2) The auditor may report to the council or to the Minister on the results of the inspection.</p> <p>(3) Such a report may deal with such matters concerning the council's accounting and other records as, in the auditor's opinion, should be dealt with by the report.</p> <p>(4) The auditor must give the council a copy of any report made under this section to the Minister.</p> <p>427 Powers of auditor</p> <p>(1) When exercising the functions conferred on a council's auditor by this Part, a council's auditor is entitled at all reasonable times to full and free access to the council's accounting records and other records necessary in order to carry out the auditor's functions and may direct a councillor, the general manager or any other member of staff of the council:</p>	<p>and</p> <p>(b) may be printed by authority of the Clerk of the House, and</p> <p>(c) if so printed, is for all purposes taken to be a document published by or under the authority of the House, and</p> <p>(d) is to be recorded:</p> <p>(i) in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and</p> <p>(ii) in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly, on the first sitting day of the House after receipt of the report by the Clerk.</p> <p>421E Other audit functions</p> <p>(1) The Auditor-General may provide any audit-related service to a council at the request of the council or at the request of the Minister or the Departmental Chief Executive.</p> <p>(2) The costs confirmed in writing by the Auditor-General as having been incurred by the Auditor-General in providing an audit-related service to a council at the request of the council must be paid by the council.</p> <p>Division 3 Auditors</p> <p>422 Auditor-General to be council auditor</p> <p>(1) The Auditor-General is to be the auditor for a council.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(a) to produce to the auditor any document relating to those records that is in that person's custody or under that person's control, or</p> <p>(b) to grant to the auditor such authorities as may be necessary to enable the auditor to gain access to any document relating to those records that is in the custody or control of any bank, building society, credit union or other person, or</p> <p>(c) to answer any question, being a document or question that, in the opinion of the auditor, is relevant to the carrying out of the auditor's functions.</p> <p>(2) An auditor may make copies of or take extracts from any document to which the auditor gains access under this section.</p>	<p>(2) The Auditor-General may appoint, in writing, a person (whether or not that person is employed in the Public Service) or a firm to be an auditor for the purposes of this Act.</p> <p>(3) The costs confirmed in writing by the Auditor-General as having been incurred by the Auditor-General in auditing a council's financial reports (including any audit of a council entity) or in any other inspection or audit carried out by the Auditor-General under this Division (or at a council's request) must be paid by the council.</p> <p>Note. An example of confirmation is an invoice.</p> <p>(4) Nothing in this Act entitles the Auditor-General to question the merits of policy objectives of a council or the Government, including:</p> <p>(a) the strategic objectives and policy objectives contained in a plan, strategy, policy or program of the council, and</p> <p>(b) any policy objective of the Government contained in a record of a policy decision of Cabinet, and</p> <p>(c) a policy direction of a Minister, and</p> <p>(d) a policy statement in any Budget Paper or other document evidencing a policy direction of the Cabinet or a Minister.</p> <p>423 Access to and production of documents</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>(1) The Auditor-General or a person authorised by the Auditor-General is entitled at all reasonable times to full and free access to the council's accounting records and other records necessary in order to carry out the Auditor-General's functions under this or any other Act.</p> <p>(2) The Auditor-General or a person authorised by the Auditor-General may exercise the following functions for the purposes of any audit or inspection carried out by the Auditor-General under this Act:</p> <p>(a) direct a councillor, the general manager or any other member of staff of the council to produce books, records or other documents in the person's custody or under the person's control to the Auditor-General or person within a specified period,</p> <p>(b) direct a councillor, the general manager or any other member of staff of the council to appear personally before the Auditor-General or person at a specified time and place to produce books, records or other documents in the person's custody or under the person's control,</p> <p>(c) direct a councillor, the general manager or any other member of staff of the council to answer any question that is relevant to that purpose,</p> <p>(d) direct a councillor, the general manager or any other member of staff of the council to provide any necessary authorities to gain access to books, records or other documents</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>under the person's control, (e) make copies of or take extracts from any document to which the Auditor-General or person gains access under this section. (3) If any document required by a direction to be produced is in electronic form or a form other than writing, the document is required to be produced in writing, unless the direction otherwise provides. (4) The Auditor-General or a person authorised by the Auditor-General is entitled to exercise functions under this section despite: (a) any rule of law which, in proceedings in a court of law, might justify an objection to access to books, records, other documents or information on grounds of public interest, or (b) any privilege of a council that the council might claim in a court of law, other than a claim based on legal professional privilege, or (c) any duty of secrecy or other restriction on disclosure applying to a council or a member of staff of a council. (5) Nothing in this section entitles the Auditor-General or any other person to have access to information that is Cabinet information under the Government Information (Public Access) Act 2009. (6) In this section, a reference to a council includes a reference to a council entity.</p> <p>424 Access to records of authorised</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>deposit-taking institution</p> <p>(1) If an account for the banking of money of a council is kept with an authorised deposit-taking institution, the institution or the person in charge of the account must, if directed to do so by the Auditor-General or a person authorised by the Auditor-General:</p> <p>(a) give to the Auditor-General or person, in accordance with the direction, a statement of the account or a certificate as to the balance of the account, and</p> <p>(b) produce to the Auditor-General or person any book, record or other document relating to the council and under the custody or control of the institution or the person in charge.</p> <p>(2) If any document required by a direction to be produced is in electronic form or a form other than writing, the document is required to be produced in writing, unless the direction otherwise provides.</p> <p>(3) In this section, a reference to a council includes a reference to a council entity.</p> <p>425 Secrecy</p> <p>(1) The Auditor-General or any person exercising the functions of the Auditor-General is to preserve and aid in preserving secrecy with respect to all matters and things that come to the knowledge of the Auditor-General or person in the exercise of the functions of the Auditor-General under this</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>Act and is not to communicate to any person any such matter or thing.</p> <p>(2) Nothing in subsection (1) applies to or in respect of:</p> <p>(a) the conduct of any matter necessary for the proper administration of this Act, or</p> <p>(b) proceedings for an offence relating to public money, other money, public property or other property or for the recovery of public money, other money, public property or other property, or</p> <p>(c) disciplinary proceedings brought against a councillor or a member of staff of a council, or</p> <p>(d) a report or communication authorised or required to be made by or under this Act, or</p> <p>(e) a report or communication that the Minister authorises the Auditor-General to make to a person for the purposes of a due diligence or similar process relating to the sale of any council undertaking.</p> <p>426 Auditor-General is to communicate with Minister</p> <p>(1) The Auditor-General is to communicate with the Minister on all matters arising under this Act or the regulations and which, in the opinion of the Auditor-General, are sufficiently significant to be brought to the Minister's attention.</p> <p>(2) The Auditor-General is to provide to the Minister the name of any person failing to comply with any of the provisions of this Act</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	or the regulations.	
<p>428 Annual reports</p> <p>(1) Within 5 months after the end of each year, a council must prepare a report (its annual report) for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.</p> <p>(2) The annual report in the year in which an ordinary election of councillors is to be held must also report as to the council's achievements in implementing the community strategic plan over the previous 4 years.</p> <p>(3) An annual report must be prepared in accordance with the guidelines under section 406.</p> <p>(4) An annual report must contain the following:</p> <p>(a) a copy of the council's audited financial reports prepared in accordance with the <i>Local Government Code of Accounting Practice and Financial Reporting</i> published by the Department, as in force from time to time,</p> <p>(b) such other information as the regulations or the guidelines under section 406 may require.</p> <p>(5) A copy of the council's annual report must be posted on the council's website and provided to the Minister and such other persons and bodies as the regulations may require. A copy of a council's annual report may be provided to the Minister by notifying the Minister of the appropriate URL link to access the</p>	<p>Section 428 Annual reports</p> <p>Insert "or material" after "information" in section 428 (4) (b).</p>	Procedural only.

