



**Minutes of the Council Meeting held in the Council Chambers on
Wednesday, 17th April, 2019 commencing at 9:30am**

Min. No.

PRESENT: Cr Matthew Hannan (Mayor)
Crs Daryll Morris, John Bruce, Colin Jones, Denis Glanville,
Ross Bodey, John Taylor, Roger Reynoldson, Director
Corporate Services (Matthew Hansen), Director Technical
Services (Matthew Clarke), Development Manager (Laurie
Stevens) and General Manager (Rowan Perkins).

1. APOLOGIES

Nil

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

Nil

3. VISITORS

Nil

4. CONFIRMATION OF MINUTES

48 **RESOLVED** Crs Morris and Glanville that the Minutes of the
meeting held in the Council Chambers on Wednesday 20th
March, 2019 be confirmed.

5.1 FINANCE - ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.066.1

49 **RESOLVED** Crs Morris and Bodey that the Financial
Statement, Bank Reconciliation Certificate and Petty Cash
Book made up to 31 March 2019, be received and that the

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accounts paid as per Warrant No. 03/19 totaling
\$3,861,714.88 be confirmed.

5.2 COUNCILLORS AND OFFICERS LIABILITY

AUTHOR: Enterprise Risk Manager
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective
governance by Council of
Council operations and
reporting

FILE NO: 27.034.1

The responses to the recommendation that the Councillors
individually answer the following questions were:

1. Has there been or is there now pending against any
Councillor or officer of the council or its Subsidiary
Companies or against any outside director a Claim
against them in their capacity as such? Yes No
If 'Yes', provide full details:
No – all Councillors
2. Is any Councillor or officer after enquiry, aware of any
circumstances which might give rise to a Claim, including
but not limited to any act, error, omission,
misrepresentation, breach of duty or misconduct? Yes No
If 'Yes', provide full details:
No – all Councillors
3. Is any Councillor or officer after enquiry, aware of any
circumstances which might give rise to a
prosecution proceeding, under any Work Health & Safety
Act, any Environmental Protection Legislation, or any
other similar Act or Legislation? Yes No
If 'Yes', provide full details:
No – all Councillors
4. Is any Councillor or officer after enquiry, aware of any
facts or circumstances which might affect the ability of the
Council or its Subsidiary Companies to meet its debts as
and when they fall due? Yes No
If 'Yes', provide full details:
No – all Councillors

5.3 LIQUID TRADE WASTE POLICY

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AUTHOR: Engineering Services Manager
STRATEGIC OUTCOME: Sustainable natural and built
landscapes
STRATEGIC OBJECTIVE: 1.3 Connect and protect our
communities

FILE NO: 29.094.2

- 50** **RESOLVED** Crs Morris and Taylor that the Draft Policy for liquid trade waste regulation as attached as **Appendix “A”** as amended be adopted and forwarded to the NSW Department of Planning and Infrastructure for approval.

**5.4 UPGRADE OF BAROOGA WATER
TREATMENT PLANT AND ASSOCIATED
WORKS**

AUTHOR: Director Technical Services
STRATEGIC OUTCOME: Sustainable natural and built
landscapes
STRATEGIC OBJECTIVE: 1.3 Connect and protect our
communities

FILE NO: 32.101.1

- 51** **RESOLVED** Crs Bruce and Taylor that, subject to receipt of an interest rate subsidy for a loan under the NSW government's Low Cost Loans Initiative – Growing Local Housing program, Council carry out the upgrade and maintenance works to the Barooga Water Treatment Plant by installing an additional Dissolved Air Flootation and Filtration (DAFF) lane and repairing / replacing the existing DAFF lane

5.5 LOW COST LOANS INITIATIVE

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027
objectives and strategic
actions facilitate the
effective governance by
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FILE NO: 12.098.1

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

- 1) Provide in principle approval for the following loans, subject to receipt of interest rate subsidies for each loan under the NSW government's Low Cost Loans Initiative program:
 - a) \$4.0 m for upgrading the Barooga Water Treatment Plant
 - b) \$1.0m for subdivision works at Lewis Crescent and associated open space development at Railway Park and the Southern Retention Basin
- 2) Submit applications for both projects under the Low Cost Loans Initiative program.

