



Council Chambers,
BERRIGAN NSW 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **18th January, 2017**, when the following business will be submitted:-

9:00AM

Public Question Time

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

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday 18th January, 2017

BUSINESS PAPER

1. **APOLOGIES**
2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
3. **VISITORS ATTENDING MEETING**
4. **CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 14th December, 2016 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR:

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 December 2016, be received and that the accounts paid as per Warrant No. 12/16 totaling \$3,874,507.38 be confirmed.

REPORT

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 December 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 December 2016.

Items requiring Council Resolution

- c) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 December 2016 is certified by the Finance Manager.
- d) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 December 2016.
- e) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 December 2016, totaling \$3,874,507.38 and will be submitted for confirmation of payment as per Warrant No. 12/16
- f) 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.
- g) December has shown a slight decrease in total funds held in comparison to the end of November. The movement in cash holdings is largely comparable with the same period last year and represents the general pattern in cash holdings over the year.

Overall funds however have grown from \$24.746 M in December 2015 to \$26.867 M in December 2016. Total funds held are expected to remain stable in the January period.

Items requiring Council Resolution

Statement of Bank Balances

Statement of Bank Balances as at 31 December 2016

Bank Account Reconciliation

Cash book balance as at 1 December 2016	\$ 5,640,012.61
Receipts for December 2016	\$ 1,601,451.64
Term Deposits Credited Back	\$ -
	<u>\$ 7,241,464.25</u>
Less Payments Statement No 12/16	
Cheque Payments V075708 - V075719	\$ 6,621.99
Electronic Funds Transfer (EFT) payroll	\$ 626,480.46
Electronic Funds Transfer (EFT) Creditors E025262 - E025558	\$ 1,210,685.25
Term Deposits Invested	\$ 2,000,000.00
Loan repayments, bank charges, etc	\$ 30,719.68
Total Payments for December 2016	<u>\$ 3,874,507.38</u>
Cash Book Balance as at 31 December 2016	<u>\$ 3,366,956.87</u>
Bank Statements as at 31 December 2016	\$ 3,369,479.09
Plus Outstanding Deposits	
Less Outstanding Cheques/Payments	<u>\$ 2,522.22</u>
Reconciliation Balance as at 31 December 2016	<u>\$ 3,366,956.87</u>

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	117/15	210	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%	13/04/2017	\$ 2,000,000.00
Bank of Queensland	119/15	180	3.05%	11/03/2017	\$ 2,000,000.00
Bendigo Bank	122/16	365	3.00%	26/05/2017	\$ 2,000,000.00
Bendigo Bank	128/16	270	2.85%	17/09/2016	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	3.05%	30/08/2017	\$ 2,000,000.00
Central Murray Credit Union	104/14	270	3.05%	17/09/2016	\$ 2,000,000.00
Defence Bank Limited	102/14	270	2.95%	4/04/2017	\$ 2,000,000.00
Defence Bank Limited	106/14	178	2.35%	29/03/2017	\$ 1,000,000.00
ME Bank	127/16	180	2.75%	30/05/2017	\$ 2,000,000.00
T-CORP HOURGLASS AT CALL		AT CALL			\$ 2,500,000.00
					<u>\$ 23,500,000.00</u>

Total Funds Held at 31 December 2016

\$26,866,956.87

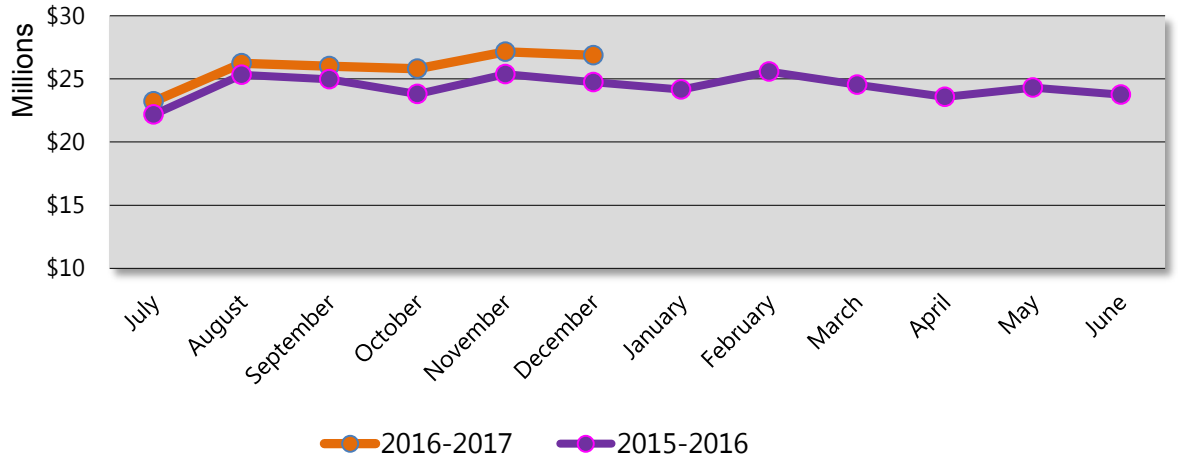
Carla von Brockhusen - Finance Manager

RESOLUTION

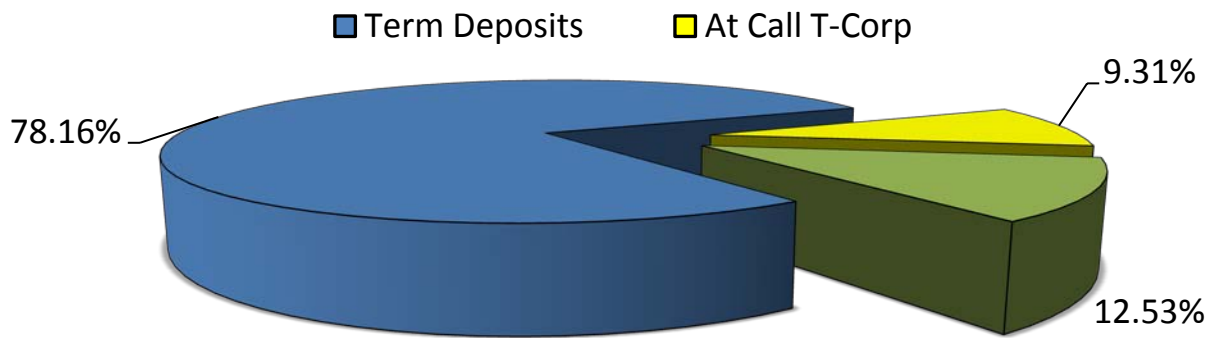
Items requiring Council Resolution

R E S O L U T I O N

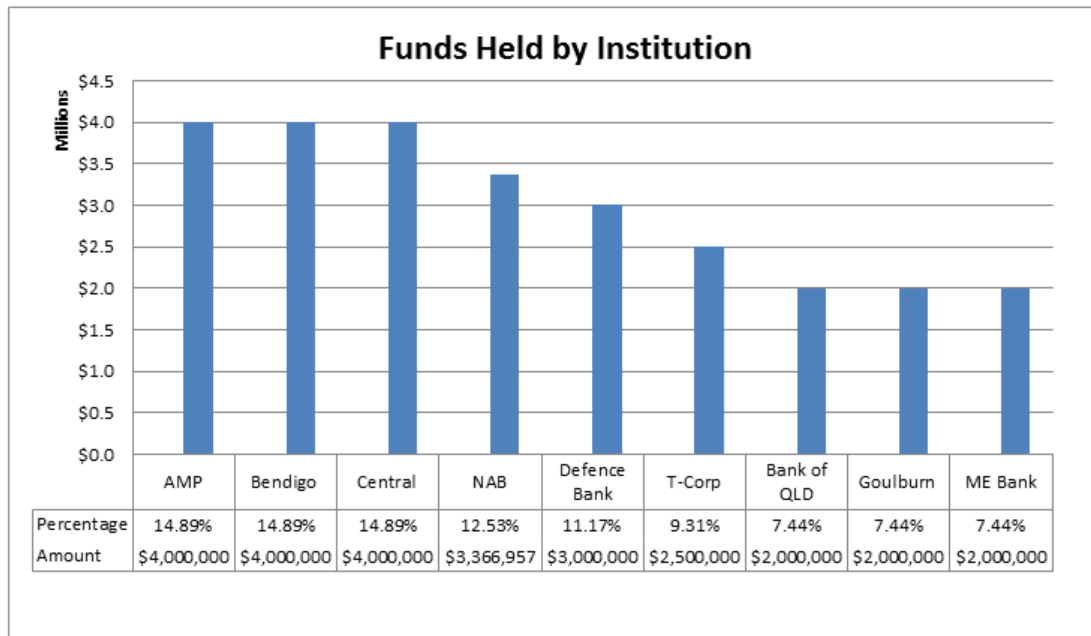
Total Funds Held



Funds Held By Type



Items requiring Council Resolution



Changes in Investment Portfolio for December 2016

Prior Financial Institution	Previous Investment		Current Financial Institution	New Investment	
	Amount	Interest Rate		Amount	Interest Rate
ME Bank	\$2,000,000.00	2.75%			
CMCU	\$2,000,000.00	2.80%	CMCU	\$2,000,000.00	3.05%
			Bendigo Bank	\$2,000,000.00	2.85%

RESOLUTION

Items requiring Council Resolution

5.2 POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS AND COUNCILLORS

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.045.1

RECOMMENDATION: - that the Council, noting that no submissions were received during the statutory period of public exhibition, adopt the following “Payment of Expenses and Provision of Facilities” Policy as set out below:

POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS AND COUNCILLORS

PART 1 INTRODUCTION

This policy for the payment of expenses and the provision of facilities for Mayors and Councillors is effective from 18th January, 2017, being the date it was adopted by the Council.

