



Minutes of the Council Meeting held in the Council Chambers on Wednesday, 18th January, 2017 commencing at 9:25am.

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

Apology

Nil

Declaration of Items of Pecuniary and other Interests

Nil

4. CONFIRMATION OF MINUTES

- 1 RESOLVED** Crs: Morris and Glanville that the Minutes of the meeting held in the Council Chambers on Wednesday 14th December, 2016 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

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

- 2 RESOLVED** Crs: Bodey and Morris 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 totalling \$3,874,507.38 be confirmed.

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

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- 3** **RESOLVED** Crs Bruce and Jones 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.

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.

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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.

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.

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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*.
- Office of Local Government Circulars to Councils
 - Circular 05/08 Legal assistance for Councillors and council employees
 - Circular 08/24 Misuse of council resources
 - Circular 08/37 Council decision making prior to elections
 - Circular 11/27 Findings from review of Councillor expenses and facilities policies
- Model Code of Conduct for Local Councils in NSW, particularly Use of Council Resources.
- ICAC Publication – *No Excuse for Misuse*, preventing the misuse of council resources.

1.4.3. Other relevant Council documents and policies

- Private Use of Council Vehicles
- Communication Devices Policy

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- Annual Schedule of Fees and Charges
- Berrigan Shire Council Code of Conduct
- Berrigan Shire 2023 (Community Strategic Plan)
- Berrigan Shire Council Delivery Plan 2013-2017
- Berrigan Shire Council Operational Plan 2014-15

1.5. Reporting

Section 428 of the Act requires councils to include in their Annual Report:

- The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors.
- The total amount of money expended during the year on providing those facilities and paying those expenses.
- Additional information as required by the *Local Government (General) Regulation 2005*.

1.6. Definitions

Expenses:

Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.

Expenses must be outlined in a council's policy and may be either reimbursed to a councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities:

Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.

Functions of civic office / civic functions:

Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.

Reasonable costs / expenses

A cost and expense that, in its amount and nature is consistent with what a reasonable person would incur, in the conduct of the same activity in the same or similar circumstance.

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PART 2 PAYMENT OF EXPENSES

2.1. General provisions

2.1.1. Payment of Expenses generally

Berrigan Shire Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.

To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.

Reimbursement of costs and expenses to Councillors will be processed following the submission of appropriate receipts and tax invoices, and the completion of the required claim forms.

A claim form must include an itemized account of expenditure and should not be general in nature. Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred, it was not general in nature, and that the Councillor certifies that the expense was for the purpose intended. Generally, this will only be acceptable when it was not possible to obtain a tax invoice or receipt, or proof of purchase was lost during the payment process (i.e. ticket taken and not returned by an automatic machine).

Where possible, expenses should be claimed as part of the Councillor monthly return. If waiting until the time of the monthly return would cause undue hardship, arrangements can be made to submit an earlier claim. All expenses must be claimed within 12 weeks of being incurred.

Berrigan Shire Council operates an internal requisition process that will enable most expenses associated with attendance at conferences, seminars and training courses to be directly invoiced to the council. This system can be used to cover expenses relating to registration fees, travel and accommodation.

Where possible, provision will also be made for the cost of meals and incidentals not covered by registration fees to be charged back to the Council. This system will help minimize out-of-pocket expenditures to Councillors.

In certain circumstances Councillors attending conferences, seminars and training away from home may request payment in advance, in anticipation of any additional expenses that may be incurred (i.e. meals not covered by registration fees, taxi fares etc.). In most cases the advance will be in the form of petty cash and will need to be pre-arranged with the Council's Finance Section. On their return, Councillors must fully reconcile all expenses against the cost of the advance within 14 days.

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A general expense allowance will not be available under any circumstance.

All expense provisions have a monetary cap. This cap is to ensure that Councillors and the community can have a reasonable expectation as to what the scope of expected expenses may be and also to serve as a guide to Councillors.

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as “Frequent Flyer” schemes or any other such loyalty programs while on Council business. However, it is acknowledged that incidental use of Council equipment or facilities may occur from time to time. Such incidental use is not subject to compensatory payment back to the Council.

Where more substantial private use does occur the Act provides that a payment may be made to cover the level of private use. Where this is expected or is likely to occur, specific expense and facility provisions reflect appropriate mechanisms to compensate the Council for such use.