5.6 RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES

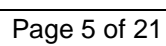
AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

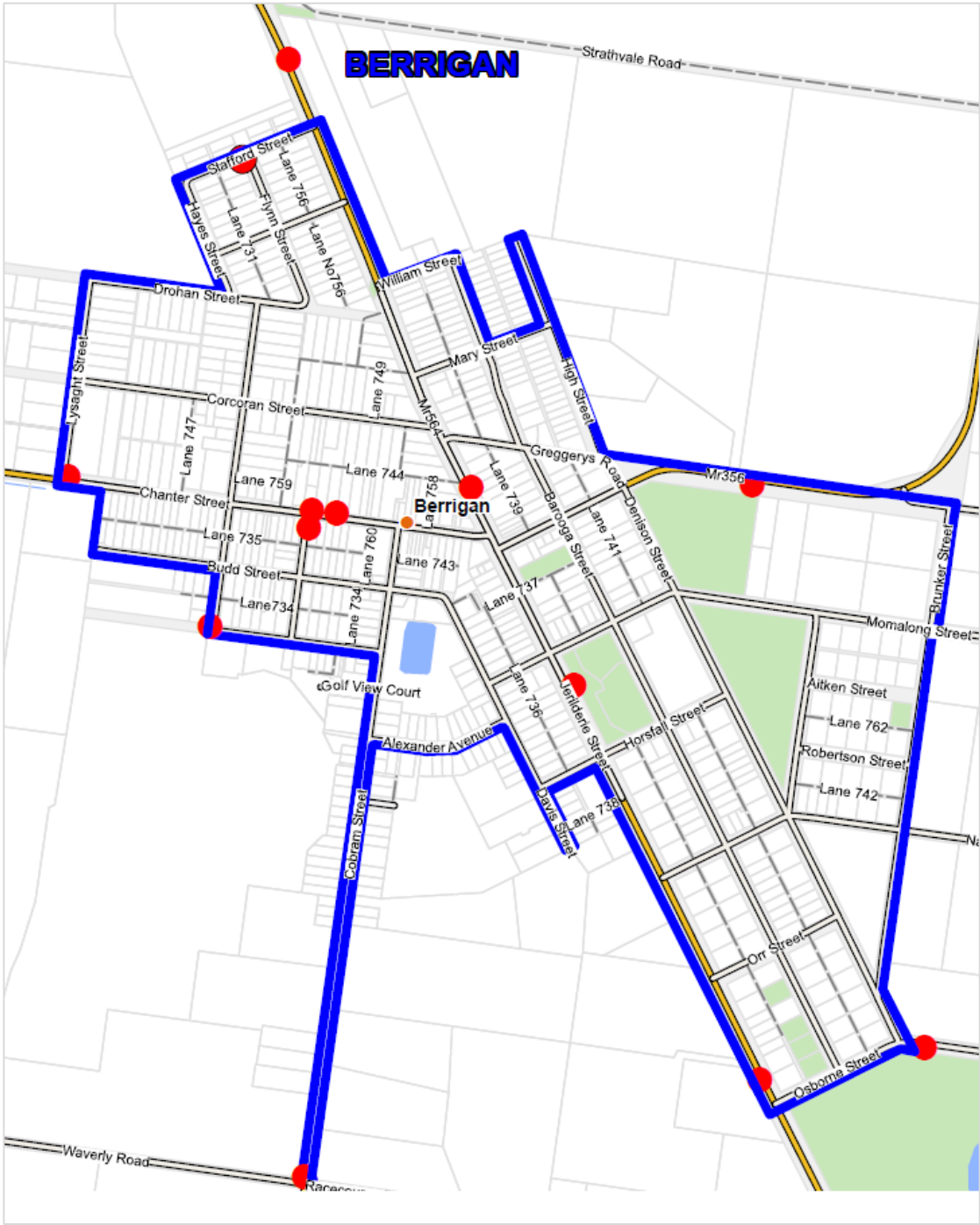
STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: 24.128.14

53 **RESOLVED** Crs Taylor and Bodey that the Council establish the following Alcohol Free zones in accordance with Section 644B(4) of the *Local Government Act 1993* for the period 1 July 2019 – 30 June 2023



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**5.7 SMALL BUSINESS FRIENDLY COUNCILS
INAUGURAL CONFERENCE**

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient
business

STRATEGIC OBJECTIVE: 4.2 Strengthen and
diversify the local economy

FILE NO: 08.094.2

54 RESOLVED Crs Glanville and Jones that Cr Daryll Morris
attend the Small Business Friendly Councils Inaugural

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Conference to be held in Sydney from the 16th to the 17th May, 2019.