The policy comprises four parts, being:

1. Part I Introduction – defines key terms and describes the legislative and reporting requirements that prescribe the policy’s purpose, objectives and scope;
2. Part II Payment of Expenses – describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses;
3. Part III Provision of Facilities – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources; and
4. Part IV Other Matters – provides guidance on issues related to Councillor acquisition and return of facilities and superannuation

This policy is made under Sections 252-254 of the *Local Government Act 1993* (the Act), Section 403 of the *Local Government (General) Regulation* and in accordance with the Guidelines issued by the Office of Local Government (October 2009) in accordance with Section 23A of the Act.

Items requiring Council Resolution

Broadly, the Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and the other Councillors in relation to discharging the functions of civic office.

This Policy must comply with the provisions of the Act, the Regulation and the Guidelines.

1.1. Purpose

The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

1.2. Objectives and scope

1.2.1. Objectives

Berrigan Shire Council is committed to the following *Berrigan Shire 2023* strategic outcomes and objectives:

Good Government

2.2 Ensure effective governance by Council of Council operations and reporting;

The objectives of this policy are:

1. To outline the details and range of benefits provided to Councillors by the Council in a transparent manner.
2. To ensure that Councillors are reimbursed for expenses reasonably incurred in their performance of their role as a Councillor in a manner that is acceptable to the community.
3. To encourage members of the community to seek election to the Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a Councillor.
4. To ensure that Councillor use of Council facilities and resources is effective, efficient, appropriate, lawful and ethical.

1.2.2. Scope

The policy applies to all Councillors and if appropriate any Councillor administrators as well.

The policy does not apply to the receipt or expenditure of Councillors or Mayoral annual allowances.

The policy does not apply to Council staff. Council staff are regulated in similar matters by separate policy.

Items requiring Council Resolution

1.3. Making and adoption

Berrigan Shire Council is required on an annual basis to review and submit its policy to the Chief Executive of the Office of Local Government within 28 days of adoption by the Council, even if it is proposed to adopt an unchanged policy. Current policies must be submitted by 30 November each year.

Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.

Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.

At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term “not substantial” should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

1.4. Legislative and other provisions

1.4.1. Legislative provisions

- Sections 252-254 of the *Local Government Act 1993* – Payment of expenses and provisions of facilities.
- Section 428 of the *Local Government Act 1993* – Annual reports
- Clause 217 of the *Local Government (General) Regulation 2005* – Additional information for inclusion in annual reports.
- Clause 403 of the *Local Government (General) Regulation 2005* – Payment of expenses and provision of facilities.
- Local Government (State) Award 2014.

1.4.2. Other Government Policy Provisions

- Office of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act 1993*.

Items requiring Council Resolution

In circumstances where such a dispute does arise the dispute will initially be referred to the Council by the General Manager for the determination. In making its determination the Council may use the services of one of its appointed Conduct Reviewers, its Solicitor or other appropriate external resource to assist with that determination.

2.1.2. Spouse and partner expenses

On occasions, it will be appropriate, and in some cases a requirement, that Councillors will be accompanied by their spouse, partner or accompanying person¹ to official functions and activities. In these instances, certain costs incurred by the Councillor on behalf of their partner (meaning spouse, partner or accompanying person), are properly those of the Councillor in the performance of his or her functions and are thus reimbursable.

Berrigan Shire Council will meet the reasonable costs of a partner attending official council functions within the local government area where it could be reasonably expected that the partner would attend.

The Council will also meet the expenses for the partner of the Mayor (or a Councillor when they are representing the Mayor), when they are called on to attend an official function of council or carry out an official ceremonial duty outside of the council area.

Where partners accompany Councillors to seminars and conferences and the like, the Councillor will be personally responsible for all additional costs associated with their partner's attendance, including travel, accommodation, meals, partner's programs etc.

The payment of partner expenses for attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by partners are not considered reimbursable expenses.

2.2. Specific expenses

2.2.1. Travel

All travel by Councillors should use the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

The mode and method of transportation to be used shall be agreed with the Council or the Mayor and the General Manager prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimize costs.

¹ An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Items requiring Council Resolution

rate determined by the relevant Industrial Agreement for vehicle expenses and claimed as part of their monthly return.

Travel to meetings and events that are more than 200km from Berrigan Shire should be undertaken with the Council's or with the Mayor and the General Manager's consent. In these circumstances travel arrangements should be organized in consultation with the General Manager. If travel by motor vehicle is the most suitable method of transportation, the Council will endeavour to provide a council vehicle. If it is not possible to use a council vehicle, the Council may agree to the Councillor using his/her own vehicle.

Where the Council agrees for a Councillor to supply their own vehicle, the Councillor may claim a reimbursement for the use of their vehicle for the distance travelled at the rate specified in the Local Government (State) Award 2014. Alternatively, where a Councillor chooses to use their own vehicle, and the Council related travel only forms part of the overall travel, the Councillor may claim for reimbursement of travel costs only calculated on the basis of the average fuel consumption of the vehicle and the distance travelled that relates to the Council purpose.

If the Councillor chooses to use their own vehicle despite a council vehicle being made available, or without the prior agreement of the Council, they will be ineligible to claim a reimbursement for travel more than 200km from the Shire.

Approval to travel to destinations in states other than NSW, the ACT or Victoria for the conduct of council business requires the prior approval of the Council. The application for approval should include full details of the trip, including itinerary, costs and reasons for travel. Travel arrangements for interstate travel will be coordinated by the Council on behalf of the Councillor.

2.2.4. Overseas travel

Berrigan Shire Council will not undertake any overseas travel unless a direct and tangible benefit for the council and the local community can be established.

All overseas travel will be approved by a meeting of the full council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis and retrospective re-imbusement of overseas travel expenses that have not previously been authorized will not be permitted.

Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillors undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of a council business paper.

After returning from overseas, Councillors will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.

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Items requiring Council Resolution

2.2.5. Reimbursement of motor vehicle expenses

Fuel costs associated with travel in a private motor vehicle will be reimbursed based on distance travelled at the rate specified in the relevant State Industrial Agreement, and not the cost of fuel.

Where travel is undertaken in a council fleet vehicle the vehicle should be refueled with the fuel card supplied. If this option is not feasible, Councillors may use an alternative fuel distributor and claim reimbursement for the actual cost of fuel.

Fuel cards may be used for fuel and oil only and Councillors will need the password to use the fuel card. Receipts for all transactions are required.

See also Section 2.2.3

2.2.6. Infringement notices

Councillors are personally responsible for all traffic or parking fines incurred while traveling in private or council vehicles on council business.

2.2.7. Vehicle security

Where travel overnight is required, and it is necessary to leave either a council or private vehicle being used with council approval in a public place such as an airport, the staff member should, where possible, use a secure parking area and claim a reimbursement for the relevant parking fee on their return.

2.2.8. Travel using other forms of transport

Where a Councillor is traveling by transport other than a private motor vehicle, the Council will meet the full actual cost of travel to and from events, including any associated costs such as parking and road tolls. These arrangements cover travel by air, public transport, taxis, hire cars etc. and should be arranged in consultation with the General Manager.

2.2.9. Extending travel arrangements

Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Council or the Mayor and the General Manager.

In such instances Councillors should recognize that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including meal costs and accommodation, are not considered to be reimbursable expenses.

Items requiring Council Resolution

2.2.10. Accommodation

In carrying out their civic duties, Councillors will sometimes need to stay away from home. In these circumstances the Council will meet all reasonable accommodation expenses including breakfast and incidentals associated with attendance at events, save that partners shall be responsible for any additional accommodation, meals and incidental expenses incurred on their behalf.

The wide range of events and conferences that Councillors attend often means that there is a diverse range of prices and standards for accommodation. For example the costs of staying in accommodation of a similar standard can be considerably different from regional to urban areas. Similarly, it may sometimes be necessary for a Councillor to stay in cabin accommodation at a conference in a regional area, or at a 4½ or 5 star venue in the city if this is the venue for a conference or event.

The Council will not reimburse more than \$400 per night for accommodation, although Councillors are expected to select accommodation in conjunction with the General Manager and at a standard that is appropriate to the location and event.

