



**Minutes of the Council Meeting held in the Council Chambers on
Wednesday, 17th May, 2017 commencing at 9:15am**

Min. No. **Present** Cr. Matthew Hannan (Mayor)

Crs: Ross Bodey, John Bruce, Denis Glanville, Colin Jones, Daryll Morris, Bernard Curtin, John Taylor, Director of Corporate Services (Matthew Hansen), Director of Technical Services (Fred Exton), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

Apology

Nil

Declaration of Items of Pecuniary and other Interests

Cr Taylor declared a Pecuniary Interest in Item 5.10 as he has an interest in an adjoining property.

4. CONFIRMATION OF MINUTES

91 RESOLVED Crs Morris and Glanville that the Minutes of the meeting held in the Council Chambers on Wednesday 19th April, 2017 and the Minutes of the extraordinary meeting held in the Council Chambers on Wednesday 3rd May, 2017 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**

92 RESOLVED Crs Curtin and Taylor that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 April 2017, be received and that the accounts paid as per Warrant No. 04/17 totaling \$1,589,908.86 be confirmed.

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5.2 MAYORAL AND COUNCILLORS ALLOWANCES

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.045.1

- 93 RESOLVED** Crs Bodey and Glanville that the Council adopt the following Mayoral and Councillor allowances effective from September, 2017:

Mayoral allowance	\$25,250
Councillor allowance	\$11,570

5.3 FINANCIAL REVIEW

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO:

- 94 RESOLVED** Crs Glanville and Bodey that the Council:

- Note the third quarterly review of the 2016/17 budget and vote the funds contained therein as shown in appendix "B"
- Note the Quarterly Budget Review Statement attached also as "appendix "C"

5.4 DRAFT INTEGRATED PLANS

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO: 04.121.4

- 95 RESOLVED** Crs Morris and Jones that the Council

1. Adopt the draft Annual Operational Plan 2017 – 2018 Appendix "D"

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2. Endorse for public exhibition and comment the Council's
 - a. Draft Annual Operational Plan 2017 – 2018 Appendix "D"
 - b. Draft Delivery Program 2017 – 2018 Appendix "E"
 - c. Draft Resourcing Strategy 2017 – 2021 Appendix "F"
 - d. Draft of the Community Strategic Plan: Berrigan Shire 2027 Appendix "G"
3. Receive and consider at its meeting to be held 21 June 2017 any public submissions received in relation to the Draft Integrated Plans.

5.5 CAPITAL WORKS ON COMMUNITY FACILITIES POLICY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 04.074.1

96 RESOLVED Crs Curtin and Glanville that the Council:

- Revoke its Policy for Capital Works on Community Facilities; and
- Adopt the Policy for Capital Works on Community Facilities set out below.

29 CAPITAL WORKS ON COMMUNITY FACILITIES POLICY

File Reference No: 04.074.1

Strategic Outcome: Supported and engaged communities

Date of Adoption: 17/05/2017

Date for Review: 21/05/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

The Council has delegated care, control and management of many of its community facilities (such as recreation reserves, public halls, swimming pools and the like) to volunteer committees of management established under s355 of the *Local Government Act*

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1993. This is designed to allow for local control of those facilities to meet local needs.

However, the nature of volunteer committees may make delivery of larger, capital-type projects somewhat difficult and expose the Council to unacceptable risks, including risks to the safety of volunteers, workers and the public, financial risks and risks to reputation.

This policy seeks to mitigate these risks by making the Council directly responsible for the management of capital projects as well as larger maintenance projects.

Nothing in this policy should be seen as detracting from the primary responsibility of the various Committees of Management to undertake the routine operation and maintenance of their respective facility.

2. PURPOSE

The purpose of this policy is to ensure:

- Projects are properly managed and completed.
- Risks involved in these projects are identified and managed
- All parties understand their role in the project
- User bodies do not by-pass Committees of Management and deal directly with the Council
- Funding agreements are honoured and acquitted in line with any legal requirements
- Assets created are appropriately recorded and recognised.

This policy places the responsibility on the Council to effectively manage and deliver the project and to address any failures encountered – in line with its statutory power and budgeted resources.

3. SCOPE

This policy applies to all volunteer committees of the Council responsible for the care, control and management of community facilities vested in the Council.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 3.2.1.2.4

In accordance with Asset Management Plans – plan the development and renewal of recreation and open space assets and facilities

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5. DEFINITIONS

Committee of Management – A committee established under s355 of the *Local Government Act 1993* to exercise a function of the Council. In this case, the volunteer committees of the Council delegated care, control and management of Council's community facilities.

Advisory committee – A committee established by the Council to provide advice and guidance to the Council with the delivery of the project, usually made of representatives of user bodies

User body – A group that makes use of a Council-provided community facility

Capital project – A project that delivers a new or improved facility, as opposed to restoring an existing facility to its original condition.

Construction work – as defined in the Work Health and Safety Regulations 2011 “any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure”.

6 POLICY IMPLEMENTATION

6.1 Approval

Projects may be identified by user bodies, Committees of Management or the Council. Projects identified by user bodies must be referred to the Committee of Management for support and approval.

Committees of Management must submit proposed projects to the Council in writing, along with supporting documentation. Projects that are raised initially verbally at council meetings will not be considered

The Council will then negotiate with the Committee of Management in relation to the project, not individual user bodies.