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
report on the council's website.		
<p>428A State of the environment reports</p> <p>(1) The annual report of a council in the year in which an ordinary election of councillors is to be held must include a report (a <i>state of the environment report</i>) as to the state of the environment in the local government area in relation to such environmental issues as may be relevant to the objectives for the environment established by the community strategic plan (the <i>environmental objectives</i>).</p> <p>(2) A state of the environment report must be prepared in accordance with the guidelines under section 406.</p> <p>(3) The state of the environment report is to:</p> <p>(a) establish relevant environmental indicators for each environmental objective, and</p> <p>(b) report on, and update trends in, each such environmental indicator, and</p> <p>(c) identify all major environmental impacts (being events and activities that have a major impact on environmental objectives).</p> <p>(4) A state of the environment report for a council's area may be prepared as part of and for the purposes of a state of the environment report for a larger area (such as a region or a catchment management area) and a report for the larger area that includes the required information in respect of the council's area may be included in the council's annual report as the council's state of the environment report.</p>	<p>Section 428A State of the environment reports</p> <p>Omit the section.</p>	<p>The Council has long requested this change.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
New Part	<p>Chapter 13, Part 4A</p> <p>Insert after Part 4:</p> <p>Part 4A Internal audit</p> <p>428A Audit, Risk and Improvement Committee</p> <p>(1) A council must appoint an Audit, Risk and Improvement Committee.</p> <p>(2) The Committee must keep under review the following aspects of the council's operations:</p> <ul style="list-style-type: none"> (a) compliance, (b) risk management, (c) fraud control, (d) financial management, (e) governance, (f) implementation of the strategic plan, delivery program and strategies, (g) service reviews, (h) collection of performance measurement data by the council, (i) any other matters prescribed by the regulations. <p>(3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.</p>	<p>The Council has historically not supported this concept however it will now be mandated to have Audit, Risk and Improvement Committee with the specified functions.</p> <p>There are no details regarding committee complement, (including general manager), resourcing or the issue related to key staff, perhaps, having "two masters".</p> <p>Can be jointly operated through a Joint Organization.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>428B Joint internal audit arrangements</p> <p>A council may enter into an arrangement with another council, or a body prescribed by the regulations for the purposes of this section, to jointly appoint an Audit, Risk and Improvement Committee to exercise functions for more than one council or body.</p>	
<p>438C Minister to give notice of intention to issue or vary performance improvement order</p> <p>(1) The Minister is to give a council notice in writing of his or her intention to issue or vary a performance improvement order in respect of the council.</p> <p>(2) If it is proposed to issue a performance improvement order, the notice is to specify the following:</p> <p>(a) the terms of the proposed performance improvement order, including the period for compliance with the order,</p> <p>(b) the reasons why it is proposed to issue the performance improvement order (including any evidence supporting the Minister's opinion that improvement is required),</p> <p>(c) the actions that may be taken by the Minister if the performance improvement order is not complied with.</p> <p>(2A) If it is proposed to vary a performance improvement order, the notice is to specify the following:</p>	<p>Section 438C Minister to give notice of intention to issue or vary performance improvement order</p> <p>Insert "and any proposed appointment of a financial controller" after "the order" in section 438C (2) (a).</p>	<p>These section provide the capacity for the Minister to appoint a Financial Controller or a temporary to a Council.</p> <p>The Financial Controller provisions relates to Council deemed not fit for the future for financial reasons and where an improvement plan did not dispel the financial issues.</p> <p>A Financial Controller can veto any decision of a Council that has a cost or revenue implication.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(a) the terms of the proposed variation, (b) the reasons why it is proposed to vary the order. (3) The notice must invite the council to make submissions in respect of the proposed performance improvement order or variation within a consultation period specified in the notice. (4) The notice is to specify a consultation period of not less than 7 days from the date the notice is served on the council. (5) The Minister is to have regard to any submissions made by the council during the consultation period in deciding: (a) whether to issue the proposed performance improvement order or proposed variation, and (b) whether any changes should be made to the terms of the proposed performance improvement order or proposed variation. (6) The Minister is not required to give notice to a council of his or her intention to issue or vary a performance improvement order in respect of the council if: (a) the council is suspended under Part 7, or (b) the order is issued or varied in response to the results of a public inquiry in relation to a council.</p>		
<p>438G Appointment of temporary adviser</p> <p>(1) If the Minister issues a performance improvement order in respect of a council, the Minister may appoint one or more persons as a temporary adviser to the council. (2) A temporary adviser may be appointed in the</p>	<p>Section 438G Appointment of temporary adviser</p> <p>Insert after section 438G (2):</p> <p>(2A) The regulations may make provision for or with respect to the criteria to be considered</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>performance improvement order or by subsequent order of the Minister served on the council.</p> <p>(3) A temporary adviser may be appointed on the recommendation of the council or on the Minister's own initiative.</p> <p>(4) The principal functions of a temporary adviser are:</p> <p>(a) to provide advice and assistance to the council for the purpose of ensuring that it complies with the performance improvement order, and</p> <p>(b) to monitor the council's compliance with the performance improvement order.</p> <p>(4A) If a council fails to give a temporary adviser an opportunity to comment on a compliance report as required by section 438H, the temporary adviser is to inform the Minister of that fact and give the Minister a report on the council's compliance with the performance improvement order.</p> <p>(4B) If a council fails to give the Minister a compliance report as required by section 438F, the temporary adviser is to give the Minister a report on the council's compliance with the performance improvement order.</p> <p>(5) A temporary adviser has such other functions as are specified in the instrument by which he or she is appointed.</p> <p>(6) A temporary adviser is appointed for the term specified in the instrument by which he or she is appointed. The term must not exceed the period for compliance with the performance improvement order.</p> <p>(7) A temporary adviser must be paid a salary from the council's funds determined by the council (in the case of an adviser appointed on the recommendation of the council) or by the Minister (in any other case).</p> <p>(8) The Minister may terminate a temporary adviser's</p>	<p>by the Minister in deciding whether to appoint a temporary adviser.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
appointment at any time.		
See above	<p>Section 438G (3)</p> <p>Insert “, but only after the Minister has considered any criteria prescribed by the regulations” after “initiative”.</p>	
<p>438HA Enforcement of performance improvement order against councillor</p> <p>(1) The Departmental Chief Executive may (and must at the request of the Minister) arrange for a departmental report to be prepared as to whether a councillor has failed to take action as required by a performance improvement order.</p> <p>(2) The Minister may, on receipt of a departmental report finding that a councillor has failed to take action as required by a performance improvement order, issue a compliance order to the councillor.</p> <p>(3) A compliance order:</p> <p>(a) must identify the action that the councillor is required to take by a performance improvement order but has failed to take, and</p> <p>(b) must, if the councillor is to be allowed to use council facilities, or be paid any amount, for the purposes of the councillor taking that action, specify the extent to which the councillor may use council facilities or the amount that may be paid (as the case requires), and</p>	<p>Sections 438HB and 438HC</p> <p>Insert after section 438HA:</p> <p>438HB Appointment of financial controller</p> <p>(1) If the Minister issues a performance improvement order in respect of a council, the Minister may appoint a person as a financial controller to the council.</p> <p>(2) A financial controller may be appointed in the performance improvement order or by subsequent order of the Minister served on the council.</p> <p>(3) The regulations may make provision for or with respect to the criteria to be considered by the Minister in deciding whether to appoint a financial controller.</p> <p>(4) If a financial controller is proposed to be appointed in a subsequent order and notice of the appointment was not given when notice of the performance improvement order was</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(c) must specify the period (not exceeding 3 months) for which it is to remain in force.</p> <p>(4) The Minister may, by written notice to the councillor, extend the period for which a compliance order remains in force, but not so that the order remains in force for a total period of more than 6 months.</p> <p>(5) Before issuing a compliance order to a councillor, the Minister is to:</p> <p>(a) give the councillor written notice:</p> <p>(i) specifying the action that the councillor has failed to take as required by a performance improvement order, and</p> <p>(ii) specifying that the Minister proposes to issue a compliance order to the councillor, and</p> <p>(iii) inviting the councillor to make submissions within a specified period (of not less than 7 days) about why the order should not be made, and</p> <p>(b) consider any submissions made by the councillor in accordance with the notice.</p> <p>(6) The Minister is to withdraw a compliance order if satisfied that the councillor has taken the action specified in the compliance order.</p> <p>(7) While a compliance order is in force against a councillor, the councillor:</p> <p>(a) is not entitled to exercise any of the functions of the councillor other than as necessary to take the action specified in the compliance order, and</p> <p>(b) is not entitled to any fee or other remuneration, or to the payment of expenses or to the use of council facilities, to which he or she would otherwise be entitled as a councillor, except as specified in the compliance order.</p>	<p>given, section 438C (other than section 438C (2)) applies to the proposed appointment as if it were a proposed performance improvement order.</p> <p>(5) A financial controller may be appointed on the recommendation of the council or on the Minister's own initiative, but only after the Minister has considered any criteria prescribed by the regulations.</p> <p>(6) The principal functions of a financial controller are as follows:</p> <p>(a) to implement financial controls, and other functions relating to council finances, as specified by a performance improvement order or a subsequent order appointing the financial controller,</p> <p>(b) any other related or ancillary functions specified in the order appointing the financial controller.</p> <p>(7) A financial controller is appointed for the term specified in the instrument by which he or she is appointed. The term must not exceed the period for compliance with the performance improvement order.</p> <p>(8) A financial controller must be paid a salary determined by the Minister from the council's funds.</p> <p>(9) The Minister may terminate a financial controller's appointment at any time.</p> <p>(10) A person may be appointed as both a financial controller and a temporary adviser.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(8) The Minister may:</p> <p>(a) instead of taking action under this section against a councillor, or</p> <p>(b) after taking action under this section against a councillor, or</p> <p>(c) while a compliance order is in force against a councillor,</p> <p>request the Departmental Chief Executive to refer the matter to the Civil and Administrative Tribunal for consideration.</p> <p>(9) A matter is referred to the Tribunal under this section by means of a report presented to the Tribunal by the Departmental Chief Executive and containing or accompanied by such material and observations as the Departmental Chief Executive thinks fit.</p> <p>(10) The Departmental Chief Executive is to notify the councillor concerned of any request to refer the matter to the Tribunal.</p> <p>(11) For the purposes of this section and Part 3 of Chapter 14, failure by a councillor to take action as required by a performance improvement order is to be taken to be misconduct.</p> <p>(12) The regulations may make provision for or with respect to the reference of matters to the Tribunal under this section.</p>	<p>438HC Operations of financial controller</p> <p>(1) If a financial controller is appointed to a council, a payment may not be made from any funds of the council unless payment is authorised by the financial controller.</p> <p>(2) A financial controller may refuse to authorise a payment from the funds of the council if the financial controller reasonably believes that the payment:</p> <p>(a) may cause the council to become insolvent, or</p> <p>(b) is unlawful, or</p> <p>(c) is related to activities not identified in the council's integrated planning and reporting framework, or</p> <p>(d) is from grant moneys and is not for a purpose for which the grant was given.</p> <p>(3) If a financial controller is appointed to a council, the council, councillors and members of the staff of the council are required to co-operate with the financial controller and to provide any information or assistance the financial controller reasonably requires to exercise his or her functions.</p> <p>(4) In particular, the council is to give the financial controller an opportunity to review any proposed compliance report at least 14 days before it is given to the Minister and is to give the Minister a copy of the financial controller's comments (if any) on the compliance report.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>(5) A contravention of this section by a council is a failure to comply with a performance improvement order.</p> <p>(6) A financial controller is to report to the Minister on a council's compliance with a performance improvement order if the council fails to give the financial controller an opportunity to review a proposed compliance report in accordance with this section.</p>	
<p>438M Appointment of interim administrator</p> <p>(1) The Minister must, in a suspension order or by subsequent order published in the Gazette, appoint an administrator of a council that is suspended.</p> <p>(2) The order is to specify the period for which the administrator is appointed, not exceeding the period during which the council is suspended.</p> <p>(3) An administrator appointed under this section is an <i>interim administrator</i>.</p> <p>(4) More than one interim administrator may be appointed for a council (with the same or different functions).</p> <p>(5) An interim administrator of a council has, during the period of appointment as administrator, all the functions of the council, or, if more than one interim administrator is appointed, the functions of the council specified in the instrument of appointment.</p> <p>(6) If more than one interim administrator is appointed for a council, the Minister may give directions for the purpose of resolving any issues that arise as a result</p>	<p>Section 438M Appointment of interim administrator</p> <p>Insert "(including all the functions of a councillor and the mayor)" after "the council" where firstly occurring in section 438M (5)</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>of there being more than one interim administrator.</p> <p>(7) An interim administrator must be paid a salary from the council's funds determined by the Minister.</p> <p>(8) The Minister may, by order published in the Gazette, extend the period for which an interim administrator is appointed if the period during which the council is suspended is extended.</p> <p>(9) The Minister may terminate an interim administrator's appointment at any time.</p> <p>(10) A reference in this or any other Act, or any statutory instrument, to an administrator of a council includes, unless the context otherwise requires, a reference to an interim administrator.</p>		
See above	<p>Section 438M (5A)</p> <p>Insert after section 438M (5):</p> <p>(5A) If more than one interim administrator is appointed, one of the interim administrators is to be specified in the instrument of appointment as the person who is to exercise the functions of the mayor of the council.</p>	
<p>438Y Appointment of interim administrator</p> <p>(1) The Minister must, in an order suspending a council under this Part or by subsequent order published in the Gazette, appoint an administrator of a</p>	<p>Section 438Y Appointment of interim administrator</p> <p>Insert "(including all the functions of a councillor and the mayor)" after "the council"</p>	

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<p>council that is suspended.</p> <p>(2) The order is to specify the period for which the administrator is appointed, not exceeding the period during which the council is suspended.</p> <p>(3) An administrator appointed under this section is an <i>interim administrator</i>.</p> <p>(4) More than one interim administrator may be appointed under this section (with the same or different functions).</p> <p>(5) An interim administrator of a council has, during the period of appointment as administrator, all the functions of the council, or, if more than one interim administrator is appointed, the functions of the council specified in the instrument of appointment.</p> <p>(6) If more than one interim administrator is appointed for a council, the Minister may give directions for the purpose of resolving any issues that arise as a result of there being more than one interim administrator.</p> <p>(7) An interim administrator must be paid a salary from the council's funds determined by the Minister.</p> <p>(8) The Minister may terminate an interim administrator's appointment at any time.</p> <p>(9) A reference in this or any other Act, or any statutory instrument, to an administrator of a council includes, unless the context otherwise requires, a reference to an interim administrator.</p>	<p>where firstly occurring in section 438Y (5).</p>	
See above	<p>Section 438Y (5A)</p> <p>Insert after section 438Y (5):</p> <p>(5A) If more than one interim administrator</p>	