Reasonableness will be determined by the Mayor and the General Manager and will depend on the location of the event and the standards of accommodation available. In considering which events it may be appropriate for Councillors to attend, the potential cost of accommodation will be taken into consideration before a decision to participate is made.

Where a Councillor attends events that require travel outside of Berrigan Shire that would necessitate leaving home before 6am, returning home after 10pm or an overall working day exceeding 10 hours, then the Councillor may include accommodation after the event in travel arrangements. This should be done in consultation with the General Manager.

Where the Council conducts Corporate Planning events at a location more than 200km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines.

2.2.11. Incidental expenses

Reasonable out of pocket or incidental expenses associated with attending official functions, conferences, seminars or training courses that Councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms.

The Council will reimburse the actual cost of transport related expenses such as taxi fares, parking fees and road tolls. Other incidental expenses such as telephone or facsimile calls will be limited to \$20 per

Items requiring Council Resolution

day, or such amount as may be negotiated with the Mayor and the General Manager in exceptional circumstances.

Where Councillors are required to carry out official duties outside of the LGA or sleep away from home, each Councillor may claim reimbursement for the actual cost of sustenance (food and beverages) to a maximum of \$200 per day.

The cost of meals not included in registration fees for conferences or similar functions may be reimbursed after reconciliation. Councillors who choose not to eat a meal provided as part of a conference registration or accommodation package or the like will not be reimbursed for any additional food costs incurred.

Councillors may also claim reimbursement for meal or refreshments expenses incurred while attending business functions or meetings. In some circumstances it may be appropriate to offer an appropriate level of hospitality to non-council employees attending the meeting/function at the Council's request.

Meals or refreshments of this nature should be modest and the costs of meals limited to those outlined above, unless prior approval has been received from the Mayor and the General Manager. In order for these expenses to be reimbursed, it is important that the Councillor involved organizes pre-approval of these expenses with the Council or the Mayor and the General Manager.

2.2.12. Attendance at conferences and seminars

The Council is to be represented at Annual Conferences as under:

Local Government New South Wales

- MAYOR
- Deputy MAYOR
- General Manager
- One other Councillor

National Roads Congress

- Director of Technical Services
- One Councillor

The Council may nominate and authorise elected members whilst the General Manager may authorize employees to attend the above conferences, as may be required.

Attendance of Councillors at seminars and conferences must be authorized by the Council.

Requests to attend seminars and conferences not specified above should generally be made to the Council or, if urgent, the Mayor and the General Manager, outlining the benefits to the Council of attending the event.

Items requiring Council Resolution

Approval for discretionary trips and attendance at conferences and the like should, where possible be approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to attend seminars or conferences outside of council meetings it should be given jointly by the Deputy Mayor and the General Manager.

Where attendance at a conference or seminar has been approved, the Council will cover the actual cost of registration fees including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the Council. The reasonable cost of transportation and accommodation associated with attendance at the seminar or conference, and meals when they are not included in the registration fee, will also be met and as discussed elsewhere in this Policy.

2.2.13. Training and education expenses

Berrigan Shire Council encourages its Councillors to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible. Where possible, the General Manager will make Councillors aware of training and educational opportunities.

Attendance at training activities will be by request to the Council or the General Manager who will determine the appropriateness of the request relative to the overall training requirements of all Councillors and budgetary levels established by the Council to provide Councillor training and development.

Where the Council is paying these expenses it is essential that the training or educational course is directly related to the Councillors' civic functions and responsibilities.

2.2.14. Attendance at dinners and other non-Council functions

Councillors attending dinners and other non-council functions are entitled to the reimbursement of their ticket or meal costs in accordance with this policy under the following circumstances:

1. The function is relevant to the council's interests; or
2. The Councillor receives an official invitation to attend a function organized by a community or business group operating within Berrigan Shire; or
3. The event will provide Councillors with a briefing on issues facing the local community.

The direct cost of attending such functions can be reimbursed as part of the Councillors normal monthly return. No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.

Items requiring Council Resolution

2.3. Communication costs

2.3.1. Communication devices installed in Councillors' residences

The Council will make available to each Councillor a mobile telephone and a tablet computer ("tablet") for use on official council business. The type of mobile telephone and table provided will be chosen by the General Manager. Councillors may choose to use the machines provided or, alternatively, use their own privately owned phone and tablet.

Use of these devises is to be in line with Council Policy on Communication Devices. Councillors are responsible for any use or misuse of these devices at any time.

The Council will meet all costs associated with the use of these machines to a maximum value of \$100 per Councillor per month. This amount includes telephone rental, other service charges, use of data services and the making of telephone calls related to official council business.

Where Councillors choose not to have a mobile telephone and/or a tablet provided, the Council will meet direct expenses associated with the use of mobile telephone services for official duties to a maximum of \$100 per Councillor per month.

2.3.2. Communication expenses while travelling

The Council will reimburse Councillors for all reasonable council business related communication costs incurred while traveling on council business. Councillors are encouraged to use their Council-provided mobile telephone to make any calls relating to Council business.

In certain circumstances it may be appropriate for Councillors to use communication devices provided by accommodation providers. Councillors are however reminded that communication charges charged by accommodation providers are often inflated and should therefore be used only when absolutely necessary.

Other than the use of a Council-provided mobile telephone, the total of communication related expenses whilst traveling will be included in the Councillors \$20 daily limit for incidentals. Should the Councillor anticipate that this limit will be exceeded, they should contact the General Manager to make alternative arrangements.

The Council acknowledges that family responsibilities may sometimes impact on the Councillor's ability to undertake their civic duties and therefore accepts that Councillors traveling away from home may need to maintain contact with family members while they are away. Where a Councillor incurs private call costs (including calls made on council provided mobile telephones) these should be limited to a maximum of 5 minutes and will be included in the maximum total for daily allowable incidental expenses.

Items requiring Council Resolution

2.3.3. Billing anomalies

Where anomalies in billing amounts become apparent, call costs may be audited and the Councillor asked to reconcile calls made with the account statement.

2.4. Care and other related expenses

To allow Councillors to undertake their council business obligations, Councillors are able to claim for the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members.

These provisions only apply to council endorsed meetings (including working parties and committee meetings) and cover the period commencing 45 minutes prior to the meeting start and ending one hour after the completion of the meeting to an upper limit of \$20 an hour. All reimbursements are subject to the provision of an invoice and are paid on a "per Councillor" not "per care recipient" basis.

Councillors with a disability or special access needs will be provided with additional support to allow them to perform their normal civic duties and responsibilities. The level of support will be to a level comparable to that offered to staff members and reasonableness will be based on practicality and cost.

2.5. Insurance expenses and obligations

Councillors will receive the benefit of insurance cover to the limit specified in the Council's insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions.

All insurances are to be subject to any limitations or conditions set out in the Council's policy of insurance.

2.5.1. Public Liability/Professional Indemnity

Public Liability and professional indemnity insurances apply in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of their functions as Councillors.

2.5.2. Councillors' and Officers' Liability

This policy covers Councillors against claims made against them for any alleged wrongful acts in the course of their duties.

Items requiring Council Resolution

Wrongful Act is taken to mean any act, error, misstatement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted by the insured person.

2.5.3. Personal Accident

Councillors are covered, within specified limits, for any personal injury obtained while engaged in or on any activity related to their official council duties including travel to and from these activities.

Full details of the insurance cover are available from the Council's Insurance Officer.

2.5.4. Motor Vehicle

Berrigan Shire Council has an insurance policy to cover loss or damage to council fleet vehicles. Councillors using these vehicles are covered by the policy.

2.6. Legal expenses and obligations

The Council will reimburse the reasonable legal expenses of:

1. A Councillor defending an action arising from the performance in good faith of a function under Section 731 of the *Local Government Act 1993*; or
2. A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- i) Local Government Pecuniary Interest and Disciplinary Tribunal
- ii) Independent Commission Against Corruption
- iii) Office of the NSW Ombudsman
- iv) Division of Local Government, Department of Premier and Cabinet
- v) NSW Police Force
- vi) Director of Public Prosecutions
- vii) Council's conduct Review Committee/Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

Items requiring Council Resolution

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a general manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model code of conduct.

In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

The Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

The Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

No legal expense may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

2.7. Additional expenses for mayors

2.7.1. Communication costs – Mobile telephone

The Council will provide the Mayor with an additional \$150 business cost allowance for a mobile telephone - a maximum value of \$250 per month.

PART 3 PROVISION OF FACILITIES

3.1. General provisions

3.1.1. Provision of facilities generally

Berrigan Shire Council will provide Councillors with facilities equipment and services so that they can undertake their role as elected members of the Council.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.

Items requiring Council Resolution

3.1.2. Private use of equipment and facilities

It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use.

This payment will be made on a full cost recovery basis and where appropriate charged in accordance with the Council's adopted Annual Schedule of Fees and Charges (i.e. for photocopying, facsimile transmission etc.).

3.2. Specific facilities

3.2.1. Office equipment and supplies

The Council will make available for each Councillor a mobile telephone and tablet computer for use on official Council business. The Council will also provide associated hardware and software to facilitate electronic communication and storage of relevant Council documents.