Participation in Council elections is a private matter and Councillors must not use Council resources in the course of this participation.

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business trip or when receiving visitors, these gifts should be of token value and in accordance with any policy developed by the Council. Clarification of what token gifts and benefits are can be obtained from the Council’s Code of Conduct, clause 5.3.

While this policy attempts to clearly articulate circumstances concerning the payment of expenses and provision of facilities it is possible that a dispute may arise regarding these.

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

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

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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.

Where possible, a Council fleet vehicle will be made available to Councillors traveling outside of the local government area. These vehicles will need to be booked with the General Manager.

On occasions, it may be appropriate for Councillors using council vehicles to leave from home or another pre-arranged location due to the departure time. In these circumstances it may be reasonable for the Councillor borrowing the council vehicle to obtain the vehicle the night before. Likewise Councillors returning to Berrigan after 5pm may arrange to return the vehicle the following morning.

2.2.2. Local travel arrangements and expenses

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As a rural council it should be recognized that Councillors will need to travel in order to carry out their civic duties.

In addition to travel within the local government area, it may be necessary for Councillors to travel outside of the local government area in order to represent the Council at meetings or events, or to take part in conferences and training activities. In most cases transportation options are limited, and with little or no public transportation the majority of travel will be by private or council provided motor vehicle.

While the Council is committed to meeting the special needs of Councillors in order to maximize participation in civic duties, the inherent nature of local government in a rural setting makes it necessary for Councillors to provide their own transport for activities within the LGA.

Where Councillors use their private vehicle for attendance at local events as part of their official duties they will be reimbursed at a rate determined by the relevant State Industrial Agreement for vehicle expenses, and should claim reimbursement as part of their usual monthly return.

2.2.3. Travel outside the LGA including interstate travel

It is acknowledged that Berrigan Shire Council is a border community and that interstate travel to Victoria and the ACT will be essential in the carrying out of the council's official duties. As such, travel to official events and activities in Victoria will be regarded in the same way as travel to locations in NSW.

As a rural LGA it is often necessary for Councillors to travel outside of the Shire in the conduct of their official duties. Councillors traveling to meetings and events within 200km of Berrigan Shire do not require the specific approval of the Council or General Manager.

Where possible, a council vehicle will be made available to Councillors traveling to events within 200km of the Shire. Where this is not possible Councillors will be reimbursed for the private use of their vehicle at the 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.

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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-imburement 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.

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.

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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.

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.

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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 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.

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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.

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.

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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.

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

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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 devices 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.

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.

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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.

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.

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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.

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.

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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.

Min. No.

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 Council's 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.

3.2.4. Councillor name badges

All Councillors will be issued with a council name badge. Retiring Councillors will be permitted to retain their badges as a token of service to the Council.

Min. No.

3.2.5. Business cards

All Councillors will be issued with business cards to use during the performance of their official duties.

3.2.6. Meals and refreshments

Where Councillors attend meetings convened by the Council, minor refreshments may be provided in addition to any appropriate meals as determined by the General Manager.

3.2.7. Council vehicles

Access to a suitable vehicle (if available) will be provided for use on official duties. Vehicles will be sourced from the council's general fleet and bookings must be made in advance.

3.3. Additional Mayoral facilities

3.3.1. Mayoral vehicle

This section is to be read in conjunction with Council's general policy and in particular the Council's policy – Private Use of Council Vehicles.

The Mayor will be provided with a fully serviced and maintained executive standard council vehicle, including fuel card, for official duties and commuter use associated with such duties.

The Mayor shall be provided with full private use of the vehicle upon payment of a weekly amount as determined from time to time by the council as part of its Annual Schedule of Fees and Charges.

PART 4 OTHER MATTERS

4.1. Acquisition and returning of facilities and equipment

On the completion of their term of office, extended leave of absence or at the cessation of their civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes mobile telephones and tablet computers provided to Councillors and associated peripherals, and the mayoral vehicle.

Dedicated mobile phone accounts provided by the Council for official purposes will be disconnected within 28 days of the cessation of duties.

Under certain circumstances the Councillor may be given the option to purchase the equipment previously allocated to them at an agreed fair market price.

Min. No.

4.2. Superannuation

4.2.1. Councillor contributions to superannuation

In accordance with the Australian Tax Office Interpretative Decision 2007/205, the Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

To establish this facility, a Councillor must submit a written request to the General Manager, using similar wording to that of a normal employee deduction request. The request cannot be retrospective.