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	is appointed, one of the interim administrators is to be specified in the instrument of appointment as the person who is to exercise the functions of the mayor of the council.	
<p>Chapter 14 Honesty and disclosure of interests</p> <p>Introduction. This Chapter places obligations on councillors, council delegates, staff of councils and administrators of councils to act honestly and responsibly in carrying out their functions.</p> <p>The Chapter also provides for the adoption of codes of conduct for councillors, staff and other persons associated with the functions of councils and enables the Departmental Chief Executive to investigate and take action against councillors who engage in misconduct. However, the Chapter does not affect any other duties imposed by other laws or any offences created by other laws.</p> <p>It also requires that pecuniary interests of councillors, council delegates and other persons involved in making decisions or giving advice on council matters be publicly recorded and requires councillors and staff to refrain from taking part in decisions on council matters in which they have a pecuniary interest.</p> <p>The Chapter enables any person to make a complaint concerning a failure to disclose a pecuniary interest</p>	<p>Chapter 14</p> <p>Omit the introductory note to the Chapter.</p>	<p>The amendments regarding pecuniary interests are in effect moving the existing provisions for Councillors and designated officers to a Council's Code of Conduct.</p>

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<p>and provides for the investigation of complaints.</p> <p>The Chapter also empowers the Civil and Administrative Tribunal to conduct hearings into complaints and to take disciplinary action against a person if a complaint against the person is found to be proved.</p>		
<p>439 Conduct of councillors, staff, delegates and administrators</p> <p>(1) Every councillor, member of staff of a council and delegate of a council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act.</p> <p>(2) Although this section places certain duties on councillors, members of staff of a council and delegates of a council, nothing in this section gives rise to, or can be taken into account in, any civil cause of action.</p> <p>(3) This section applies to an administrator of a council (other than an administrator appointed by the Minister for Primary Industries under section 66) in the same way as it applies to a councillor.</p>	<p>Section 439AA</p> <p>Insert before section 439:</p> <p>439AA Interpretation</p> <p>(1) Definitions In this Chapter:</p> <p>code of conduct means a code of conduct adopted under section 440.</p> <p>model code means the model code of conduct prescribed by the regulations under this Part.</p> <p>pecuniary interest means an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.</p> <p>pecuniary interests duty means an obligation imposed on a person by the</p>	

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	<p>provisions of a code of conduct that relate to the disclosure of pecuniary interests.</p> <p>(2) Other persons' pecuniary interests included as pecuniary interests For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:</p> <ul style="list-style-type: none"> (a) the person, or (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or (c) a company or other body of which the person, or a nominee, partner or employer of the person, is a shareholder or member. <p>Note. "De facto partner" is defined in section 21C of the Interpretation Act 1987.</p> <p>(3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2) (b) or (c):</p> <ul style="list-style-type: none"> (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or (b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the 	

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	<p>company or body.</p> <p>(4) Other exclusions</p> <p>A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in a code of conduct as not being required to be disclosed.</p>	
See above	<p>Section 439 Conduct of councillors, staff, delegates and administrators</p> <p>Omit section 439 (2).</p>	
	<p>Section 440 Codes of conduct</p> <p>Omit section 440 (2). Insert instead:</p> <p>(2) The regulations may provide that the provisions of the model code relating to the disclosure of pecuniary interests are also to apply to the following persons:</p> <p>(a) a member of a committee of a council (including the Audit, Risk and Improvement Committee),</p> <p>(b) an adviser to a council.</p>	

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<p>440 Codes of conduct</p> <p>(1) The regulations may prescribe a model code of conduct (the model code) applicable to councillors, members of staff of councils and delegates of councils.</p> <p>(2) Without limiting what may be included in the model code, the model code may:</p> <p>(a) relate to any conduct (whether by way of act or omission) of a councillor, member of staff or delegate in carrying out his or her functions that is likely to bring the council or holders of civic office into disrepute, and</p> <p>(b) in particular, contain provisions for or with respect to conduct specified in Schedule 6A.</p> <p>(3) A council must adopt a code of conduct (the adopted code) that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.</p> <p>(4) A council's adopted code has no effect to the extent that it is inconsistent with the model code as in force for the time being.</p> <p>(5) Councillors, members of staff and delegates of a council must comply with the applicable provisions of:</p> <p>(a) the council's adopted code, except to the extent of any inconsistency with the model code as in force for the time being, and</p> <p>(b) the model code as in force for the time being, to the extent that:</p> <p>(i) the council has not adopted a code of conduct, or</p> <p>(ii) the adopted code is inconsistent with the model code, or</p> <p>(iii) the model code contains provisions or</p>	<p>Section 440 (8)</p> <p>Omit the subsection.</p>	<p>The Code of Conduct provisions are being moved to regulations and the prescribed model code.</p>

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<p>requirements not included in the adopted code.</p> <p>(6) A provision of a council's adopted code is not inconsistent with the model code merely because the provision makes a requirement of the model code more onerous for persons required to observe the requirement.</p> <p>(7) A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.</p> <p>(8) Nothing in this section or such a code gives rise to, or can be taken into account in, any civil cause of action, but nothing in this section affects rights or liabilities arising apart from this section.</p> <p>(9) This section applies to an administrator of a council (other than an administrator appointed by the Minister for Primary Industries under section 66) in the same way as it applies to a councillor.</p>		
See above	<p>Sections 440AAA and 440AAB</p> <p>Insert after section 440:</p> <p>440AAA Content of model code</p> <p>(1) A model code of conduct prescribed by the regulations under section 440 may relate to any conduct (whether by way of act or omission) of a person to whom the code applies in carrying out his or her functions that is likely to bring a council or holders of civic office into disrepute.</p>	

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	<p>(2) In particular, a model code may contain provisions for or with respect to the following conduct:</p> <ul style="list-style-type: none"> (a) conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances, (b) conduct that is detrimental to the pursuit of the guiding principles and functions of a council, (c) improper or unethical conduct, (d) abuse of power and other misconduct, (e) action causing, comprising or involving any of the following: <ul style="list-style-type: none"> (i) intimidation, harassment or verbal abuse, (ii) discrimination, disadvantage or adverse treatment in relation to employment, (iii) prejudice in the provision of a service to the community, (f) conduct of a councillor causing, comprising or involving any of the following: <ul style="list-style-type: none"> (i) directing or influencing, or attempting to direct or influence, a member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate, (ii) an act of disorder committed by the councillor at a meeting of the council or a committee of the council, (g) disclosure of pecuniary interests. <p>(3) The model code provisions relating to disclosure of pecuniary interests are to make provision for or with respect to the following:</p>	

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	<p>(a) the manner and form of disclosures of pecuniary interests, (b) the pecuniary interests that must, or that are not required to be, disclosed, (c) returns listing pecuniary interests, the form of returns and lodging of returns, (d) disclosures of pecuniary interests at council or committee meetings, (e) presence and participation at council meetings by persons who have relevant pecuniary interests, (f) conduct of meetings and other actions if a disclosure of a pecuniary interest is made, (g) prohibiting disclosing, or including in a return, false or misleading information relating to pecuniary interests, (h) records of disclosures of pecuniary interests. (4) Nothing in this section limits the matters that may be included in a model code of conduct.</p> <p>440AAB Register and tabling of returns</p> <p>(1) The general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under a code of conduct. (2) Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgment, or if the code does</p>	

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	not specify a day, as soon as practicable after the return is lodged.	
<p>440AA Administration of code of conduct</p> <p>(1) The regulations may prescribe a procedure (the model procedure) for administering the model code referred to in section 440.</p> <p>(2) The model procedure is to set out the procedures for dealing with alleged contraventions of the model code.</p> <p>(3) A council must adopt a procedure (the adopted procedure) that incorporates the provisions of the model procedure. The adopted procedure may include provisions that supplement the model procedure.</p> <p>(4) A council's adopted procedure has no effect to the extent that it is inconsistent with the model procedure as in force for the time being.</p> <p>(5) Councillors, members of staff and delegates of a council must comply with the applicable provisions of:</p> <p>(a) the council's adopted procedure, except to the extent of any inconsistency with the model procedure as in force for the time being, and</p> <p>(b) the model procedure as in force for the time being, to the extent that:</p> <p>(i) the council has not adopted the model procedure, or</p> <p>(ii) the adopted procedure is inconsistent with the model procedure, or</p> <p>(iii) the model procedure contains provisions or requirements not included in the adopted procedure.</p>	<p>Section 440AA Administration of code of conduct</p> <p>Omit "referred to in section 440" from section 440AA (1).</p>	

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(6) This section applies to an administrator of a council (other than an administrator appointed by the Minister for Primary Industries under section 66) in the same way as it applies to a councillor.		
<p>440F Definitions</p> <p>(1) In this Division:</p> <p>Misconduct of a councillor means any of the following:</p> <p>(a) a contravention by the councillor of this Act or the regulations,</p> <p>(b) a failure by the councillor to comply with an applicable requirement of a code of conduct under section 440,</p> <p>(c) a failure by a councillor to comply with an order issued by the Departmental Chief Executive under this Division,</p> <p>(d) an act of disorder committed by the councillor at a meeting of the council or a committee of the council,</p> <p>(e) an act or omission of the councillor intended by the councillor to prevent the proper or effective functioning of the council or a committee of the council.</p> <p>(2) However, a contravention of the disclosure requirements of Part 2 is not misconduct.</p> <p>Note. A contravention of the disclosure requirements of Part 2 is dealt with under other provisions of this Chapter.</p> <p>(3) A reference in this Division to misconduct includes a reference to misconduct that consists of an omission</p>	<p>Section 440F Definitions</p> <p>Omit "In this Division" from section 440F (1). Insert instead "In this Chapter".</p>	

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or failure to do something.		
See above	<p>Section 440F (1), definition of “misconduct”</p> <p>Omit “under section 440” from paragraph (b).</p>	
See above	<p>Section 440F (2)</p> <p>Omit the subsection, including the note. Insert instead:</p> <p>(2) For the purposes of determining whether a person has engaged in misconduct, the person does not breach a provision of a code of conduct that requires the disclosure of a pecuniary interest if the person did not know and could not reasonably be expected to have known that the matter under consideration at a meeting was a matter in which the person had a pecuniary interest.</p>	
<p>Part 2 Duties of disclosure</p> <p>Division 1 Preliminary</p>	<p>Chapter 14, Part 2</p> <p>Omit the Part.</p>	

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<p>441 Who are “designated persons”?</p> <p>For the purposes of this Chapter, designated persons are:</p> <ul style="list-style-type: none"> • the general manager • other senior staff of the council • a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest • a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest. <p>442 What is a “pecuniary interest”?</p> <p>(1) For the purposes of this Chapter, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.</p> <p>(2) A person does not have a pecuniary interest in a</p>		

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<p>matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.</p> <p>443 Who has a pecuniary interest?</p> <p>(1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:</p> <p>(a) the person, or</p> <p>(b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or</p> <p>(c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.</p> <p>Note. De facto partner" is defined in section 21C of the Interpretation Act 1987.</p> <p>(2) (Repealed)</p> <p>(3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):</p> <p>(a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or</p> <p>(b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or</p> <p>(c) just because the person is a member of, or a delegate of a council to, a company or other body that</p>		