Councillors will be provided with access to the photocopiers, facsimile machines, telephones and other relevant office equipment located at the council office in Berrigan for the purposes of official council business.

Each Councillor will be provided with a diary of a type and standard prescribed by the General Manager. The standard will be equivalent to diaries supplied to council staff members.

3.2.2. Office space

Councillors wishing to conduct formal meetings have access to meeting rooms at the Council office in Berrigan. These rooms must be booked through reception. See also the Councils policy on the use of the Council Chambers.

3.2.3. Secretarial support

All Councillors will be provided with adequate secretarial support so that the Council's official duties may be pursued in a professional manner.

Items requiring Council Resolution

When assessing its banking business, the Council needs to give due weight to all of the criteria above.

In addition to this basic requirement, the Council has also identified a role in maintaining local banking institutions in its Investment Policy

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

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

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

The Council's Economic Development Strategy 2012-2016 includes the following action

2.1.4.1 Respond to approaches from and/or approach, prospective business people to facilitate investment in new or expanded business activities

Probity and compliance

Unlike other services, the *Local Government Act 1993* specifically excludes banking services from the Council's general obligation to go to tender for services.

LOCAL GOVERNMENT ACT 1993 - SECT 55

What are the requirements for tendering?

55 What are the requirements for tendering?

(1) A council must invite tenders before entering into any of the following contracts:

- (a) a contract to carry out work that, by or under any Act, is directed or authorised to be carried out by the council,
- (b) a contract to carry out work that, under some other contract, the council has undertaken to carry out for some other person or body,
- (c) a contract to perform a service or to provide facilities that, by or under any Act, is directed or authorised to be performed or provided by the council,
- (d) a contract to perform a service or to provide facilities that, under some other contract, the council has undertaken to perform or provide for some other body,
- (e) a contract for the provision of goods or materials to the council (whether by sale, lease or otherwise),
- (f) a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services),
- (g) a contract for the disposal of property of the council,
- (h) a contract requiring the payment of instalments by or to the council over a period of 2 or more years,
- (i) any other contract, or any contract of a class, prescribed by the regulations.

Items requiring Council Resolution

5.7 LOCAL GOVERNMENT REMUNERATION TRIBUNAL – 2017 DETERMINATION

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO:

RECOMMENDATION: -the direction of the Council is sought.

REPORT:

The Local Government Remuneration Tribunal has written to the Council regarding its 2017 determination of Mayoral and Councillor fees. A copy of the letter is circulated with this agenda as Appendix "B".

While some of the letter relates to dealing with merged Councils or those proposed to be merged the Tribunal also raises the following issues.

Categorisation

The Tribunal intends to revise the existing Council categories (which it uses as the basis for setting fees) to the following:

Metropolitan		
Category	Council	Criteria for inclusion
Principal CBD	Sydney	To be defined
Major CBD	Parramatta	To be defined
Metropolitan Major	To be determined	To be defined
Metropolitan Centre	To be determined	To be defined
Metropolitan	To be determined	To be defined
Non Metropolitan		
Category	Council	Criteria for inclusion
Regional City	Newcastle Wollongong	To be defined
Regional Strategic Centre	Central Coast Lake Macquarie	To be defined
Regional Rural	To be determined	To be defined
Rural	To be determined	To be defined

Items requiring Council Resolution

5.8 INDUCTION AND ONGOING PROFESSIONAL DEVELOPMENT FOR MAYORS AND COUNCILLORS**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** 22.178.6**RECOMMENDATION:** - that the Council make a submission to the Office of Local Government in relation to proposed regulations for induction and professional development for Mayors and Councillors including:

- A. It would be better if the general manager was assigned the task for development of the program in consultation with Councillors;
- B. It would be better if it was the general manager's task to determine the content of the program in consultation with the Councillors;
- C. The requirement for a Councillors participation be reworded from "must" to "should";
- D. It should be quite adequate to report on participation in the program through a report to the Council;
- E. Key impediments being cost, flexibility and impact upon Councillor time and the never ending nature of the program.

REPORT:

Recent amendments to the *Local Government Act 1993* have seen the inclusion in the prescribed role of councilors, under section 232, a responsibility "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".

In support of this, the amendments allow regulations to be made for induction and other professional development for Mayors and Councillors.

The Office of Local Government has commenced work on the development of these regulations. It is proposed that these will provide as follows:

1. Councils are to develop an induction program for newly elected and returning Councillors and a specialised supplementary program for the

Items requiring Council Resolution

Mayor to assist them in the performance of their functions to be delivered within six months of their election.

2. Each year, councils are to develop an ongoing professional development program for the Mayor and each Councillor.
3. Councils are to determine the content of the induction and ongoing professional development programs in consultation with the Mayor and each Councillor and with the governing body as a whole.
4. In determining the content of induction and ongoing professional development programs, councils are to have regard to the specific needs of the Mayor, each individual Councillor and the governing body as a whole.
5. Councillors and Mayors must participate in the induction and ongoing professional development training offered to them.
6. Councils are to annually report details of the content of the induction and ongoing professional development training offered to the Mayor and each Councillor and whether or not they participated in it to a council meeting and publish these details in the council's annual report and on its website unless exempted by the Chief Executive of the Office of Local Government.
7. The Chief Executive of the Office of Local Government may, on an application by a council, exempt the council from the requirement to publish details of training provided to an individual Councillor where he or she is satisfied that there are exceptional circumstances.

The Office will be preparing Guidelines to outline the Government's expectations and to provide assistance to councils in developing the programs. A working group comprising of a number of key sector stakeholder groups will be convened for the purposes of consulting on the content of the Guidelines.

The Office of Local Government is seeking comment on the proposed regulations.

In addition, the Office of Local Government is seeking comment from individual councils on the following:

- o whether there are any impediments impacting on their capacity to comply with the proposed regulations; and
- o what support would be required for the council to overcome any such impediments.

Submissions in relation to the proposed regulations can be made until 3rd February, 2017.

While the intent of the change to the Local Government Act has some merit some of the proposed regulatory provisions are unnecessarily demeaning and do not reflect a mature relationship between the State and local governments. It is noted that no other level of government has a requirement for elected official professional development.

Items requiring Council Resolution

In relation to the specific proposed regulations, and in the same order as they are listed:

1. It would be better if the general manager was assigned the task for completion in consultation with Councillors. It is not clear to me what specific additional training a Mayor may require unless newly elected. This point could be considered by the Council, especially current and former Mayors.
2. No comment.
3. Again should be the general manager's task particularly given that the Councillors and the Mayor are the Council.
4. No comment
5. Could be reworded from "must" to "should".
6. This proposal is quite demeaning and unnecessary it should be quite sufficient to report this to a Council meeting which is after all a public document which is generally published on Council websites.
7. No comment.

Impediments that could impact upon a Councils capacity to comply with the proposed regulations, the following are obviously key issues:

Cost, particularly as most training is only available remote from the Shire area. In adopting such a program the cost is actually unknown but likely to be significant. Coupled with current levels of allowable rate increase it will obviously be at the expenses of another Council activity.

A training program obviously needs to be more flexible than a once a year adopted program.

The proposed regulations do not take into account the significant commitment of time by Councillors, particularly those with employment which, again, coupled with remote training delivery can have an impact on employment and home life etc.

Just what training is required by a Councillor with significant experience?

If supported by the Council it is proposed to make a submission to the Office of Local Government around the comments made in the report and also the identified impediments.

Items requiring Council Resolution

5.9 REQUEST FOR WRITE OFF OR REDUCTION OF WATER CHARGES

AUTHOR: Revenue Officer

STRATEGIC OUTCOME: Good government

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

FILE NO: PF

RECOMMENDATION: - that the Council advise Protem Real Estate that it will not write off or reduce the water charges amounting to \$2,579.96 for 60 Hampden Street, Finley as it had previously advised the property manager of the existence of the leak that caused the charges.

REPORT

Council policy allows various circumstances under which either the General Manager or Council can endorse the writing off of debts to Council, either by written order (General Manager) and/or resolution (of Council). These write offs may include small balances that are deemed to be economically unviable to recover. However, amounts to be written off that are in excess of \$1,000 should be made by resolution of Council.

Council has received a request to consider either reducing or writing off a large water consumption account, Appendix "C", for 60 Hampden Street, Finley. This property is now managed by Protem Real Estate who purchased Jason Herbert Real Estate.

In summary the request states that the large bill which has been received on behalf of the ratepayer was due to a water leak, and whilst the previous property manager had been informed of the water leak by Councils' Water Safety Officer in April 2016, Protem Real Estate was not informed when they purchased the business and became responsible for 60 Hampden Street in September 2016. Since becoming aware they have addressed the leak.

However, the fact that the water leak was not addressed for over 9 months has resulted in an exceptionally large water account totalling \$2,579.96. There is no hardship provisions in relation to mismanagement, and the ratepayer involved may be able to take the previous manager to the small claims tribunal.