5.8 TOCUMWAL AERODROME – GLIDING SHELTERS

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

FILE NO: 30.160.3

MOVED Crs Morris and Glanville that the Council provide \$2,800 towards a total cost of \$5,600 of providing portable shade structures for gliding use at Tocumwal Aerodrome subject to:

1. Ownership of the structures vesting in the Southern Riverina Gliding Club
2. The structures being available to all gliding users at Tocumwal Aerodrome; and
3. The structures being portable and being removed from the vicinity of the airstrips when not in active use.

The motion was lost.

6. ITEMS FOR NOTING

- 6.1 COBRAM SECONDARY COLLEGE CITIZENSHIP AWARD
- 6.2 FINLEY SCHOOL OF ARTS – STRUCTURAL ASSESSMENT
- 6.3 RATES AND CHARGES – 2018/2019 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – 3RD QUARTER REPORT TO COUNCIL
- 6.4 NEW COUNCILLOR INDUCTIONS AND PROFESSIONAL DEVELOPMENT REQUIREMENTS
- 6.5 DEVELOPMENT DETERMINATIONS FOR MONTH OF MARCH 2019
- 6.6 TENDER T12/18/19 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE BERRIGAN WAR MEMORIAL SWIMMING POOL

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

**7.1 MINUTES OF THE RISK MANAGEMENT
COMMITTEE MEETING**

- 56 **RESOLVED** Crs Reynoldson and Jones that recommendations numbered 4 to 6 of the Risk Management Committee Meeting held on Wednesday 3rd April, 2019 be adopted.

4. WORK HEALTH AND SAFETY POLICY

AUTHOR: Enterprise Risk Manager
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.1 Berrigan Shire 2027
 objectives and strategic actions
 facilitate the effective governance
 by Council of Council operations
 and reporting

FILE NO: 22.112.1

RESOLVED

Matthew Clarke and Fred Exton that the Council adopt the Work Health and Safety Policy as outlined below:

74. WORK HEALTH AND SAFETY POLICY

Version 03

File Reference No: 22.112.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 15/03/2021

Responsible Officer: Enterprise and Risk Manager

1. POLICY STATEMENT

The Berrigan Shire Council is committed to providing a safe and healthy workplace for all its employees, volunteers, contractors and the public. The Council

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recognises its obligations under the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2017 and associated legislation.

2. PURPOSE

The purpose of this policy is to inform all workers of Council's responsibilities and commitment to providing a safe and healthy workplace for all workers.

3. SCOPE

This policy applies to all workplaces and workers of the Berrigan Shire Council including volunteers, contractors and members of the public.

4. OBJECTIVE

This policy is designed to assist the Council to meet the following Community Strategic Plan objectives:

- 1.3 Connect and protect our communities;
- 2.2 Ensure effective governance by Council of Council operations and reporting;
- 3.1 Create safe, friendly and accessible communities

5. DEFINITIONS

Hierarchy of Control: *Is a list of control measures, in priority order, that can be used to eliminate or minimise exposure to the hazard. Elimination of the hazard must be considered before all other options.*

Officers: *A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority, excluding elected members, and who have the capacity to significantly affect the financial standing of the business.*

PCBU: *Person Conducting a Business or Undertaking (PCBU) is the legal term under the WHS legislation for individuals, businesses or organisations that are conducting business.*

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Workers: *A worker is a person who carries out work in any capacity for a PCBU including work as an employee, volunteer, contractor, sub-contractor, work experience student or trainee.*

6. POLICY IMPLEMENTATION

Council commitment:

Council, as the PCBU is committed to providing a safe and healthy workplace, and so far as is reasonably practicable, will:

- a) Provide a safe and healthy work environment for all workers and other persons;
- b) Provide safe and healthy methods of work;
- c) Implement safe and healthy systems of work which includes programs and procedures which are continually reviewed and updated;
- d) Identify and eliminate or reduce hazards and risks to health and safety in accordance with the hierarchy of control;
- e) Continually monitor and improve work health and safety;
- f) Provide advice and information, education and training resources;
- g) Comply with all relevant legislation;
- h) Provide for fair and effective workplace representation, consultation, co-operation and issue resolution to work health and safety;
- i) Co-ordinate effective management of injured workers and return to work programs.