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<p>has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.</p> <p>444 What disclosures must be made by a councillor?</p> <p>A councillor:</p> <p>(a) must prepare and submit written returns of interests in accordance with section 449, and</p> <p>(b) must disclose pecuniary interests in accordance with section 451.</p> <p>445 What disclosures must be made by a designated person?</p> <p>A designated person:</p> <p>(a) must prepare and submit written returns of interests in accordance with section 449, and</p> <p>(b) must disclose pecuniary interests in accordance with section 459.</p> <p>446 What disclosures must be made by a member of a council committee?</p> <p>A member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests in accordance with section 451.</p> <p>447 What disclosures must be made by council advisers?</p> <p>A person giving advice to the council at a council or council committee meeting must disclose pecuniary interests in accordance with section 456.</p>		

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<p>448 What interests do not have to be disclosed?</p> <p>The following interests do not have to be disclosed for the purposes of this Part:</p> <ul style="list-style-type: none"> (a) an interest as an elector, (b) an interest as a ratepayer or person liable to pay a charge, (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part, (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part, (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not), (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee, (g) (Repealed) (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does 		

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<p>not exceed 10 per cent of the voting rights in the company,</p> <p>(i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,</p> <p>(j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:</p> <p>(i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,</p> <p>(ii) security for damage to footpaths or roads,</p> <p>(iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,</p> <p>(k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),</p> <p>(l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,</p> <p>(m) an interest relating to an election to the office of</p>		

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<p>mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,</p> <p>(n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,</p> <p>(o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,</p> <p>(p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.</p> <p>Division 2 Disclosure of interests in written returns</p> <p>449 Returns disclosing interests of councillors and designated persons</p> <p>(1) A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.</p> <p>(1A) A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.</p> <p>(2) A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in that year or the previous year or if the person ceases to be a councillor or designated person within the 3-month period.</p>		

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<p>(3) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.</p> <p>(4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.</p> <p>(5) Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.</p> <p>(6) Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.</p> <p>450 (Repealed)</p> <p>450A Register and tabling of returns</p> <p>(1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.</p> <p>(2) Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:</p> <p>(a) in the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or</p> <p>(b) in the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or</p> <p>(c) in the case of a return otherwise lodged with the</p>		

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<p>general manager—the first meeting after lodgement.</p> <p>Division 3 Disclosure of pecuniary interests at meetings</p> <p>451 Disclosure and presence in meetings</p> <p>(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.</p> <p>(2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:</p> <p>(a) at any time during which the matter is being considered or discussed by the council or committee, or</p> <p>(b) at any time during which the council or committee is voting on any question in relation to the matter.</p> <p>(3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.</p> <p>(4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:</p> <p>(a) the matter is a proposal relating to:</p> <p>(i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or</p>		

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<p>(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting. (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must: (a) be in the form prescribed by the regulations, and (b) contain the information required by the regulations.</p> <p>Note. The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.</p> <p>452 (Repealed)</p> <p>453 Disclosures to be recorded</p> <p>A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.</p> <p>454 General disclosure</p>		

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<p>A general notice given to the general manager in writing by a councillor or a member of a council committee to the effect that the councillor or member, or the councillor's or member's spouse, de facto partner or relative, is:</p> <p>(a) a member, or in the employment, of a specified company or other body, or</p> <p>(b) a partner, or in the employment, of a specified person,</p> <p>is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.</p> <p>455 (Repealed)</p> <p>456 Disclosure by adviser</p> <p>(1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.</p> <p>(2) The person is not required to disclose the person's interest as an adviser.</p> <p>457 Circumstances in which secs 451 and 456 are not breached</p> <p>A person does not breach section 451 or 456 if the person did not know and could not reasonably be</p>		

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.</p> <p>458 Powers of Minister in relation to meetings</p> <p>The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:</p> <p>(a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or</p> <p>(b) that it is in the interests of the electors for the area to do so.</p> <p>Division 4 Disclosure of pecuniary interests in council dealings</p> <p>459 Disclosure of pecuniary interests when dealing with council matters</p> <p>(1) A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing.</p> <p>(1A) However, subsection (1) does not require a designated person who is a member of staff of the council to disclose such a pecuniary interest if the interest relates only to the person's salary as such a</p>		

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>member of staff or to his or her other conditions of employment or the like.</p> <p>(2) The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.</p> <p>(3) A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.</p>		
See Chart 1 at end	<p>Chapter 14, Part 3</p> <p>Omit the diagram at the beginning of the Part.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>460 Complaints concerning failure to disclose pecuniary interests</p> <p>(1) A person may make a complaint to the Departmental Chief Executive, or the Departmental Chief Executive may make a complaint, that a person has or may have contravened Part 2.</p> <p>(2) A complaint:</p> <p>(a) must be in writing, and</p> <p>(b) must identify the complainant and the person against whom the complaint is made, and</p> <p>(c) must give particulars of the grounds of the complaint, and</p> <p>(d) must be verified by statutory declaration, and</p> <p>(e) must be lodged with the Departmental Chief Executive.</p> <p>(3) The provisions of subsection (2) (b), in so far as they require a complaint to identify the complainant, (d) and (e) do not apply to a complaint made by the Departmental Chief Executive.</p>	<p>Section 460 Complaints concerning failure to disclose pecuniary interests</p> <p>Omit “person has or may have contravened Part 2” from section 460 (1).</p> <p>Insert instead “person (other than a councillor, former councillor, administrator or former administrator) has or may have contravened a pecuniary interests duty”</p>	
See above	<p>Section 460 (2) (d)</p> <p>Omit the paragraph.</p>	
See above	<p>Section 460 (3)</p> <p>Omit “(d)”</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>464 Referral and investigation of complaints by other authorities</p> <p>(1) An authority who receives a matter (otherwise than from the Departmental Chief Executive) for the purpose of investigation is authorised by this Act to refer the matter to the Departmental Chief Executive if the matter involves a possible contravention of Part 2.</p> <p>(2) A matter referred to the Departmental Chief Executive under this section is taken to be a complaint made by the Departmental Chief Executive.</p>	<p>Section 464 Referral and investigation of complaints by other authorities</p> <p>Omit “Part 2” from section 464 (1).</p> <p>Insert instead “pecuniary interests duties by a person (other than a councillor, former councillor, administrator or former administrator)”.</p>	
<p>467 Reports of investigation of complaints by authorities</p> <p>An authority who has investigated an allegation that a person has or may have contravened Part 2 (whether or not the allegation was referred for investigation by the Departmental Chief Executive), is authorised by this Act to send any report prepared by the authority concerning the investigation to the Departmental Chief Executive.</p>	<p>Section 467 Reports of investigation of complaints by authorities</p> <p>Omit “Part 2”. Insert instead “a pecuniary interests duty”.</p>	
<p>Division 2 - Proceedings before NCAT-pecuniary interest matters</p>	<p>Chapter 14, Part 3, Division 2, heading</p> <p>Omit “—pecuniary interests matters”.</p> <p>Insert instead “—pecuniary interests matters not involving councillors or administrators”.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>482 Decision of NCAT-pecuniary interest matters</p> <p>(1) The Civil and Administrative Tribunal may, if it finds a complaint against a councillor is proved:</p> <ul style="list-style-type: none"> (a) counsel the councillor, or (b) reprimand the councillor, or (c) suspend the councillor from civic office for a period not exceeding 6 months, or (d) disqualify the councillor from holding civic office for a period not exceeding 5 years, or (e) suspend the councillor's right to be paid any fee or other remuneration, to which the councillor would otherwise be entitled as the holder of the civic office, in respect of a period not exceeding 6 months (without suspending the councillor from civic office for that period). <p>(2) If it finds a complaint against an employee of the council is proved, the Civil and Administrative Tribunal may:</p> <ul style="list-style-type: none"> (a) counsel the employee, or (b) reprimand the employee, or (c) recommend that the council take specified disciplinary action against the employee (including counselling or reprimanding the employee), or (d) recommend dismissal of the employee. <p>(3) The Civil and Administrative Tribunal may, if it finds a complaint against a member of a council committee is proved:</p> <ul style="list-style-type: none"> (a) counsel the member, or (b) reprimand the member, or (c) suspend the member from office as member of the committee for a period not exceeding 6 months, or (d) disqualify the member from holding office as a member of any committee of that council for a period 	<p>Section 482 Decision of NCAT— pecuniary interests matters not involving councillors or administrators</p> <p>Omit section 482 (1). Insert instead:</p> <p>(1) This section applies to complaints relating to breaches of pecuniary interests duties by persons other than councillors, former councillors, administrators or former administrators.</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>not exceeding 5 years.</p> <p>(4) The Civil and Administrative Tribunal may, if it finds a complaint against an adviser to a council is proved:</p> <p>(a) counsel the adviser, or</p> <p>(b) reprimand the adviser, or</p> <p>(c) suspend the adviser from office as adviser for a period not exceeding 6 months, or</p> <p>(d) disqualify the adviser from holding office as an adviser to that council for a period not exceeding 5 years.</p> <p>(5) In determining which action, if any, to take against a person under this section, the Tribunal may take into account any previous complaints proved against the person, any action previously taken against the person and any other relevant matters.</p> <p>(6) To avoid doubt, a reference in subsection (1) to a councillor includes a reference to a former councillor.</p>		
See above	<p>Section 482 (4A)</p> <p>Insert after section 482 (4):</p> <p>(4A) The Civil and Administrative Tribunal may, if it finds a complaint against a delegate of a council (other than the general manager of a council) is proved:</p> <p>(a) counsel the delegate, or</p> <p>(b) reprimand the delegate, or</p> <p>(c) suspend the delegate from acting as a delegate for a period not exceeding 6 months, or</p> <p>(d) disqualify the delegate from being a</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	delegate of that council for a period not exceeding 5 years.	
See above	Section 482 (6) Omit the subsection.	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
486A Exclusive jurisdiction of NCAT over Part 2 contraventions (1) The Civil and Administrative Tribunal has exclusive jurisdiction at first instance to decide allegations of contraventions of Part 2 of this Chapter. (2) Accordingly, proceedings at first instance to decide allegations of contraventions of Part 2 of this Chapter may not be brought before, or entertained by, any other tribunal or any court.	Section 486A Exclusive jurisdiction of NCAT over pecuniary interests contraventions (other than by councillors and administrators) Omit "Part 2 of this Chapter" wherever occurring. Insert instead "a pecuniary interests duty by a person other than a councillor, a former councillor, an administrator or a former administrator".	
490A Acts of disorder For the purposes of this Chapter and Schedule 6A, a councillor commits an "act of disorder" if the councillor, at a meeting of the council or a committee of the council, does anything that is prescribed by the regulations as an act of disorder for the purposes of this Chapter and Schedule 6A.	Section 490A Acts of disorder Omit "Schedule 6A" wherever occurring. Insert instead "the code of conduct".	
490C Supreme Court order for recovery of monetary benefits as a result of non-disclosure by councillors (1) The Departmental Chief Executive may apply to the Supreme Court for an order under this section against a councillor who has been found by the Civil and Administrative Tribunal under this Chapter to have contravened Part 2 (Duties of disclosure).	Section 490C Supreme Court order for recovery of monetary benefits as a result of non-disclosure by councillors (as inserted by the Local Government and Elections Legislation Amendment (Integrity) Act 2016)	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>(2) The Supreme Court may, if satisfied on the balance of probabilities that the councillor obtained a monetary benefit as a result of a decision made by the council relating to a matter in which the councillor had a pecuniary interest and in respect of which the councillor contravened Part 2:</p> <p>(a) order the councillor to pay the council an amount that the Court is satisfied represents the amount of the monetary benefit acquired by the councillor, or accrued to the councillor, as a result of the decision, or</p> <p>(b) order the councillor to grant the council security over any property of the councillor to secure the payment required by an order under paragraph (a).</p> <p>(3) If proceedings are pending in the Civil and Administrative Tribunal that may give rise to a finding in respect of which the Departmental Chief Executive may make application to the Supreme Court for an order under this section, the Supreme Court may, on application by the Departmental Chief Executive, restrain the councillor the subject of the proceedings from disposing or dealing with property of the councillor pending the making and determination of an application for an order under this section.</p> <p>(4) In this section:</p> <p>"monetary benefit" means any monetary, financial or economic benefit (including an extension of the permitted use of land or the removal of prohibitions or restrictions on the development of land).</p>	<p>Omit "Part 2 (Duties of disclosure)" from section 490C (1).</p> <p>Insert instead "a pecuniary interests duty".</p>	
See above	Section 490C (2) (as inserted by the Local Government and Elections)	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p><u>Legislation Amendment (Integrity) Act 2016</u></p> <p>Omit "Part 2". Insert instead "a pecuniary interests duty".</p>	
<p>532 Publication of draft operational plan</p> <p>A council must not make a rate or charge until it has given public notice (in accordance with section 405) of its draft operational plan for the year for which the rate or charge is to be made and has considered any matters concerning the draft operational plan (in accordance with that section).</p>	<p>Section 532 Publication of draft operational plan</p> <p>Omit "section 405" and "that section". Insert instead "the regulations".</p>	Procedural only.
See chart 2 at end	<p>Chapter 15, Part 4, chart</p> <p>Omit the chart at the end of the Part.</p>	Procedural only