Given that the Council had previously given advice related to the existence of the leak it should not become the responsibility of the Council to meet the cost of the water charges generated by the leak.

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Items requiring Council Resolution

5.10 VARIATION OF *BERRIGAN DEVELOPMENT CONTROL PLAN 2014* - DEVELOPMENT APPLICATION 76/17/DA/D1**AUTHOR: TOWN PLANNER****STRATEGIC OUTCOME: Sustainable natural and built landscapes****STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes****FILE NO: 76/17/DA/D1****RECOMMENDATION: that the Development Application 76/17/DA/D1 for the Construction of a brick veneer dwelling & attached garage be approved subject to the following conditions:****1. Approved Plans**

The development shall be implemented in accordance with the details set out on the plans Stoneway Construction Project No 2665 (Pages 1-14), the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- (a) obtained a Construction Certificate for each structure
- (b) appointed a PRINCIPAL CERTIFYING AUTHORITY
- (c) has notified the Council of the appointment
- (d) has given the Council at least 2 days' notice of the intention to commence erection of the building.

(Section 81A EP&A Act 1979)

3. Critical Stage Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)

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Items requiring Council Resolution

4. Occupation

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.

(Section 109C(1)(c) and 109H EP&A Act 1979)

5. Permitted hours for building work

All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.

6. Compliance with Building Code of Australia

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

7. Excavations and backfilling

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

8. Signs to be erected on building & demolition site

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited, and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

9. Toilet facilities

- (a) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Items requiring Council Resolution

- (b) Each toilet provided:
- (i) must be a standard flushing toilet, and
 - (ii) must be connected:
 - to a public sewer, or
 - if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

10. Waste

A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

11. BASIX

Prior to the issue of a Final Occupation Certificate, documentary evidence must be provided to the Principle Certifying Authority to demonstrate fulfilment of the commitments listed in each relevant BASIX Certificate for this development, as required by the Environmental Planning & Assessment Act 1979.

12. Smoke Alarms

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all existing buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly

13. Driveway

A sealed, paved or concrete access driveway must be installed from the back of the kerb to the property boundary at each proposed vehicular crossing prior to the issue of a Final Occupation Certificate. This is to ensure safe vehicular movement on the site, prevent nuisance or uneven surface hazards in the public place and to enhance the development.

14. Protection of public places

- (a) If the work involved in the erection or demolition of a building:
- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place,

Items requiring Council Resolution

- (b) hoarding or fence must be erected between the work site and the public place.
- (c) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (d) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (e) Any such hoarding, fence or awning is to be removed when the work has been completed.

15. **Erosion & Sediment Control**

Prior to the commencement of any site works appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.

Division:
In Favour:
Against:

REPORT:

Background

The subject site is located at 13 Majuda Court, Tocumwal which is also identified as Lot 74 on Deposited Plan 1131677 and is approximately 670m² in size. The subject property is located approximately 1km east of the central business district of Tocumwal. The lot is situated at the end of Majuda Court, and subsequently has part frontage to a Court bowl. The site is located within Zone RU5 – Village Zone under the provisions of the Berrigan Local Environmental Plan 2013 (BLEP 2013), and is currently vacant. The property is surrounded by similar land uses varying sizes of dwelling houses and residential storage sheds. Below is an aerial photo showing the site and neighbouring properties.

Items requiring Council Resolution



Figure 1 – Aerial Photo showing subject site and neighbouring properties

Proposal

The proposed three bedroom brick veneer dwelling is 154m² along with a 92.42m² attached garage and 17m² alfresco area. Under the *Berrigan LEP 2013*, the property is within the RU5 Village Zone, which permits the construction of a Dwelling & Attached Garage upon obtaining development consent. The site plan, the floor plan, sections and elevations are found in Appendix “D”.

Assessment

The main issue which needs to be considered when undertaking this assessment is the bulk and scale of the proposed dwelling’s attached garage. The *Berrigan Development Control Plan 2014 (Berrigan DCP) Chapter 2.2 Streetscape* aims to achieve attractive streetscapes through stipulating a maximum size of garage doors facing a public road. This chapter’s planning controls explicitly state that the width of a garage (door) facing a public road is to be no greater than 7 metres, or 50% of the width of the building frontage, whichever is the lesser. These garage width control measures reflect closely to the design controls found in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

In this particular application, the site plan attached in the appendix indicates that the garage has a total width of **10.41m**, comprising of a single garage door 2.5m wide and a double garage door is 5m wide. The combined garage door width measures 7.5m. Additionally, **both garage doors face Majuda Court** (public road), and will be largely visible by anyone looking south down Majuda Court.

Items requiring Council Resolution

The controls in the *Berrigan DCP* allow future residents and landowners of the Council's townships to have certainty of the existing character in residential areas. The width of the garage and the width of the two doors will have a negative visual impact on the Majuda Court Streetscape. Furthermore, the garages do not assist in the DCP Chapter's objective being the 'provision of passive surveillance to the street'.

In August 2016, the Builders approached Council with a preliminary design which included 2 x double garage doors, 4.8m in width (side by side), in order to store a number of vehicles and a recreational boat (see Appendix "E"). The garage was all under the one roofline which extended the full length of the house, and was a total width was 12.24m. Staff advised that the design was non-compliant with the *Berrigan DCP*, and at first instance, suggested that the applicant consider moving the development to a larger residential lot which would allow for the construction of a dwelling of this nature and the construction of a larger storage shed. However, discussions with the Builder revealed that the proponent desired a low maintenance, smaller lot within close proximity of the township. Subsequently, after further discussions, staff then asked the Builder to reconsider the dwelling's design in order to ensure the garages did not have such a prominent visual impact on the streetscape.

Accordingly, staff were provided with amended plans outlining the changes to the design, which include:

- 1 x single garage, which was stepped back from the building line;
- 1 x double garage;
- A roofline which was stepped, and contained an additional hip/valley and lower roofline over the single garage.

The overall impact on the streetscape has therefore been mitigated through design measures and the reduction of the bulk and scale of the dwelling's attached garages. The reduction has also decreased the visual impact of the dwelling on the Majuda Court Streetscape.

Therefore, despite the fact that the current design is still non-compliant with the *Berrigan DCP*, a variation is recommended for this application given that the applicant has endeavoured to accommodate for the negative impact on the streetscape through redesigning the dwelling to ensure that both garage doors have different setbacks from Majuda Court and that there is a break and lowering of the roofline.

Finally, given the close proximity to the eastern property boundary, the residents of the neighbouring property at 12 Majuda Court were made aware of the development. To date, Council has not received any formal or informal return correspondence.

Items requiring Council Resolution

Conclusion / Legislation

In assessing this development application, the relevant parts of Section 79C of the *Environmental Planning and Assessment Act 1979* have been taken into account. It is clear that this development, given its design and given the high quality materials being used on the exterior, is within the public interest.

Recommendation

There are no prohibitive constraints posed by adjacent developments and although the land is subject to controls contained in the *Berrigan DCP*, if the development is implemented in accordance with the conditions of consent it will not represent an unreasonable planning outcome. Overall it is considered that this proposal can be supported.

RESOLUTION

Items requiring Council Resolution

5.11 ANNUAL LEAVE

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: PF

RECOMMENDATION: - that the Council grant the General Manager annual leave from 2nd October 2017 until 3rd November 2017 inclusive.

REPORT:

In accordance with my Contract of Employment I am seeking leave on the above dates.

If the above dates are approved I would obviously be absent from the October 2017 Committee and Council meetings and also the November Committee meetings.

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Items for Noting

RECOMMENDATION – that Items for Noting numbered 6.1 to 6.6 inclusive be received and noted.

6.1 GENERAL MANAGER’S HALF YEARLY PERFORMANCE REVIEW

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: PF

REPORT:

As early advice, the mid-year performance review of the General Manager will be conducted at the next Council meeting.

Normally this matter is dealt with as the first item of business at the meeting.

For Councillors’ information, circulated with this agenda as Appendix “F” is a copy of the agreed performance assessment model.

NOTING

Items for Noting

**6.2 LOCAL EMERGENCY MANAGEMENT
COMMITTEE MEETING**

AUTHOR: Direct Technical Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 09.106.2

REPORT:

Minutes of the last meeting held on 21st October, 2016 are attached as Appendix "G" for Councillors' information.

Items for Noting

6.3 APPOINTMENT TO BOARD OF LOCAL GOVERNMENT SUPER**AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:**

REPORT:

LGNSW has advised that Expressions of interest are now being sought from eligible, suitably qualified councillors who wish to be considered for appointment to the Board of LGSS.

Local Government Super (LGSS) is the default superannuation fund for employees of local government in NSW. It has approximately 90,000 members and manages over \$9.5 billion in assets. LGSS Pty Limited (LGSS) is the Trustee for LGS and is responsible for making strategically sound decisions within a competitive commercial environment on behalf of its members. LGNSW has four directors on the Board of LGSS.