5.3 POLICY FOR PRIVATE EMPLOYMENT

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 22.141.2

4 RESOLVED Crs Bruce and Jones that the Council:

- Revoke its Policy for Private Employment; and
- Adopt the Policy for Private Employment set out below.

63 PRIVATE EMPLOYMENT POLICY

File Reference No: 22.141.2

Strategic Outcome: Good government

Date of Adoption: 18/01/2017

Date for Review: 20/01/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

Employees of Berrigan Shire Council wishing to undertake private employment must comply with section 353 of the *Local Government Act* 1993 which states:

Member of Staff (subsection 2)

Min. No.

“A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of Council or that might conflict with the member’s Council duties unless he or she has notified and has obtained approval from the General Manager in writing of the employment or work.”

Conflict of Duties (subsection 3)

“The General Manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of the Council or that might conflict with the member’s Council duties.”

Prohibition of Staff to Engage in Private Work (subsection 4)

“A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council if prohibited from doing so under subsection (3).” (Conflict of Duties).

2. PURPOSE

The purpose of this policy is to establish a process to allow the Council to determine if an employee’s private employment complies with the Local Government Act (the LGA) and the Council’s Code of Conduct. (the “Code”).

3. SCOPE

This policy applies to all staff in paid employment with the Council. This includes full-time, part-time and casual employees.

4. OBJECTIVE

This policy is designed to assist the Council meet the following Delivery Plan Objective:

2.2.1: Meet legislative requirements for Council elections, local government and integrated planning and reporting

5. DEFINITIONS

Private Employment includes the following:

- Paid work as an employee of another organisation. This includes temporary employment.
- Contract work for another organisation.
- Work, paid or otherwise, for a business owned by the employee or his/her immediate family – including work on a family farm.
- Direct sales businesses – e.g. *Tupperware, Avon, etc.*

Private employment does not include the following:

Min. No.

- Hobbies where income is a minor or secondary consideration
- Sport where payment for playing and/or coaching is minor in nature

6. POLICY IMPLEMENTATION

6.1 Request for approval

An employee wishing to engage in private employment must obtain the express consent of the General Manager.

Approval for private employment must be made in writing, addressed to the General Manager.

6.2 Determination

The General Manager will assess the proposed private employment to determine if the proposal complies with the requirements of the LGA and the Code. Consent will only be given if the General Manager is satisfied the private employment complies with the requirements of the Act and the Code. The General Manager must not unreasonably withhold consent.

The employee will receive written notification of the outcome of the application from the General Manager. The Council will maintain a register of approvals for private employment.

6.3 Withdrawal of consent

Approval for private employment may be withdrawn by the General Manager where the General Manager determines that the private employment no longer complies with the Act.

Approval for undertaking private employment may be affected when an employee is absent from work due to sick leave, carer's leave or workers compensation, if there is a conflict of interest arising from fulfilling the responsibility to the primary employment with the Council.

6.4 Use of Council facilities and information

Approval for private work does not create an entitlement for an employee to make use of Council resources or information where such use breaches the Code.

Employees undertaking private employment are expected to be scrupulous in their compliance with their Code of Conduct obligations with regard to use of Council facilities and information

6.5. Breaches of this policy

Min. No.

Breaches of this policy by employees will be dealt with in accordance with the Code of Conduct, i.e. staff will be disciplined in line with the provisions of the Local Government (State) Award 2010.

7. RELATED POLICIES OR STRATEGIES

- *Local Government Act 1993*
- *Local Government (State) Award 2014*
- *Berrigan Shire Council Code of Conduct*
- *Guidelines for the Payment of Expenses and Provision of Facilities for staff.*

5.4 POLICY FOR LIBRARY SERVICE – PATRON CODE OF CONDUCT

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 03.095.2

- 5 RESOLVED** Crs Glanville and Bodey that the Council Adopt the Policy for Library Service – Patron Code of Conduct set out below.

BERRIGAN SHIRE LIBRARY SERVICE - PATRON CODE OF CONDUCT

File Reference No: 03.095.2

Strategic Outcome: Supported and engaged communities

Date of Adoption: 18/01/2017

Date for Review: 13/11/2019

Responsible Officer: Director Corporate Services

Min. No.