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>610F Public notice of fees</p> <p>(1) A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.</p> <p>(2) Public notice of the amount of a proposed fee must be given (in accordance with section 405) in the draft operational plan for the year in which the fee is to be made.</p> <p>(3) However, if, after the date on which the operational plan commences:</p> <p>(a) a new service is provided, or the nature or extent of an existing service is changed, or</p> <p>(b) the regulations in accordance with which the fee is determined are amended,</p> <p>the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.</p> <p>(4) This section does not apply to a fee determined by a council for an application made in a filming proposal, if that fee is consistent with a scale or structure of fees set out in an applicable filming protocol.</p>	<p>Section 610F Public notice of fees</p> <p>Omit “section 405” from section 610F (2). Insert instead “the regulations”.</p>	<p>Procedural only.</p>
<p>673 Remedy or restraint of breaches of this Act—the Minister, the Departmental Chief Executive and councils</p> <p>(1) The Minister, the Departmental Chief Executive or a council may bring proceedings in the Land and Environment Court or such other court as may be specified in this Act for the purpose of the proceedings for an order to remedy or restrain a breach of this Act.</p> <p>(2) Subsection (1) does not apply in relation to an</p>	<p>Section 673 Remedy or restraint of breaches of this Act—the Minister, the Departmental Chief Executive and councils</p> <p>Omit “Part 2 (Duties of disclosure) of” from section 673 (2).</p> <p>Insert instead “a pecuniary interests duty</p>	<p>Procedural only.</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
alleged contravention of Part 2 (Duties of disclosure) of Chapter 14 (Honesty and disclosure of interests). Note : Section 486A confers exclusive jurisdiction on the Civil and Administrative Tribunal to deal with such a matter at first instance.	imposed under”.	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>674 Remedy or restraint of breaches of this Act—other persons</p> <p>(1) Any person may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of this Act.</p> <p>(2) The proceedings may be brought by a person on the person's own behalf or on behalf of the person and on behalf of other persons (with their consent), or a body corporate or unincorporated (with the consent of its committee or other controlling or governing body), having like or common interests in those proceedings.</p> <p>(3) Any person on whose behalf proceedings are brought is entitled to contribute to or provide for the payment of the legal costs and expenses incurred by the person bringing the proceedings.</p> <p>(4) Subsection (1) does not apply in relation to an alleged contravention of Part 2 (Duties of disclosure) of Chapter 14 (Honesty and disclosure of interests). Note : Section 486A confers exclusive jurisdiction on the Civil and Administrative Tribunal to deal with such a matter at first instance.</p> <p>(5) Subsection (1) does not apply in relation to anything done or omitted to be done under Division 3 of Part 1 of Chapter 14.</p>	<p>Section 674 Remedy or restraint of breaches of this Act—other persons</p> <p>Omit section 674 (4) and the note to that subsection.</p>	<p>Procedural only.</p>
<p>See above</p>	<p>Section 674A</p> <p>Insert after section 674:</p> <p>674A Provisions of Act that do not give rise to or affect legal proceedings</p>	<p>Procedural only</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>(1) For the purposes of this section, the following are relevant provisions of this Act:</p> <ul style="list-style-type: none"> (a) a provision of (or that applies) Chapter 3, (b) section 223, (c) section 226, (d) section 232, (e) section 439, (f) section 440. <p>(2) The relevant provisions do not give rise to, and cannot be taken into account in, any civil cause of action and do not affect any rights or liabilities arising apart from the relevant provisions.</p> <p>(3) Without limiting subsection (2), a contravention of the relevant provisions is not a breach of this Act for which a remedy may be sought (whether under this Act or otherwise).</p>	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>SCHEDULE 6 – Regulations</p> <p>8</p> <p>Approvals under Part 1 of Chapter 7</p> <p>Examples : Application for approvals Approvals concerning moveable dwellings The imposition, on the owners or occupiers of land used for the placement of moveable dwellings, of a levy to be applied to specified purposes, including: (a) expenses in connection with the examination and review, by or on behalf of the Minister, of the terms and conditions of approvals for moveable dwellings generally, and (b) the undertaking, by or on behalf of the Minister, of research in connection with moveable dwellings. Activities that may be carried out without approval Matters for consideration in determining applications for approvals Standards, including: standards to be met in order for an activity to be approved standards for activities that are approved Conditions of approvals Duration of approvals Notice of granting of approvals Records of approvals Accreditation of components, processes and designs Inspection of activities subject to approvals</p>	<p>Schedule 6 Regulations</p> <p>Insert after item 8:</p> <p>8A Financial management and auditing</p>	<p>Procedural only</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
9		
SCHEDULE 6 – Regulations 13 The administration of a council	Schedule 6, item 13A Insert after item 13: 13A Induction courses and other professional development for mayors and councillors	Procedural only
See above	Schedule 6, item 14 Insert at the end of the examples: Procedures for elections of mayors by councillors	Procedural only

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>SCHEDULE 6 – Regulations</p> <p>18</p> <p>Management and reporting</p> <p>Examples : The form and content of community strategic plans, resourcing strategies, delivery programs and operational plans The keeping of accounting records and the preparation of financial and associated reports and statements The form and content of annual reports The establishment of sinking funds and debt repayment funds</p> <p>19</p>	<p>Schedule 6, item 18, examples</p> <p>Insert “, community engagement strategies” after “community strategic plans”.</p>	<p>Procedural only</p>
<p>See above</p>	<p>Schedule 6, item 18</p> <p>Insert after the first example:</p> <p>Criteria for community strategic plans, community engagement strategies, resourcing strategies, delivery programs and operational plans</p> <p>Consultation on community strategic plans, community engagement strategies, resourcing strategies, delivery programs and operational plans</p> <p>Performance measurement and reporting</p>	<p>Procedural only</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	framework for councils	

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
<p>19A</p> <p>The disclosure of pecuniary and other interests.</p> <p>20</p>	<p>Schedule 6, Item 19B</p> <p>Insert after item 19A:</p> <p>19B Audit, Risk and Improvement Committees</p>	Procedural only
<p>SCHEDULE 6A – Code of conduct</p> <p>(Section 440)</p> <p>1</p> <p>Conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances</p> <p>2</p> <p>Conduct that is detrimental to the pursuit of the charter of a council</p> <p>3</p> <p>Improper or unethical conduct</p> <p>4</p>	<p>Schedule 6A Code of conduct</p> <p>Omit the Schedule.</p>	Procedural only

Items requiring Council Resolution

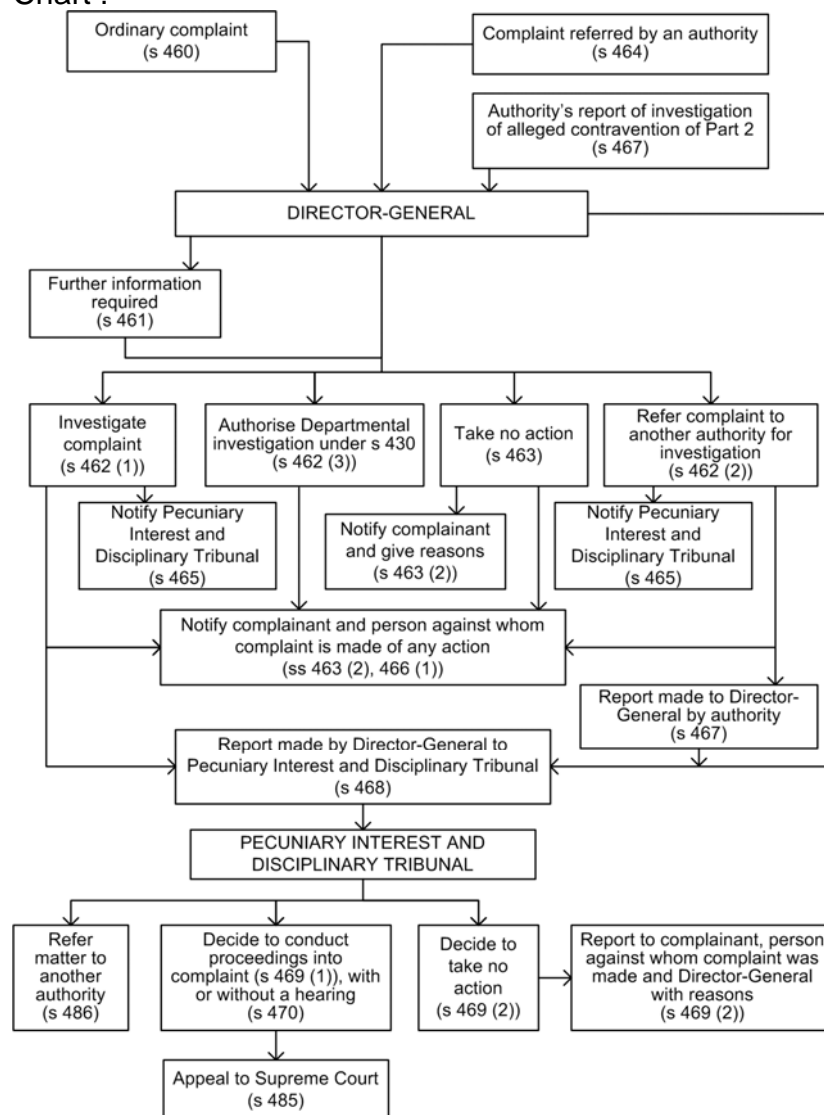
Previous Provision	Amended Provision	Comment
<p>Abuse of power and other misconduct</p> <p style="text-align: center;">5</p> <p>Action causing, comprising or involving any of the following:</p> <p>(a) intimidation, harassment or verbal abuse (b) discrimination, disadvantage or adverse treatment in relation to employment (c) prejudice in the provision of a service to the community</p> <p style="text-align: center;">6</p> <p>Conduct of a councillor causing, comprising or involving any of the following:</p> <p>(a) directing or influencing, or attempting to direct or influence, a member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (b) an act of disorder committed by the councillor at a meeting of the council or a committee of the council</p>		
<p>"designated person" has the meaning given in section 441.</p>	<p>Dictionary, definition of "designated person"</p> <p>Omit the definition.</p>	<p>Procedural only</p>

Items requiring Council Resolution

Previous Provision	Amended Provision	Comment
	<p>Dictionary, definition of “integrated planning and reporting framework”</p> <p>Insert in alphabetical order:</p> <p><i>integrated planning and reporting framework</i> means the plans, programs and strategies required to be prepared by a council under Part 2 of Chapter 13.</p>	Procedural only

Items requiring Council Resolution

Chart !