Councillors wishing to be considered for appointment to the Board must satisfy the requirements of the "Fit and Proper Policy" of LGS. Successful candidates should have knowledge of, and experience in, superannuation or the broader investment/finance sectors, as well as skills and experience in business strategy, risk management, IT, governance and working in an APRA regulated environment. They should also have an understanding of trustee duties, and relevant legislation including the SIS Act and regulations, and the Corporations Act.

Applicants should understand and agree to accept the time commitment involved (approximately 50 days per year) and the ongoing professional development requirements. Appointments can be for a term of up to four years.

Applications close Friday 20 January, 2017.

NOTING

Items for Noting

6.4 QUARTERLY LIBRARY REPORT OCTOBER-DECEMBER 2016**AUTHOR:** Library Manager**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation**FILE NO:** 3.095.2**REPORT:**

The second quarter of 2016 was full of activities which have become normal library events, ranging from Story Time to Kids Fest. MahJong at Barooga remains popular, as does the weekly Scrabble sessions in Berrigan. Tocumwal is very fortunate to have valuable volunteers to assist with iPad training, Ancestry.com, and Broadband for Seniors.

Our newest staff member at Finley Library, had been working only 10 months when she decided to resign at the end of 2016. Thus, we now seek a motivated community minded tech savvy person who will generate better use of Finley Library.

Story Time

Barooga is flourishing while Tocumwal toddlers seem to have found other things to activate their minds. Berrigan Library has a consistent weekly attendance at Story Time and Family Day Carers and their children fill the Finley Library each Wednesday.

Film Afternoons

Berrigan Library offer a popular film once a month in the Community Room, and while it is encouraged at all other Branches, it has been slow to be recognised by patrons, although Tocumwal is unable to offer this service due to lack of space.

Rotary Donation to Knitters

Knitters at Tocumwal Library have become an entrenched part of Thursday afternoons where they meet to knit and chat, ensuring all that they create is donated to 'Wrap-with-Love' and other charities. Tocumwal Rotary, being aware of this valuable work by the 'Knitters'n'Knatters' group generously donated \$1000.00 worth of wool to continue the cause.

Items for Noting

Kids Fest

Library staff contributed to Kids Fest during Children’s Week with Hula Hoops, Face Painting and Bubble Making to the enjoyment of children in each town.

These activities were also offered at the Chanter Street Christmas Party in Berrigan on Friday 4th December from 6-8pm.

Student Placement

In November, Berrigan and Finley Libraries hosted a FHS student for one week. Staff were very impressed with Rachel’s abilities and natural charm with patrons.

NSWPLA Conference

As Library Manager, I attended the NSWPL Conference in Ulladulla in November. This was an exciting and interesting conference with excellent speakers, who motivated, inspired and expressed their appreciation of library staff for all that they do and how libraries contributed to shaping their lives.

Summer Reading Club

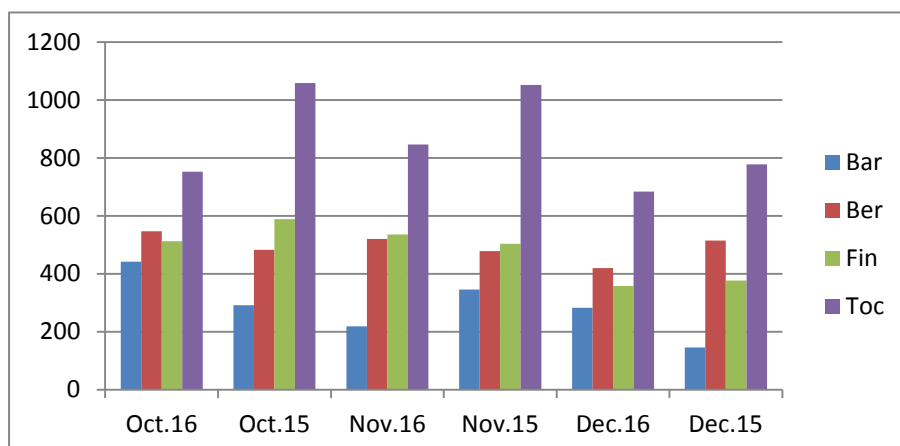
From 1st December, 2016 to 29th January, 2017 the Summer Reading Club offers an opportunity for students to continue to read during the holiday and gain incentives for the number of books read, along the way. The Theme for 2016-2017 is ‘Heroes and Villains’ with incentives being wrist bands, tattoos, bookmarks and rubber balls together with a reading list to inspire students to read. Berrigan and Tocumwal Library staff encouraged 45 children to sign up. Students can also sign up online for a chance to win an iPad from the State Library of Queensland for the highest number of books read.

WiFi

Tocumwal Library experienced difficulties in October with the need to replace a Router. WiFi was unavailable for 14 days due to courier problems. This down-time affected the statistics significantly as it happened during the October school holiday period.

Statistics - Door Count

The Door Count from the 2016 quarter October to December compared to the same period of 2015 has slipped by 1.3%%

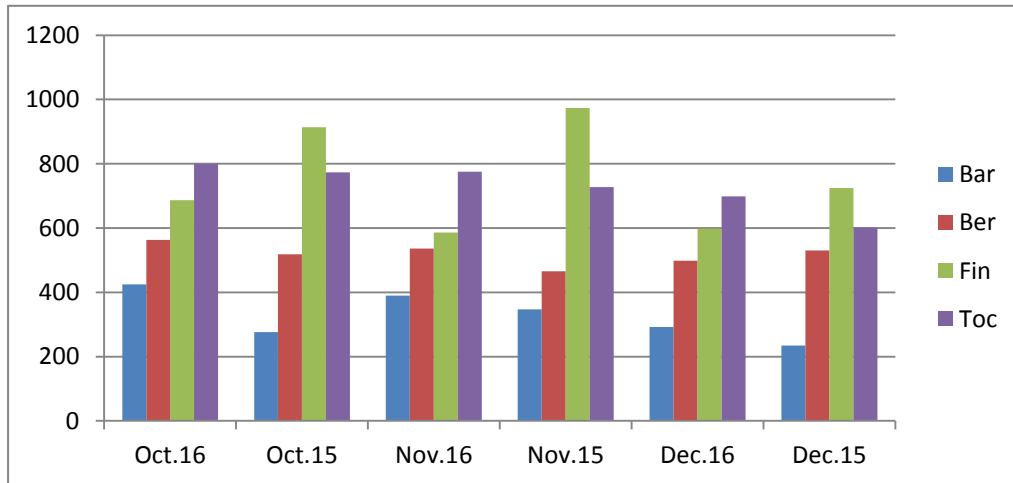


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Items for Noting

- Loans

Loans for the October to December period comparison of 2016 and 2015 has slipped by 3.3%



- WiFi Logins

WiFi logins are down 24% comparing the 2016 and 2015 October to December quarter. This may in part be due to the problem in Tocumwal during October.

WiFi devices use is 15% less comparing the 2016 and 2015 quarter.

- BorrowBox

eAudio and eBook Loans reflect a healthy environment of 190 members.

Loans totalled 301 eBooks for the October-December 2016 quarter, with 81 titles reserved. This is an increase of 14% compared to the 2015 Quarter.

eAudio loans totalled 52 with 28 reservations. This was a decrease of 74% compared to the 2015 quarter.

9 new members signed up to Borrowbox during the 2016 quarter.

- Zinio

Zinio online magazines had 29 loans from our local members.

- Membership

Library membership total is 3937.

NOTING

Items for Noting

6.5 RATES AND CHARGES - 2016/2017 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – HALF YEARLY REPORT TO COUNCIL**AUTHOR:** Revenue Officer**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** 25.138.1

REPORT:**1. Rates & Charges**

Rates collection at the end of December 2016 is 56.6% of the total rates, service charges, arrears and water raised in 2016/17, which is exactly the same for the same period last year.

I am confident Council is on track to achieve the same high collection results that were achieved in the 2015/16 financial year.