1. POLICY STATEMENT

The Berrigan Shire Library Service is committed to providing a welcoming and safe environment for research, study and learning for all users, members and staff.

Users and patrons of the Berrigan Shire Library service can expect Berrigan Shire Library Service staff to abide by the Council's Code of Conduct; to treat people fairly and equitably and to not harass or discriminate against members of the public.

In return, users and patrons are expected to ensure their conduct meets acceptable standards and does not impinge on the right of library staff to have a safe workplace and the use and enjoyment of the library service by other patrons.

This code outlines the conduct the Library Service expects from visitors, members and staff, both onsite and when interacting online. It is based on the Library Regulation 2010 made under the *Library Act 1939*.

2. PURPOSE

This Policy defines acceptable conduct and behaviours of users of the Berrigan Shire Library Service to ensure the Berrigan Shire provides a high quality library environment and effective service.

3. SCOPE

This policy applies to patrons and members of the Berrigan Shire Library Service and users of any service provided by the Berrigan Shire Library Service.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.2.1.1

Co-ordinate and deliver local library services in accordance with the Library Services Strategic Plan 2014-2018.

5. DEFINITIONS

- *Council* means Berrigan Shire Council
- *Library* means *Library* belonging to, or under the control or management of Council and includes the buildings, rooms, offices, passageways, foyers, meeting rooms, adjacent entrances and sanitary facilities at Barooga, Berrigan, Finley and Tocumwal.

Min. No.

- *User or Patron* means any person or entity, whether or not a member, who visits a Library for the purpose of using any Library resources and /or facilities.
- *Member* means a user who has fulfilled the requirements for membership of the Library and has a current membership
- *Authorised staff member* means any person officially employed or contracted by Council

6. POLICY IMPLEMENTATION:

This Library Code of Conduct outlines the behaviours that the Library expects from its patrons in all public spaces, both online and onsite.

It is related to the set of standards based on the Library Regulations 2010, which outlines the use of libraries and library materials and allows for the exclusion of those who breach the Regulation throughout the Library premises of Barooga, Berrigan, Finley and Tocumwal.

A copy of this Code of Conduct will be available at each branch of the Berrigan Shire Library Service and on the Council's website.

6.1. Responsibilities:

General responsibilities

Users and patrons of the Berrigan Shire Library Service are expected to:

- Treat all patrons and Library staff with courtesy and respect, showing regard for their needs, sensitivities and rights. Unsociable behaviour, including harassment of patrons or staff, or using offensive language is not acceptable.
- Leave the Library when requested at closing time and during emergency procedures, or if directed to do so by Library staff.
- Inform Library staff immediately if you become aware of any risk or potential risk to people or property.

Children under the age of 8 years must be in the company of an adult or Library staff member at all times.

When copying Library materials and sharing materials online, patrons are responsible for observing the provision of the *Copyright Act* 1958 with respect to materials in copyright.

Min. No.

The following specific responsibilities also apply

Bags and belongings

The following bag restrictions apply:

- Laptop bags are permitted.
- Library staff reserve the right to inspect your equipment, folders, bags and property as you enter or leave the building.
- Belongings are not to be left unattended. Any items left unattended will be removed by staff.
- The Library is not responsible for any loss or damage that may occur to personal belongings.
- Bags or belongings must not be placed where they may put staff or patrons at risk of injury.
- For storage of equipment, bags and belongings, please ask staff.

6.1.1. Food and drinks, smoking:

The following food and drink restrictions apply:

- Food and drinks are not permitted near the computers
- Food may be consumed within the premises subject to staff agreement but preference is given to eating outside if weather permits.
- Smoking, including the use of e cigarettes is not permitted on Library premises.
- Alcohol consumption is not permitted.

Dress:

Acceptable levels of dress and personal cleanliness must be met, in the interests of other patrons using the Library.

Footwear must be worn.

Quiet Environment:

A quiet environment for study must be maintained.

- Disruptive behaviour and excessive noise are not acceptable in any public space in the Library.

Min. No.

- Mobiles phones must be switched to silent when patrons are studying. Talking on mobile phones is not permitted in study areas.
- Headphones are to be used when listening to music or other multi-media. The volume must be at a level that cannot be heard by other clients or staff.
- Group discussions and mobile phone conversations may be conducted in the community rooms, but must be kept at an acceptable level that does not disturb other clients.