Items requiring Council Resolution

Chart 2

Note to Part 4
Some steps relating to the making of rates and charges

				Council requests Valuer-General to estimate increase in value of land subject to supplementary valuations. (This may be done after 31 January but before 31 May)	s 513
				Minister specifies % (if any) by which last year's general income and annual charges for domestic waste management services are to vary	s 506
				Council prepares draft operational plan which includes the council's revenue policy for the next year	s 405
				Council publicly exhibits draft operational plan	s 405 (3)
				Public notice of draft operational plan for not less than 28 days	ss 405 (3), 532
				Council considers submissions concerning draft operational plan	ss 405 (5), 706 (2)
				Council adopts operational plan	s 405 (1)

Items requiring Council Resolution

			Council makes rates and charges by resolution	ss 535, 537, 538	
1 July					
1 Aug				Final day for making of rates and charges for current year (unless Minister allows a later day)	s 533
				Rates levied by service of rates and charges notice	s 546
31 Aug				1st quarterly instalment of rates and charges payable (unless rate notice not served by 1 August)	s 562

Chart 3

DISCLOSURE OF INTERESTS						
How and when disclosed and nature of interests disclosed	Councillor	Member of council committee	Council advisor	General manager	Senior staff member	Staff member, delegate or committee member, holding "designated person" position (s 441)
• At meetings: Pecuniary interests (ss 451, 456)	✓	✓	✓	x	x	x

Items requiring Council Resolution

• In dealings with council matters: Pecuniary interests (s 459)	x	x	x	✓	✓	✓
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PENALTIES FOR BREACH OF DISCLOSURE REQUIREMENTS (S 482)			
Councillor	Committee member	Council adviser	Council employee
<ul style="list-style-type: none"> • Counselling • Reprimand • Suspension from civic office for up to 6 months • Disqualification from civic office for up to 5 years 	<ul style="list-style-type: none"> • Counselling • Reprimand • Suspension from the committee for up to 6 months • Disqualification from membership of any council committee for up to 5 years 	<ul style="list-style-type: none"> • Counselling • Reprimand • Suspension as council advisor for up to 6 months • Disqualification as council advisor for up to 5 years 	<ul style="list-style-type: none"> • Counselling • Reprimand • Recommend taking of disciplinary action by the council • Recommend dismissal

Items requiring Council Resolution

While staff can find no evidence of the fact that the following provisions are in force, at the time of writing the Office of Local Government has advised that the following are now operational:

The term of office for a mayor elected by councillors will be increased to two years (section 230(1) LGA).

- *All councillors, including mayors, are required to take an oath or affirmation of office (section 233A LGA).*

- *The organisational structure of a council is to be determined by:*

The governing body of the council, in consultation with the general manager, for senior staff positions; and

The general manager, for the remainder of the positions in the organisation structure.

- *Expenses and facilities policies are to be adopted by a council within 12 months of the term of a new council, instead of annually (section 252 LGA). Amendments to this policy are no longer required to be specifically notified to the Office of Local Government (section 253 LGA).*

- *The commencement of countback provisions has been deferred until a date prescribed for that purpose (section 291A). Any casual vacancies occurring in the office of a councillor following the 2016 ordinary elections will be required to be filled at a by-election held in accordance with section 291 of the LGA where otherwise required to be filled.*

Thus the remaining provisions have not yet been proclaimed and will come into force at a later date

Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.9 Inclusive be received and noted.

6.1 RURAL FIRE FIGHTING FUND ALLOCATION METHODOLOGY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 09.160.3

REPORT:

Attached as Appendix “N” is a letter from the Commissioner of the NSW Rural Fire Service (RFS) informing the Council of its 2016/17 allocation towards the Rural Fire Fighting Fund (RFFF) – \$115,560. The Council’s contribution is 0.314% of the total RFFF as a whole – \$314,533,000

This is the first allocation under the new methodology for calculating the Council’s contribution towards the RFFF.

The RFFF funds the operations of the RFS over and above the local operations of each zone. As a whole, Councils make a contribution of 11.7% to the RFFF, the balance funded by the NSW government directly or through the new Emergency Services Property Levy (ESPL). The 11.7% share is distributed across Councils using a complex methodology based on the estimated expenditure in each Rural Fire District. The Council has been a vocal critic of this methodology.

The new method works on allocating each Council a fixed percentage of the total RFFF. The percentage has been determined by use of a 20-year average of allocations to each District. This will stabilize the amount the Council is expected to pay into the RFFF each year and will assist in budgeting.

While the reform is welcome, the methodology chosen is not to the advantage of this Council. The Council considered its position on the new methodology at its meeting in July 2016 and resolved the following.

NOTING

Items for Noting

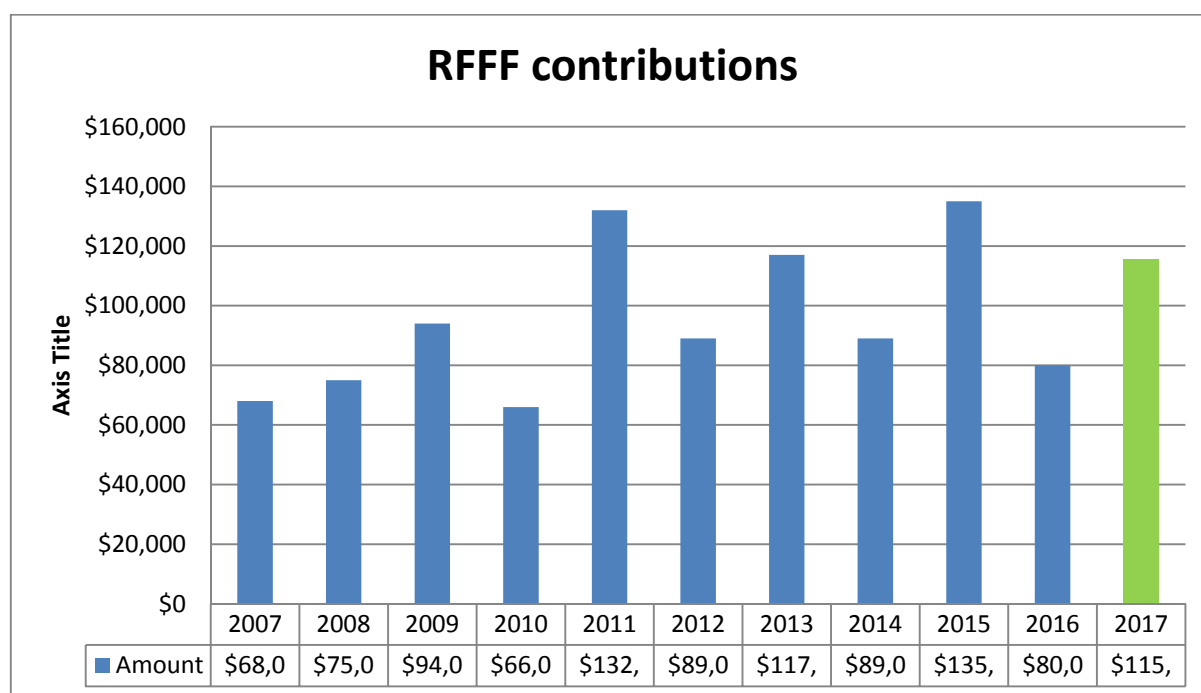
- 180** **RESOLVED** Crs: Jones and Glanville that recommendations numbered 1 to 7 inclusive of the Corporate Services Committee Meeting held on 6th July, 2016 be adopted.

RECOMMENDATION NO. 2 - that Council support in principle the proposed Rural Fire Fighting fund allocation methodology but express concern that the Council may be subsidising required capital expenditure in other areas of its zone.

Also attached as Appendix "N" is a letter from Local Government NSW (LGNSW) to Council. LGNSW hold a similar position to this Council in that they support the objectives of the change in principle – specifically eliminating the periodic spikes in Council allocations and providing greater budget predictability on future allocations. However, they have some concerns about the introduction, namely

1. The impact on individual Councils (Hay's contribution has increased 51.5% under the new methodology)
2. The lack of consultation with local government prior to introduction.

The chart below provides some information on the Council's past contributions to the RFFF under the new methodology, with this year's contribution shown in green.



Items for Noting

6.2 COUNCILLOR WORKSHOPS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

REPORT:

The Office of Local Government will be conducting workshops for Councillors following the recent elections.

The workshops “Hit the Ground Running “will be based on “the 5 key things all Councillors need to know in order for them to be effective in their roles”.

The workshops will also include information regarding recent amendments to the Local Government Act, Code of Conduct and Integrated Planning and Reporting.

The workshops appear to be one day events.

Local workshops will be held at Griffith on Tuesday 15th November 2016 and Wagga Wagga on Wednesday 16th November 2016.

There are venues across the state between 24th October and 29th November 2016.

No further information is available at the time of writing.

Any Councillors interested in attending please advise the General Manager.

NOTING

Items for Noting

6.3 SIR JOHN MONASH ANNUAL LECTURE AND DINNER

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 02.017.1

REPORT:

Murrumbidgee Shire Council will again host the Sir John Monash Dinner and Lecture on Friday 14th October 2016 commencing at 6.30 pm at the Jerilderie Civic Centre.

Guest speaker at the event is Dr Johnathon King, a journalist, film maker and award winning author of over 30 books on Australian History. Dr King will apparently provide a speech containing much new information on Monash.

Cost of attendance is \$45 including a two course meal. Drinks are available at bar prices.

Attendance is a personal expense.

Bookings may be made until 7th October 2016.

Some Councillors have previously attended the event.

NOTING

Items for Noting

6.4 COUNTRY MAYORS ASSOCIATION

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 14.165.7

REPORT:

Circulated with this agenda as Appendix "O" is a copy of the minutes of a meeting of the Country Mayors Association held on 12th August 2016.

NOTING

Items for Noting

6.5 NSW POPULATION PROJECTIONS**AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** 08.094.5**REPORT:**

Earlier this month, the NSW Department of Planning and the Environment (DPE) released new population projections for NSW – including projections for all local government areas – for the period ending 2036.