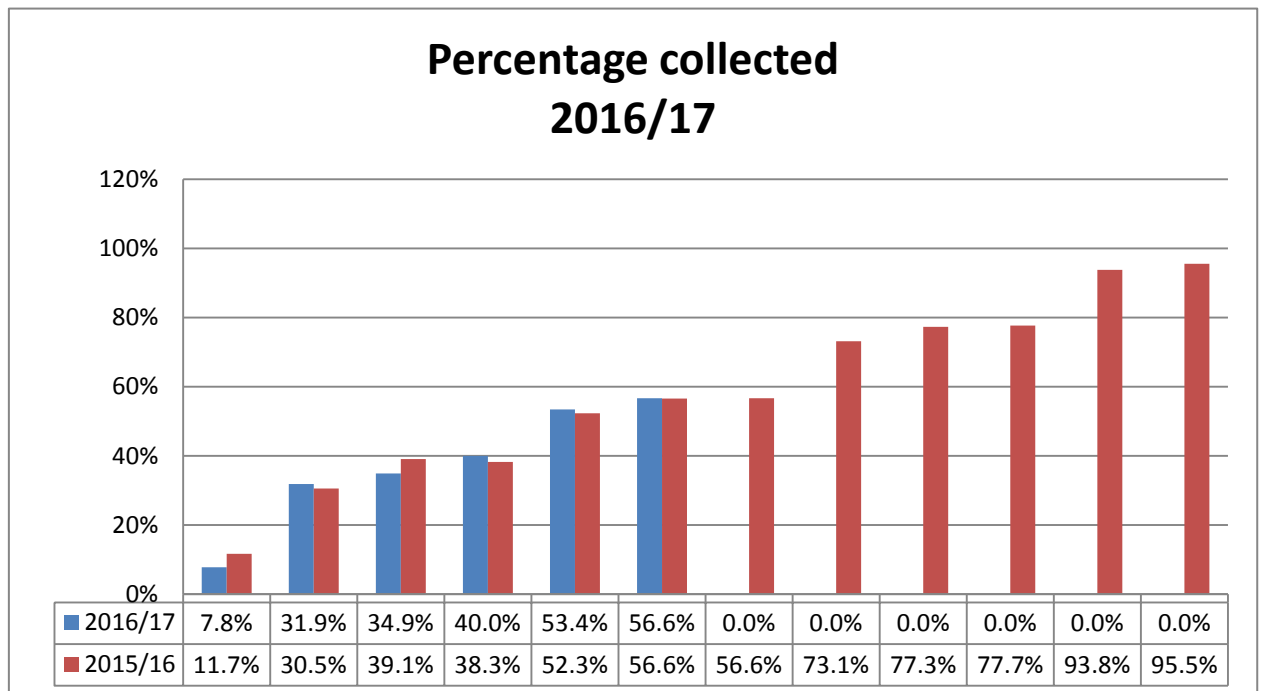
Council has received one further application that was deemed eligible for interest relief under councils Hardship Policy, which has resulted in an interest write-off of \$92.06 over the last quarter.

Below is a Rates Collection Ratio comparison graph for Councillor's information.

NOTING

Items for Noting

RATES COLLECTION COMPARISON GRAPH

**2. Debtors**

A brief list of outstanding debtors as at the end of November 2016, and for the end of December 2016, is as follows:-

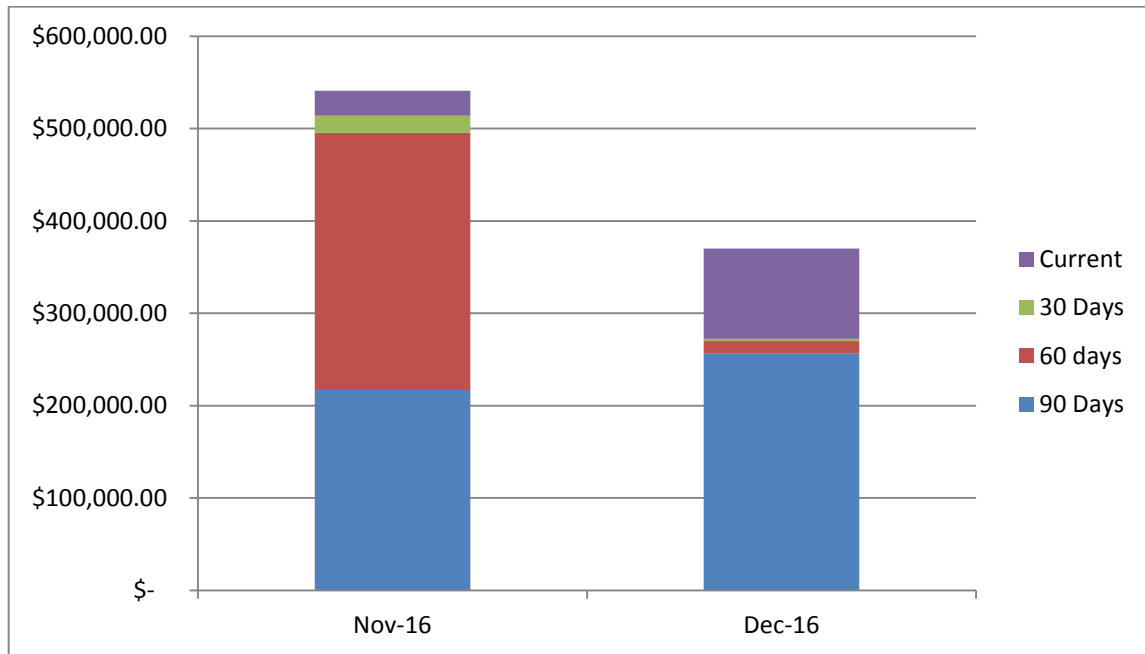
DEBTORS	2016/17	2016/17
	END NOVEMBER	END DECEMBER
GENERAL/SUNDRY/OTHER DEBTORS	\$79,358	\$133,030
RATES LEGAL FEE DEBTORS	\$1,000	\$1,000
FOOD INSPECTIONS	\$73	\$73
HALF COST K&G/FOOTPATH DEBTORS	\$112,938	\$124,973
SEC 355 COMMITTEE LOANS	\$74,497	\$73,813
SWIMMING POOLS	\$0	\$10,783
CEMETERY DEBTORS	\$1,715	\$2,215
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$275,659	\$23,125
STAFF DEBTORS	\$455	\$430
STAFF SUPERANNUATION	-\$5,748	-\$423
SHIRE LAND SALE DEBTORS	\$0	\$0
TOCUMWAL AERODROME	\$1,084	\$1,084
TOTAL	\$541,030	\$370,102

Items for Noting

Please note that the comparison graph is a comparison of November 2016 to December 2016 and the length of outstanding debtors accounts.

As can be seen from the graph below, the debtors 90 day balance, made up of mainly half cost debtors, and Council has received commitments from debtors to pay these accounts over a three year period consistent with Council Policy. The 60 day balance has decreased by a considerable amount due to the Pensioner Concession Subsidy payment being received in the December period.

DEBTORS COLLECTION COMPARISON GRAPH



NOTING

Items for Noting

6.6 DEVELOPMENT DETERMINATIONS FOR MONTH OF DECEMBER 2016

AUTHOR: Support Officer

STRATEGIC OUTCOME: Good government

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

FILE NO:

REPORT: APPLICATIONS DETERMINED FOR DECEMBER

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
32/17/DA/DE	Piggery Expansion - Additional 12x Eco Sheds	349 CRUICKSHANKS ROAD, BERRIGAN NSW 2712 (Lot117//DP752275)	Mr Mark Hogan	MR W VAN BEEK & MRS P VAN BEEK	Approved 09-12-2016	\$ 360000.00	Active 61	Total 61
59/17/DA/D3	Construction of Steel Grain Silos	SILLO ROAD, TOCUMWAL NSW 2714 (Lot314//DP1121397)	Mr Jeffrey Townrow	OADASH PTY LTD	Approved 08-12-2016	\$ 3000000.00	Active 0	Total 20
63/17/DA/DM	Demolish & replace shed plus realignment of rear wall	43-45 CHANTER STREET, BERRIGAN NSW 2712 (Lot1//DP220131)	Ms Carla von Brockhusen	MS C VON BROCKHUSEN &	Approved 13-12-2016	\$ 38500.00	Active 20	Total 20
65/17/DA/D5	Residential Storage Shed	6 BARKER STREET, TOCUMWAL NSW 2714 (Lot25//DP595583)	Mr Guy Newton	MR GL NEWTON AND MS B BRIGHT	Approved 02-12-2016	\$ 8000.00	Active 8	Total 8
67/17/DA/D2	6 Independent Aged Care Living Units	HAMILTON STREET, FINLEY NSW 2713 (Lot154//DP752299)	Finley Regional Care	FINLEY REGIONAL CARE LIMITED	Approved 22-12-2016	\$ 1600000.00	Active 21	Total 21
23/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	73 HOWE STREET, FINLEY NSW 2713 (Lot2//DP398039)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10
24/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	73 DENISON STREET, FINLEY NSW 2713 (Lot B//DP375357)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10
25/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	92 TOCUMWAL STREET, FINLEY NSW 2713 (Lot22/21//DP758412)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10