Library Equipment and materials

Damage or misuse of Library equipment, facilities or furniture is not acceptable. This includes disconnecting Library equipment or using it for any other purpose that its intended use.

Library Equipment is strictly for the use of Library materials only.

Damaging Library materials in any way, such as marking, cutting or tampering with security tags is not permitted. Hiding or removing Library material is not permitted.

Personal devices

Power is provided at strategic points in the Library for the use of personal devices such as laptops.

Personal devices should not be left unattended. Any items left unattended will be removed by staff.

The Library accepts no responsibility for any loss or damage that may occur to personal devices. It is the responsibility of the patron to ensure that any personal devices used in the Library are appropriately maintained and safe to use.

Power cables must not be placed where they may put clients or staff at risk of injury.

Internet Usage:

Internet usage must be in accordance with the Library Service's Internet usage policy which details conditions of use.

Patrons are not permitted to access, download or print pornographic or offensive material. Patrons must comply with the *Classification (Publications, Films and Computer Games) Enforcement Act (NSW) 1995*.

Min. No.

Library Website and Social Media accounts

Participation in the interactive sections of the Library website must be in accordance with the Website Terms of Use.

When interacting with the Library on social media sites you may be agreeing to terms and conditions of third parties that govern your access to and use of those platforms. It is your responsibility to ensure that you comply with any third party terms and conditions.

If the Library becomes aware that a patron breaches the terms and conditions of a third party provider, the Library reserves the right to take action as appropriate, including:

- (i) removing offending content from the Library's account, where possible, and
- (ii) reporting the patron to the relevant authorities, including the third party provider.

The Library is not responsible for, nor endorses, any content that is contributed to either the Library's website or any third party website. Please read the website disclaimer for more information.

Removal of any content from the Library's social media accounts and website, as well as the decision to exit from a social media account, is at all times within the discretion of the Library.

Photography and filming

Permission from Library staff is required before taking professional photographs or filming in the Library. Flash photography is not permitted.

Identifiable images of people cannot be included in your photographs or films, without their permission.

Patrons who do not comply with Library Regulation 2010 and the Library Code of Conduct may be directed to leave the Library and or be excluded from interacting on the Library's website. Serious breaches of the Regulation may result in an exclusion and/or termination of your website user account.

6.2. Enforcement

General enforcement

Library staff are responsible for the enforcement of this Code of Conduct. Where possible, this will be by the way of reminders to patrons about acceptable behaviour when using Library facilities and services.

Min. No.

However, where breaches of this Code are repeated and/or of a serious nature (i.e. puts library staff and/or patrons at risk), the Library Service will take action to prevent future breaches and ensure the library remains a welcoming and safe environment for research, study and learning for all users, members and staff.

Library staff will keep suitable records of repeated and/or serious breaches.

Specific actions

Where patrons of the Library Service repeatedly or seriously breach this Code, Library Staff may:

- Withdraw use of a particular library service (e.g. the computers or the internet)
- Request the patron leave the library and not return for a period up to one week.

If the breaches continue or is of a very serious nature, the Library Manager may prohibit, on a temporary and/or indefinite basis, the patron from any access to Library Service facilities or services.

The patron must be given written notice of his/her ban. This notice must include:

- The duration of the prohibition
- The reasons for the prohibition
- Details on how to have the prohibition reviewed

Review

Any patron prohibited from use of Library Service facilities may request a review of his/her prohibition from the Berrigan Shire Council General Manager.

This request must be in writing. Any determination by the General Manager on a review is final.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1. Legislation

- *Library Act 1939*
- *Library Regulation 2010*
- *Local Government Act 1993*

Min. No.

- *Work Health and Safety Act*
- *Copyright Act 1958*
- *Classification (Publications, Films and Computer Games) Enforcement Act 1995*

7.2. Other policies and strategies

- State Library NSW - Client Code of Conduct
- ALIA Statement on Public Library Services
- Berrigan Shire Library Service – Strategic Plan 2014-2018
- Berrigan Shire Public Internet Usage Policy
- Berrigan Shire Code of Conduct
- Berrigan Shire Social Media Policy
- Berrigan Shire Library Collection Policy
- Berrigan Shire Library Service Children and Young People Policy

5.5 REVOCATION OF COUNCIL POLICIES

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO:

- 6 RESOLVED** Crs Morris and Bodey that the Council revoke the following Council policies:

- 56 – Development Assessment and Control Community Consultation

5.6 BANKING SERVICES

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 12.024.1

- 7 RESOLVED** Crs Morris and Glanville that the Council:

1. Seek Expressions of Interest from invited providers for the provision of banking services for the Council
2. Expression of Interests received are to be evaluated using the following criteria

Min. No.