The projections can be found at <http://www.planning.nsw.gov.au/Research-and-Demography/Demography/Population-Projections> and a detailed copy of the projections – including age group analysis is attached as Appendix “P”.

As per earlier releases in 2013, 2010 and 2008, DPE’s projections show the population of Berrigan Shire declining from an estimated 8,400 in 2016 to 7,800 in 2036 as shown in the table below.



TOTALS:	2011	2016	2021	2026	2031	2036
Total Population	8,300	8,400	8,350	8,200	8,000	7,800
Total Households	3,650	3,850	3,900	3,900	3,900	3,800
Average Household Size	2.22	2.14	2.09	2.04	2.00	1.96
Implied Dwellings	4,400	4,550	4,650	4,650	4,600	4,550
CHANGE:	2011-16	2016-21	2021-26	2026-31	2031-36	
Total Population Change		100	-50	-150	-200	-250
Average Annual Population Growth		0.2%	-0.1%	-0.3%	-0.5%	-0.6%
Total Household Change		150	50	0	-50	-50
Average Annual Household Growth		0.8%	0.4%	0.1%	-0.2%	-0.4%

The projections work on a top-down methodology with the DPE demography unit calculating population projections across NSW, then funneling those

Items for Noting

projections down to the regional and then to the sub-regional areas – such as local government areas. By the time the projections reach local government areas, they are necessarily broad-brush estimates with little relevance to the conditions in the local area.

The basic formula for assessing the change in population is:

	Beginning Population
plus	Births
less	Deaths
plus	<u>Net migration</u>
equals	<u>End population</u>

DPE make assumptions about the birth and death rate in Berrigan Shire from actuarial tables based on the Shire's current population profile and estimate net migration based on past migration data from sources such as the Census. The final figures are then adjusted to agree to with the sub-regional total for the Riverina-Murray.

Given the high level of abstraction and the necessity of adjusting the outcome based on the sub-regional and statewide projections, the Council has traditionally had little confidence in the DPE population projections. This is a concern as this data is what the NSW government and other organisations use to determine the needs of the Berrigan Shire community over the next twenty years.

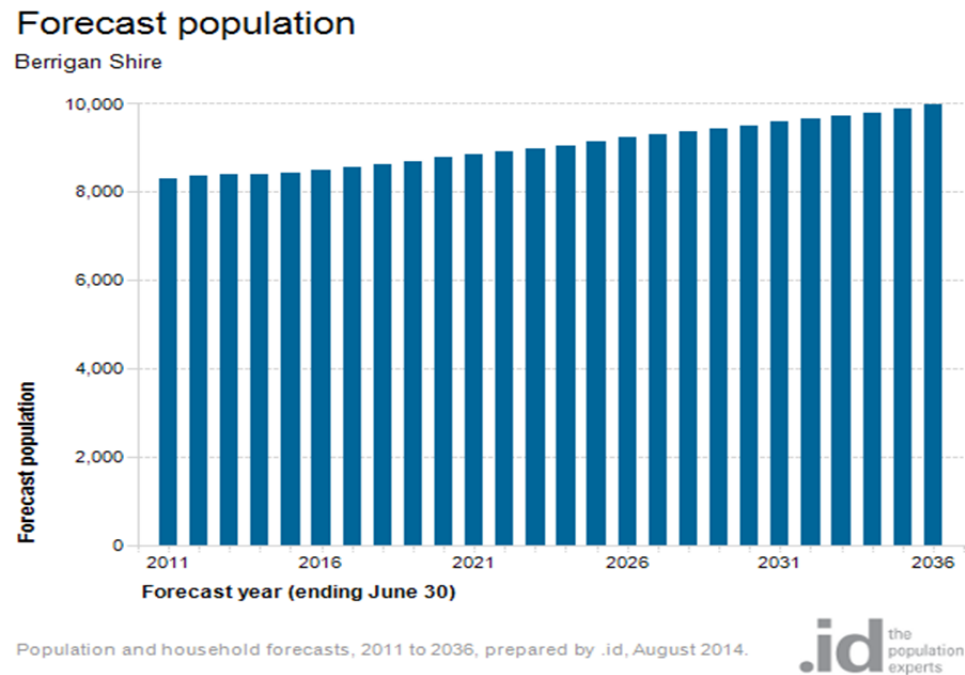
The Council has in the past written to DPE and its local Member of Parliament to express its concerns over the methodology used to determine these projections and it may wish to do so again.

The Council obtains its own demographic data from .id Consultants – a private demographic firm. This data is tailored for its own purpose and takes into account local conditions. This data can be found at <http://www.berriganshire.nsw.gov.au/Business/tabid/93/Default.aspx>

The population projections obtained by the Council via its consultants show Berrigan Shire continuing to grow at a modest rate – from 8,500 in 2016 to 9,966 in 2036.

NOTING

Items for Noting



NOTING

Items for Noting

6.6 NSW GRAIN HARVEST MANAGEMENT SCHEME

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO:

REPORT:

Roads and Maritime Services have forwarded a report showing the take up of the NSW Grain Harvest Management Scheme for the period January to June 2015.

The report indicates that the scheme has been heavily utilised by industry and is generally achieving its aims.

Berrigan Shire features as the LGA with the third largest utilisation of the scheme.

A copy of the report is attached as Appendix "Q".

NOTING

Items for Noting

6.7 SAME SEX MARRIAGE PLEBISCITE

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO:

REPORT:

The (former) Mayor of Port Stephens Council has written the Council requesting that it support its position of opposing the proposed plebiscite in relation to same sex marriage.

The letter from Port Stephens is circulated with this agenda as Appendix "R".

NOTING

Items for Noting

6.8 JOINT REGIONAL PLANNING PANEL

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO:

REPORT:

The NSW Minister for Planning has written to the Council advising of new state appointed members of the Western Regional Planning Panel and reminding the Council of the need for Council appointed members that annual Pecuniary Interest Declaration and undertaking need to be completed.

Broadly, the Panel deals with significant Development Applications.

The state has appointed Gordon Kirby (Chair), Ruth Fagan and Mark Grayson as its members on the Panel for a period ending 30th June 2019.

Council representations are all required to complete annual pecuniary interest returns.

NOTING

Items for Noting

6.9 DEVELOPMENT DETERMINATIONS FOR MONTH OF AUGUST 2016

AUTHOR: Support Officer

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

REPORT: APPLICATIONS DETERMINED FOR AUGUST

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
122/16/DA/DN	Pontoon	157 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot11//DP1131195)	Mrs Louise Anne Yates	MS LA YATES	Refused 17-08-2016	\$ 26500.00	Active 26	Total 59
74/16/CD/M4 - M	Modification to 70/16/CD/M1 - M	5 ISABEL AVENUE, BAROOGA NSW 3644 (Lot18//DP1071667)	Mrs Angela Pallante	MS AK PALLANTE	Approved 09-08-2016	\$ 183154.00	Active 34	Total 34
138/16/DA/DM	BV Dwelling & Attached Garage Primitive Camping Ground	NEWELL HIGHWAY, FINLEY NSW 2713 (Lot187//DP752299)	Berrigan Shire Council	BERRIGAN SHIRE COUNCIL	Approved 17-08-2016	\$ 0.00	Active 34	Total 34
3/17/DA/D2	Office & Shop Fitout	8-14 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot6//SP33658)	Altola Nominees Pty Ltd	ALTOLA NOMINEES PTY LTD	Approved 02-08-2016	\$ 50000.00	Active 9	Total 9
4/17/CD/MM	Demolition of Carport	32-36 MORRIS STREET, TOCUMWAL NSW 2714 (LotB//DP370062)	Mr Phil Anthony	C DAVIES PTY LTD	Approved 09-08-2016	\$ 12500.00	Active 12	Total 12
6/17/DA/D1	BV Dwelling & Attached Garage	40 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot50//DP1045702)	Jarra & Danielle Beveridge	MR J M BEVERIDGE	Approved 05-08-2016	\$ 283721.00	Active 9	Total 9
7/17/DA/DM	Demolition of Dwelling	618 PINEY ROAD, BERRIGAN NSW 2712 (Lot2//DP130994)	Mr Paul Gerard Doyle	MR P G DOYLE	Approved 02-08-2016	\$ 4000.00	Active 5	Total 5
8/17/DA/DB-M	Modification to 107/16/DA/DB	1894 NEWELL HIGHWAY, FINLEY NSW 2713 (Lot129//DP752283)	AgTrade Machinery	MCSELAN HOLDINGS PTY LTD	Approved 03-08-2016	\$ 0.00	Active 5	Total 5
9/17/DA/D5	Rural Industry Workshop Carport	1 CALAWAY STREET, TOCUMWAL NSW 2714 (Lot51//DP1095957)	Mrs Debra Garlick	MR HB GARLICK AND DL GARLICK	Approved 16-08-2016	\$ 7845.00	Active 10	Total 10
10/17/DA/D5	Residential Storage Shed	68 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot3//DP270154)	Mr Scott Reid	MR LS REID AND MRS AL REID	Approved 15-08-2016	\$ 15000.00	Active 5	Total 8
11/17/DA/DM	Change of Use - Timber Yard to Motor Workshop	7-13 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot4/2//DP3329)	Mr John Thomson	MR JC THOMSON & MRS SK THOMSON	Approved 26-08-2016	\$ 0.00	Active 17	Total 17
6/17/CD/M4	Residential Storage Shed	14 MCALLISTER STREET, FINLEY NSW 2713 (Lot4//DP386771)	Mr Raymond Pritchard	MR R A PRITCHARD	Approved 09-08-2016	\$ 9990.00	Active 3	Total 3