Responsibilities:

Officers

Under the guidance of Work Health and Safety legislation, Officers are identified as:

- General Manager
- Director Technical Services
- Director Corporate Services
- Enterprise Risk Manager

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Officers have the responsibility for exercising due diligence including taking reasonable steps to:

- Acquire and keep up-to-date knowledge of work health and safety matters;
- Gain an understanding of Council operations and the hazards and risks associated with those operations;
- Ensuring that the Council, within resource capability and availability, provides appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of Council's operations;
- Ensuring the Council has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information, and
- Ensuring the Council has, and implements, processes for complying with duties and obligations under Work Health and Safety, and applicable legislation.

Management

Management is defined as those with decision making responsibilities, and who are responsible for workers, in accordance with the definition of workers. This includes Department Managers, Supervisors and those who are responsible for employing contractors and utilising the services of volunteers.

Each Manager is required to ensure that this policy and the processes designed to support a safe and healthy workplace are effectively implemented in their areas of control, and to support workers and hold them accountable for their specific responsibilities. Management must ensure that:

- Workers are supervised and trained to meet their job requirements;
- Workers are consulted on issues which affect their health and safety;
- Hazardous situations are identified and measures adopted to eliminate risk, or manage it in accordance with the hierarchy of control.

Workers

Whilst at work, a worker must:

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- Take reasonable care for his/her own health and safety;
- Take reasonable care that his/her acts or omissions do not adversely affect the health and safety of other persons;
- Comply, so far as the work is reasonably able, with any reasonable instructions;
- Abide by this policy, other Council workplace policies, and procedures that relate to health and safety at the workplace.

Other Persons

This applies to those people who visit the workplace and also extends to elected members of Council.

Whilst at a Council workplace, a person must:

- Take reasonable care of his/her own safety;
- Take reasonable care that his/her acts or omissions do not adversely affect the health and safety of other persons, and
- Comply so far as the person is reasonably able, with any reasonable instructions.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- *Heavy Vehicle (Adoption of National Law) Act 2013*
- *Heavy Vehicle (Adoption of National Law) Regulations 2013*

7.2 Policies and Strategies

- Local Government (State) Award 2014
- Clothing and Protective Equipment Policy
- Discrimination, Workplace Bullying and Harassment Policy
- Drug and Alcohol Free Workplace Policy
- Employee Assistance Program Policy
- Heat Stress Policy
- Pre-employment Medical Policy
- Risk Management Policy and Framework

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- Workplace Rehabilitation Policy

5. TOCUMWAL CREEK WALK TREE WORKS

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Sustainable natural and built
landscapes

STRATEGIC OBJECTIVE: 1.2 Retain the diversity and
preserve the health of our
natural landscapes and
wildlife

FILE NO: 27.121.2

RESOLVED

Matthew Hansen and Cr Reynoldson that the recommended works outlined in the Arborist report and Council Assessment included as **Appendix “A”** and **“B”**, be adopted by Council.

6. PLAYGROUND WORKS

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Supported and engaged
communities

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and
accessible communities

FILE NO: 27.121.2

RESOLVED

Matthew Clarke and Cr Reynoldson that Council at the appropriate time:

1. Remove the Lawson Drive playground located on the Barooga Foreshore;
2. Relocate the combination playground at the Barooga Library and install at Lawson Drive;

**7.2 MINUTES OF THE CORPORATE SERVICES
COMMITTEE MEETING**

- 57 RESOLVED** Crs Morris and Glanville that recommendations numbered 5 to 8 inclusive of the Corporate Services Committee Meeting held on 3rd April, 2019 be adopted.

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5. PROPOSED FEES AND CHARGES – 2019/20

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

FILE NO: 08.078.1

RESOLVED

Crs Bodey and Glanville that the Council refer the draft Register of Fees and Charges for inclusion in the 2019/20 Operational Plan.

6. REVIEW DELIVERY PROGRAM

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

FILE NO: 04.121.6

RESOLVED

Crs Reynoldson and Jones that the Council:

1. Adopt as draft its Review of the Delivery Program 2017 – 2021 (**Appendix “B”**)
2. Note that the revised Capital Works Program, and the Forecast Budget and financial statements are not included in this draft Review of the Delivery Program as these are subject to further review.