NOTING

Items for Noting

26/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	285 MURRAY STREET, FINLEY NSW 2713 (Lot B//DP370594)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10
27/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	119 COREE STREET, FINLEY NSW 2713 (Lot3//DP528080)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10
28/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	287 MURRAY STREET, FINLEY NSW 2713 (Lot D//DP370594)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10
29/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	52 MURRAY STREET, FINLEY NSW 2713 (Lot25//ADP3407)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10
30/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	3 OSBORNE STREET, FINLEY NSW 2713 (Lot3//DP398039)	Department Of Finance Services & Innovation	GOVERNMENT PROPERTY NSW	Approved 08-12-2016	\$ 0.00	Active 10	Total 10
68/17/DA/D5	Residential Storage Shed	19 HAMPDEN STREET, FINLEY NSW 2713 (Lot A//DP381315)	Mr Gavin Butcher	MS MA NISBIT	Approved 06-12-2016	\$ 5500.00	Active 8	Total 8
32/17/CD/M6	Pergola	6 MURRAY GROVE, BAROOGA NSW 3644 (Lot16//DP1092267)	MS Constructions	MR J NYE & MRS R NYE	Approved 02-12-2016	\$ 6500.00	Active 2	Total 2
33/17/CD/M4	Residential Storage Shed	3 CHOMLEY CLOSE, BAROOGA NSW 3644 (Lot5//DP1110970)	Mr Malcolm Woods	MR M R WOODS & MRS A M WOODS	Approved 07-12-2016	\$ 3533.00	Active 2	Total 2
71/17/DA/D5	Residential Storage Shed	16 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot62//DP1131677)	Ms Christine Summers	MS CM SUMMERS	Approved 16-12-2016	\$ 11130.00	Active 9	Total 9
72/17/DA/D6	Additions - Rumpus Room	5 KEAMY COURT, BAROOGA NSW 3644 (Lot26//DP803483)	Mr Marcus Fry	MR MB FRY	Approved 13-12-2016	\$ 35000.00	Active 5	Total 5
73/17/DA/D1	BV Dwelling & Attached Garage	6 MAVIS STEWARD DRIVE, BAROOGA NSW 3644 (Lot3//DP1102913)	Ms Genevieve Taylor	MS G E TAYLOR	Approved 20-12-2016	\$ 215325.00	Active 8	Total 8
34/17/CD/MM	Demolition of Residence Associated with Loose Fill Asbestos	16409 RIVERINA HIGHWAY, FINLEY NSW 2713 (Lot42//DP1000671)	Department Of Finance Services & Innovation	MR C J CONGRAM	Approved 16-12-2016	\$ 0.00	Active 3	Total 3
36/17/CD/M1	Brick & Colorbond Clad Dwelling & Attached Garage	384 BROOCKMANNS ROAD, FINLEY NSW 2713 (Lot4//DP740920)	Mr Darrell Bowden	MR DR BURTON AND MRS FL BURTON	Approved 16-12-2016	\$ 405000.00	Active 2	Total 2

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Items for Noting

APPLICATIONS PENDING DETERMINATION AS AT 6/01/2017

Application No.	Date Lodged	Description	Property Location
75/17/DA/DM	20-12-2016	Installation of Floating Pump	SEPPELTS ROAD, BAROOGA NSW 3644 (Lot A//DP420480)
76/17/DA/D1	20-12-2016	BV Dwelling & Attached Garage	13 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot 74//DP1131677)
78/17/DA/D1	21-12-2016	Transportable Dwelling	48 DAVIS STREET, BERRIGAN NSW 2712 (Lot 12/Y//DP3041)
81/17/DA/D1	23-12-2016	Dwelling	THE RIVERFRONT, BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot 18//DP286078)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

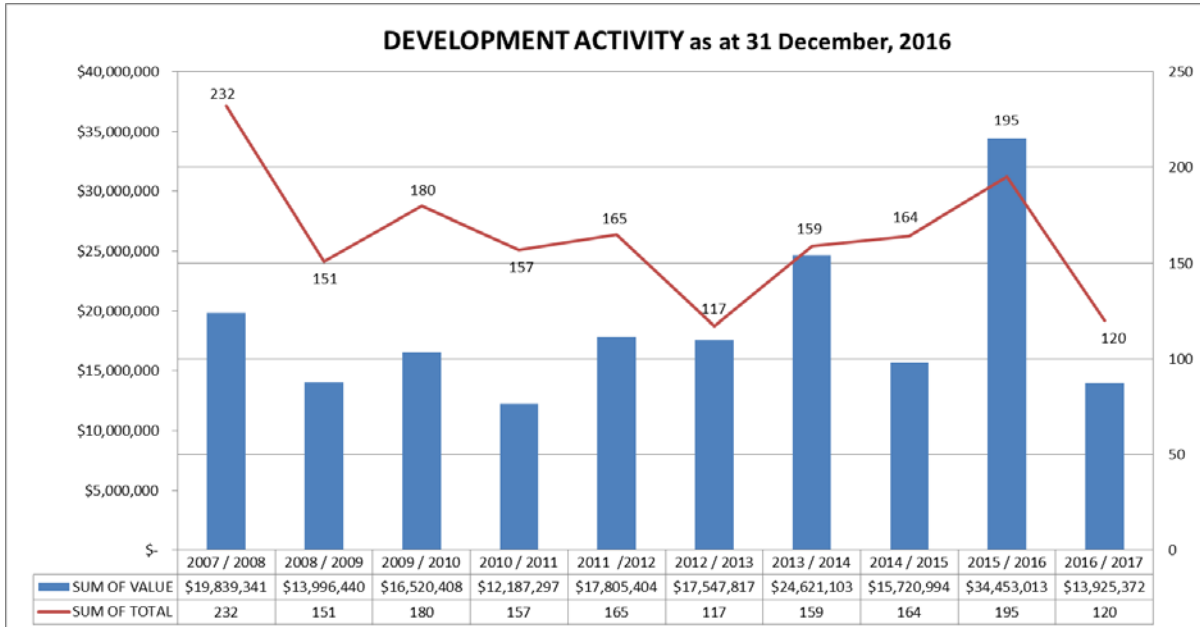
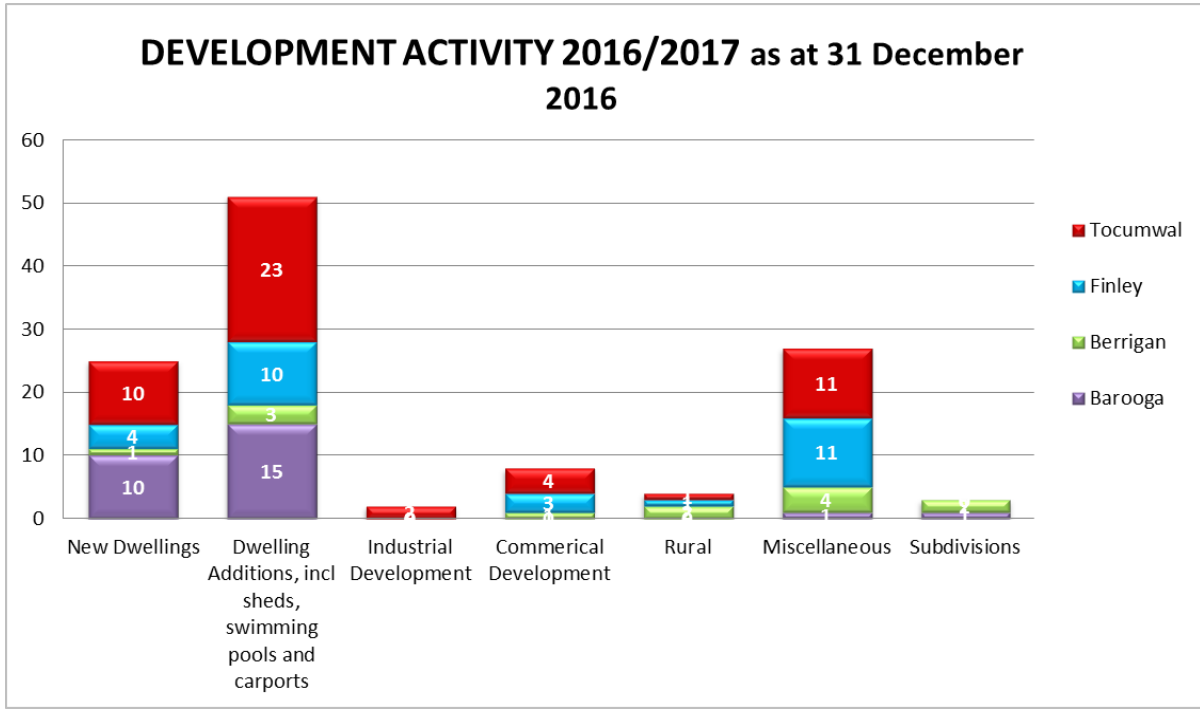
	This Month (Dec)	Year to Date	This Month's Value	Year to Date Value
<i>Development Applications</i>	10	82	\$5,523,455	\$11,804,280
<i>Construction Certificates</i>	8	55	\$3,563,465	\$8,921,947
<i>Complying Development Certificates</i>	13	38	\$305,533	\$2,121,092
<i>Local Activity</i>	24	53	0	0

OTHER CERTIFICATES ISSUED FOR DECEMBER

	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	
	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total	Dec	Year Total
BAROOGA	0	45	0	2	0	1	0		1	1	4	11
BERRIGAN	3	21	1	2	2	6	0	2			1	2
FINLEY	6	66	4	10	1	5	0	2			1	2
TOCUMWAL	4	57	0	3	0	3	0	1	1	1	0	5
TOTAL	13	189	5	17	3	15	0	5	2	2	6	20

NOTING

Items for Noting



NOTING

Items requiring Council Resolution

7. MAYOR'S REPORT

RESOLUTION

RECOMMENDATION – that the Mayor's Report be received.

Items requiring Council Resolution

8. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

9. GENERAL BUSINESS

RESOLUTION