NOTING

Items for Noting

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
13/17/DA/D5	Residential Storage Shed & Alfresco Area	26 LAWSON DRIVE, BAROOGA NSW 3644 (Lot1//DP1023989)	Mr Sean McAuliffe	MR S M MCAULIFFE AND MRS J MCAULIFFE	Approved 26-08-2016	\$ 25000.00	Active 16	Total 16
14/17/DA/D2	Installation of ATM	8-14 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot6//SP33658)	Computertrans Aus Pty Ltd	ALTOLA NOMINEES PTY LTD	Approved 16-08-2016	\$ 5000.00	Active 6	Total 6
15/17/DA/D7	Inground Concrete Swimming Pool	5-11 VERMONT STREET, BAROOGA NSW 3644 (Lot2/8/DP758057)	Mr Darrell Bowden	MR B F RYAN & MRS D E RYAN	Approved 17-08-2016	\$ 30000.00	Active 6	Total 6
16/17/DA/D5	Patio	5 HILES COURT, TOCUMWAL NSW 2714 (Lot13//DP716407)	Ali Ahmed	MR T CHAPPELL & MRS SA CHAPPELL	Approved 18-08-2016	\$ 19778.00	Active 7	Total 7
17/17/DA/DM	Demolition of Old Dwelling & Associate Structures	36 BERRIGAN ROAD, BAROOGA NSW 3644 (Lot103//DP752280)	Mr Graham Evans	MR I A EVANS & MR G H EVANS	Approved 18-08-2016	\$ 0.00	Active 6	Total 6
18/17/DA/D2-M	Modification to 41/12/DA/D2-	88 FINLEY STREET, FINLEY NSW 2713 (Lot11//DP792623)	Brunker Fabrications	NIANGBY SUPERANNUATION PTY LTD	Approved 11-08-2016	\$ 0.00	Active 1	Total 1
8/17/CD/M3	Bus Shelter Carport/Caravan Storage	42 LIBERATOR PLACE, TOCUMWAL NSW 2714 (Lot35//DP1190777)	Totalspan Cobram	ROJET AVIATION PTY LTD	Approved 15-08-2016	\$ 29000.00	Active 2	Total 2
19/17/DA/D1	BV Dwelling & Attached Garage	8 LA BELLE COURT, TOCUMWAL NSW 2714 (Lot9//DP1194758)	Kennedy Builders Pty Ltd	MR CJB MCKENNA	Approved 25-08-2016	\$ 240000.00	Active 7	Total 7
21/17/DA/D1	Installation of a Manufactured Home	112 MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP1108495)	Mrs Maureen A Smith	MS M A SMITH	Approved 30-08-2016	\$ 50000.00	Active 8	Total 8
9/17/CD/M8	Rural Shed	WOODSTOCK ROAD, BERRIGAN NSW 2712 (Lot114//DP752284)	Ms Shilleagh Meyervale	MR B C VALE	Approved 24-08-2016	\$ 17000.00	Active 3	Total
10/17/CD/M6	Additions to Dwelling	53 COBRAM STREET, BERRIGAN NSW 2712 (Lot55//DP245219)	Mrs Irene Tubbs	MR J T TUBBS AND MRS I M TUBBS	Approved 23-08-2016	\$ 15092.00	Active 2	Total 2
23/17/DA/D5	Alfresco & Verandah	18 BROWNE STREET, TOCUMWAL NSW 2714 (Lot2/38/DP758981)	Mr Jason Brewer	MR BJ GIERVELD & MRS ME GIERVELD	Approved 31-08-2016	\$ 15500.00	Active 5	

APPLICATIONS PENDING DETERMINATION AS AT 8/08/2016

Application No.	Date Lodged	Description	Property Location
12/17/DA/D1	04-08-2016	BV Dwelling & Attached Garage	16 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot62//DP1131677)
20/17/DA/D9	17-08-2016	2 Lot Subdivision	3391 BAROOGA-TOCUMWAL ROAD, BAROOGA (Lot 12//DP1142719)
22/17/DA/D9	23-08-2016	2 Lot Subdivision/Consolidation	44-48 CORCORAN STREET, BERRIGAN NSW 2712 (Lot 40/B/DP2425)
24/17/DA/DM	24-08-2016	Strawberry Fields Festival 2016	LOWER RIVER ROAD, TOCUMWAL NSW 2714 (Lot 17//DP752304)

NOTING

Items for Noting

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

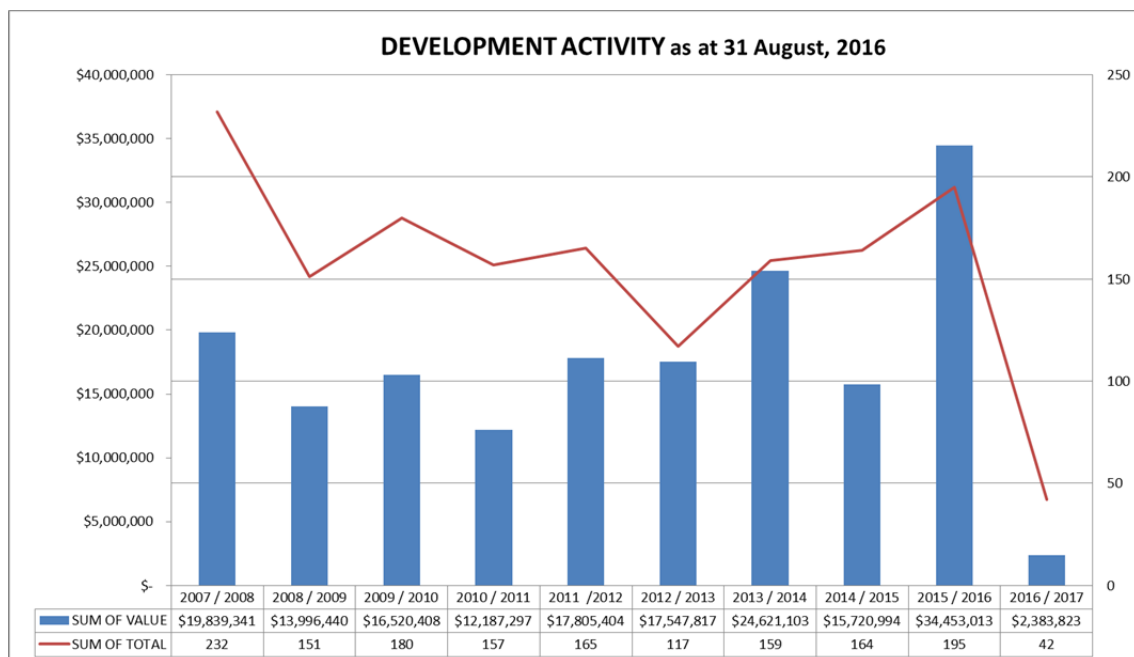
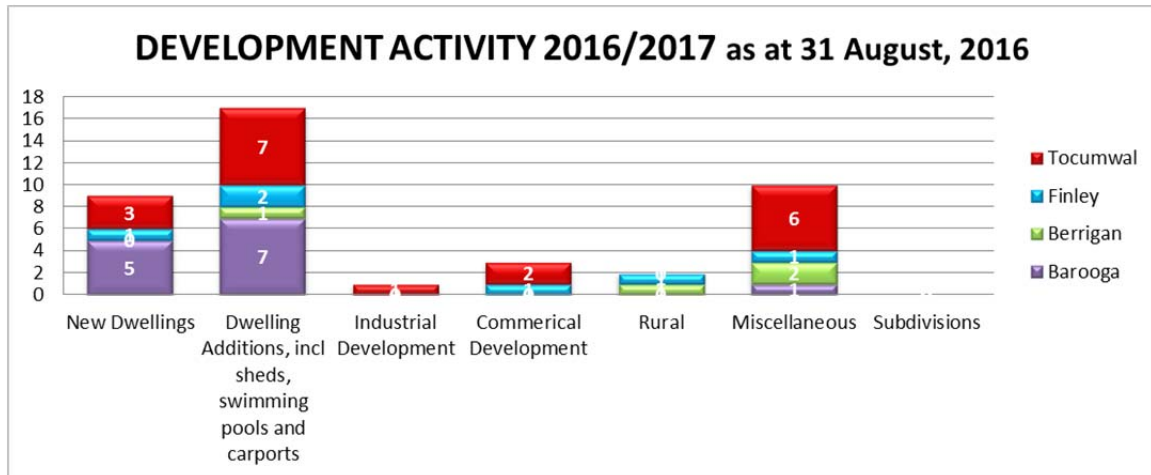
	This Month (Aug)	Year to Date	This Month's Value	Year to Date Value
<i>Development Applications</i>	18	30	\$772,344	\$1,578,212
<i>Construction Certificates</i>	9	16	\$636,844	\$1,432,712
<i>Complying Development Certificates</i>	7	12	\$298,446	\$805,611
<i>Local Activity</i>	3	7	0	0

OTHER CERTIFICATES ISSUED FOR AUGUST

	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	August	Year Total	August	Year Total	August	Year Total	August	Year Total	August	Year Total	August	Year Total
BAROOGA	8	14									2	2
BERRIGAN	5	7			1	2	1	1				1
FINLEY	13	20				1						
TOCUMWAL	12	17	3	3	1	1					1	1
TOTAL	38	58	3	3	2	4	1	1	0	0	3	4

NOTING

Items for Noting



NOTING

Items requiring Council Resolution

7 CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

7.1 FINLEY SCHOOL OF ARTS UPGRADE

This item is classified CONFIDENTIAL under section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

RESOLUTION

Items requiring Council Resolution

- (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it.

It is not in the public interest to prejudice the commercial position of the person who supplied it.

7.2 TENDER T01/16/17 TOCUMWAL AERODROME SUBDIVISION CONSTRUCTION

This item is classified CONFIDENTIAL under section 10A(2)(d)(i) 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.

It is not in the public interest to prejudice the commercial position of the person who supplied it.

It is not in the public interest to reveal the legal advice provided to the Council regarding individual debt collection.

RECOMMENDATION - that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

7.1 FINLEY SCHOOL OF ARTS UPGRADE

7.2 TENDER T01/16/17 TOCUMWAL AERODROME SUBDIVISION CONSTRUCTION

RESOLUTION

Items requiring Council Resolution

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

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Confidential Items requiring Council Resolution

Items requiring Council Resolution

Open Council resumed at

**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:

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Committee meeting reports

8.1 MINUTES OF THE LOCAL TRAFFIC COMMITTEE

RECOMMENDATION – that recommendations numbered 1 to 4 inclusive of the Local Traffic Committee Meeting held on 30th August, 2016 be adopted.

1. BERRIGAN ANNUAL COMMUNITY CHRISTMAS NIGHT MARKET RECOMMENDATION NO.1

That the closure of Chanter Street, Berrigan be approved for the Berrigan Annual Community Christmas Night Market on 4 December, 2016 from 6pm to 11pm.

2. 2016/2017 COBRAM BAROOGA CYCLE CLUB RACE PERMIT APPLICATION

RECOMMENDATION NO.2

That the application for Cobram Barooga Cycle Club be approved for race events in the Barooga area, as shown on the maps in Appendix C7, every Saturday from 1st December, 2016 to 30th November, 2017.

3. SCHOOL BUS STOP SIGNAGE AND SAFE STOPPING AREAS

RECOMMENDATION NO.3-

- That “Bus Stop Ahead Signs” be installed north and south of 2241 Cobram Road, Berrigan NSW 2712,
- Bus zone signage be erected outside the Biralee Preschool, Finley NSW 2713,
- The bus zone be extended by 10m at the Tocumwal Public School, Tocumwal NSW 2714
- That the current bus parking issue at the Tocumwal Preschool is discussed between Berrigan Shire Council, Baldwin’s Bus Company, and the owners of the Tocumwal Preschool and responses taken back to the next Local Traffic Committee meeting

4. TAKARI STREET, BAROOGA NSW 3644, SPEED REDUCTION FROM 50KM/HR TO 40 KM/HR

RECOMMENDATION NO.4

That Berrigan Shire Council write to RMS to request the reduction of the posted speed limit from 50km/hr to 40km/hr on Takari Street between MR226 and Snell Road.

Committee meeting reports

6. TIMED PARKING AT BIRALEE CHIDCARE CENTRE 239-241-MURRAY STREET FINLEY NSW 2713

RECOMMENDATION NO.5

That Berrigan Shire Council installs two R5-14 signs indicating a fifteen minute restriction for picking up/dropping off children be installed at either end of the five parking bays at the front of 239-241 Murray Street, Finley NSW 2713

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Items requiring Council Resolution

9. MAYOR'S REPORT

RECOMMENDATION – that the Mayor's Report be received.

RESOLUTION

Items requiring Council Resolution

10. DELEGATES REPORT

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Items requiring Council Resolution

11. GENERAL BUSINESS

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