7. TRUCK WASH LEVY

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Diverse and resilient
business

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

FILE NO: 1.145.1

RESOLVED

Crs Bruce and Jones that the Council apply a 2% levy to the operations of the Finley and Berrigan Truck Wash facilities with proceeds from the levy paid directly to Livestock Services Research and Innovations Inc.

8. BUDGET SUMMARY AND COMMENTS 2019/20

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.046.1

RESOLVED

Crs Bruce and Glanville that the Council refer the draft 2019/20 budget for inclusion in the 2019/20 Operational Plan.

**7.3 MINUTES OF THE TECHNICAL SERVICES
COMMITTEE**

58 RESOLVED Crs Reynoldson and Morris that recommendations numbered 5 to 6 inclusive of the Technical Services Committee Meeting held on 3rd April, 2019 be adopted.

**5. INTEGRATED WATER CYCLE MANAGEMENT
DEVELOPMENT**

AUTHOR: Director Technical Services

**STRATEGIC OUTCOME: Sustainable natural and built
landscapes**

**STRATEGIC OBJECTIVE: 1.3 Connect and protect our
communities**

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FILE NO: 32.121.4

RESOLVED

Crs Bruce and Jones that the Council note the engagement of a consultant to develop an Integrated Water Cycle Management Plan for the Council at a cost of \$44, 172.50 exclusive of GST.

6. ROAD CLOSURE

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.152.1

RESOLVED

Crs Reynoldson and Bodey that the road closure process for a section of Lawlors Road, Finley continue as per the intent of the original Council resolution of 17th July, 2013 under the provisions of the Roads Act 1993 and the Crown Lands management Act 2016.

8. 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:

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- (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.

8.1 TENDER T12/18/19 DESIGN & CONSTRUCTION TO UPGRADE THE ANCILLARY FACILITIES AT THE BERRIGAN WAR MEMORIAL SWIMMING POOL

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

- (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 reveal the commercial information.

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

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

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be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

**8.1 TENDER T12/18/19 DESIGN & CONSTRUCTION
TO UPGRADE THE ANCILLARY FACILITIES AT
THE BERRIGAN WAR MEMORIAL SWIMMING
POOL**

Council closed its meeting at 10.02am. The public and media left the Chamber.

Open Council resumed at 10.06am.

**RESOLUTIONS FROM THE CLOSED COUNCIL
MEETING**

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

RESOLVED *Crs Reynoldson and Glanville that the Council*

1. Accepts the tender submission from MS Constructions in the amount of \$391,120.00

2. Sign and seal all contract documents related to the tender

3. Appoint the Director of Technical Services as the Contract Superintendent.

9. MAYOR'S REPORT

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

- Tourism lunch at Yarrawonga
- RAMJO Water Sub-Committee
- Meeting with Major General Steven Day
- Meeting with Finley Chamber of Commerce, Industry and Agriculture Inc.
- Chamber Presidents meeting
- SEGRA luncheon

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- 62** **RESOLVED** Crs Taylor and Glanville that the Mayors report be received.

10. DELEGATES REPORTS

Cr Ross Bodey

- Tourism lunch at Yarrawonga
- Foreshore signs/solar bollards
- Airshow meeting

Cr John Taylor

- LHAC Finley Regional Care

Cr Daryll Morris

- Nil

Cr Roger Reynoldson

- Berrigan Public School values
- Kevin Mack
- West Corrugan 50th Anniversary

Cr Denis Glanville

- Tourism lunch at Yarrawonga
- SEGRA luncheon

Cr Colin Jones

- Tourism lunch at Yarrawonga

Cr John Bruce

- Barooga Advancement Group – no quorum
- SEGRA luncheon

10. GENERAL BUSINESS

Cr John Bruce

- Sign at Finley
- Irrigation plan to Corporate Services Committee meeting

Cr Colin Jones

- Proposed Solar farm
- Home and Community Care

Cr Denis Glanville

- Nil

Cr Daryll Morris

- Nil

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Cr John Taylor

- Airshow good

Cr Ross Bodey

- Blues at the Beach

Director Technical Services

- Nil

Development Manager

- Nil

Director Corporate Services

- Finley Saleyards visit – non sale say
- My Community Projects

Cr Matthew Hannan

- Finley community development – main street
- Business Awards

General Manager

- SEGRA Region – Mayor, Cr Morris, Cr Glanville and Cr Bruce
- Jo Ruffin sick

There being no further business the meeting closed at 11.00am.