- a. Capability
- b. Value for money
- c. Reliable and efficient service provision
- d. Corporate responsibility
- e. Local service provision and employment

**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:

- 8 RESOLVED** Crs Bruce and Glanville that the Council takes no action regarding the Local Government Remuneration Tribunal's 2017 determination of Mayoral and Councillor fees.

The Town Planner (Camillus O'Kane) entered the meeting at 9:40am.

**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

- 9 RESOLVED** Crs Curtin and Morris 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 make all reasonable efforts",

Min. No.

- 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.

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

- 10 RESOLVED** Crs Brodey and Morris 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.

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

- 11 RESOLVED** Crs Jones and Taylor 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.

Min. No.

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)

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.

Min. No.

- (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.
- (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.

Min. No.

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,
- (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: All

Against: Nil

Min. No.

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

- 12 RESOLVED** Crs Glanville and Taylor that the Council grant the General Manager annual leave from 2nd October 2017 until 7th November 2017 inclusive.

ITEMS FOR NOTING

- 6.1 GENERAL MANAGER'S HALF YEARLY PERFORMANCE REVIEW
- 6.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING
- 6.3 APPOINTMENT TO BOARD OF LOCAL GOVERNMENT SUPER
- 6.4 QUARTERLY LIBRARY REPORT OCTOBER – DECEMBER 2016
- 6.5 RATES AND CHARGES - 2016/2017 RATES COLLECTIONS AND OUTSTANDING DEBTORS BALANCES – HALF YEARLY REPORT TO COUNCIL
- 6.6 DEVELOPMENT DETERMINATIONS FOR MONTH OF SEPTEMBER 2016

- 13 RESOLVED** Crs Curtin and Taylor that Items for Noting numbered 6.1 to 6.6 inclusive be received and noted.

MAYORS REPORT

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

- Bush Bursary Students Meeting
- Finley Rodeo

- 14 RESOLVED** Crs: Morris and Glanville that the Mayors report be received.

Min. No.

DELEGATES REPORTS

Cr Brodey

- Silo Road Opening/meeting with Adrian Piccoli

Cr Taylor

- Nil

Cr Morris

- Nil

Cr Curtin

- Silo Road Opening/meeting with Adrian Piccoli

Cr Glanville

- Silo Road Opening/meeting with Adrian Piccoli

Cr Jones

- Silo Road Opening

Cr Bruce

- Silo Road Opening
- Barooga Advancement Group meeting

GENERAL BUSINESS

Cr Bruce

- Barooga Advancement Group meeting
 - Visitor Information Brochure
 - Cobba
- Footpath Construction
- Shop at Barooga
- Vacant properties at Barooga
- Australia Day at Barooga
- Get on with School of Arts project

Cr Jones

- House in Hennessy Street
- Development application - Bushlands Road
- Bruton Street footpath
- Rotary BBQ at Botanical gardens

Cr Glanville

- Nil

Min. No.

Cr Curtin

- Caravan Park going well
- Show 'n Shine went well
- Charles Sturt University scholarship
- Immigration system
- GMPA resignation

Cr Morris

- Nil

Cr Taylor

- Signs
- Barooga Botanical gardens watering
- Yarrawonga Food Truck
- Engineering student

Cr Brodey

- Foreshore for Food Trucks
- Water supply Jersey Street
- Grain handling facilities
- Tocumwal Community Development Committee – plans of costings for the second floor addition for the Riverview cafe

Cr Hannan

- Volunteer recognition nominations
- Tank Paddock
- Corporate Workshop
- CLAIR meeting at Junee

Director Corporate Services

- Nil

Development Manager

- Nil

General Manager

- Aerodrome – 21 on list of potential purchases
- on sale about mid-march
- Corporate Workshop – all ok?
- Levee works – won't fit with Building Better Regions grant application
- Regional development Australia meeting
- Ross Macklin resigning
- Regional Tourism changes

There being no further business the meeting closed at 11:05pm.