6.2 Funding

Once agreement is in place regarding the project, individual Clubs can negotiate grant funds from any source other than the Council. Grants acquired from other levels of government will be auspiced by the Council.

If Council grant funds are requested, this will be via the Committee of Management Requests for grant funding will be assessed as per the Council's Requests for Donations and Financial Assistance Policy.

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Any grant or loan funds advanced by the Council will be the responsibility of the Committee of Management. If a user body is to meet a debt to the Council for project loan funds, this will be the responsibility of the Committee of Management

Committees of Management are encouraged to submit proposed projects through the Council's annual Operational Plan process. The Council recognises that this is not always possible due to external grant providers having their own timetables.

Before starting work on a project, the Council will require the Committee of Management and other partner funders to provide evidence of sufficient funds to allow them to meet their funding agreement.

6.3 Risk Management Plan

In accordance with Council's Risk Management Policy and Framework, a Risk Management Plan will be developed by Council in consultation with the Committee of Management. The purpose of the Risk Management Plan is to ensure responsible management of the project is achieved.

The Risk Management Plan will outline how risks will be identified, assessed, treated and managed throughout the life of the project. Attempts will be made to eliminate risks, however where this is not possible, they will be minimised as far as is reasonably practicable.

Where risks cannot be eliminated they will be included in the Risk Register component of the Risk Management Plan with timeframes and responsibilities for treatments assigned.

6.4 Project Management

The Council will manage the required works as Project Manager and will make all payments to contractors and suppliers. The Council will take on this role whether or not Council funds are being used.

Depending on the size and nature of the project, the Council may appoint an advisory committee. The advisory committee will have no direct decision-making powers; its role is to provide advice and guidance to the Council and to act as the liaison between the Council and the user bodies.

The Council will work with user bodies and Committees of Management to manage any Development Applications or Construction Certificates that may be required for the project.

Where the Council is making a financial contribution to the project, the Council may charge the cost of any approvals etc. against the project budget. Otherwise, these costs will be assessed under the Council's Requests for Donations and Financial Assistance Policy

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The Council will not charge any fees and costs for project management undertaken directly by its staff against any project covered by this policy.

The Council will directly manage any tender or quotation process required, in order to comply with legislation and the Council's Procurement and Disposal Policy.

6.5 Application and exemptions

Projects undertaken at Council venues vary in their size and complexity and there is no hard and fast rule to determine what is a capital project and/or a larger maintenance project.

As a guide, a project cost of \$10,000 may be used as a guideline but committees should contact the Council before starting any significant project. Regardless of the dollar amount, projects involving construction work as defined above will always be considered a capital project for the purposes of the policy.

Because of the wide range of projects completed on lands controlled by Committees of Management, the Council may consider exceptions to this policy. In this case, contact should be made with the Council so that this can be clarified and resolved without necessarily excluding a valuable project.

7 RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Work Health and Safety Act 2011*
- Office of Local Government Capital Expenditure Guidelines

7.2 Council policies

- Berrigan Shire Council Code of Conduct
- Berrigan Shire Council Risk Management Framework
- Berrigan Shire Council Guide to Operations for Volunteer Committees of Management
- *Berrigan Shire 2023 (Community Strategic Plan)*
- Delivery Program
- Risk Management Policy
- Fraud Control Policy
- Requests for Donations and Financial Assistance Policy
- Procurement and Disposal Policy

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**5.6 CONTRIBUTORY FOOTPATH AND KERB AND
GUTTER SCHEMES POLICY**

AUTHOR: Director Corporate Services

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

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

FILE NO: 25.138.1

97 RESOLVED Crs Morris and Bodey that the Council:

- Revoke its Policy for Contributory Footpath and Kerb and Gutter Schemes; and
- Adopt the Policy for Contributory Footpath and Kerb and Gutter Schemes set out below.

**48 CONTRIBUTORY FOOTPATH AND KERB AND GUTTER
SCHEMES**

File Reference No: 25.138.1

Strategic Outcome: Sustainable natural and built landscapes

Date of Adoption: 19/04/2017

Date for Review: 21/04/2021

Responsible Officer: Director Technical Services

1. POLICY STATEMENT

The infrastructure in our towns – things like roads, footpaths and kerb and gutters – is often taken for granted. However, providing these items comes at a cost.

Generally, these items are provided by the initial developer of the land. The cost of providing this infrastructure is then built into the price of the developed blocks. Hence, each property owner has contributed to the cost of the infrastructure outside his or her land.

Over time, our communities' expectations about infrastructure have changed. For example, most new urban sub-divisions now include kerb and gutter as standard – an item that older sub-divisions often do not have.

As our towns grow, it becomes important to link up this community infrastructure to allow the footpath and kerb and gutter network to work as it should. This often means installing kerb and gutter and footpaths items in the “gaps” created by older sub-divisions without those items.

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Given that the cost of providing this infrastructure in newer subdivisions has been borne by the property owners there – in the purchase price of their land – it is fair that property owners in older areas contribute to the cost of new kerb and gutter and footpaths installed adjacent to their land.

The NSW government recognises this and the *Roads Act 1993* allows for Councils to recover up to half the cost of providing infrastructure like kerb and gutter and footpaths from the adjacent landowners via a contributory charge.

All property owners are required to contribute to the cost of infrastructure passing their property, either through the initial cost of purchase or via a later contribution. The Council considers that its Half-Cost Scheme provides a simple and fair method of allocating and recovering the contribution to new infrastructure.

2. PURPOSE

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects for the construction of footpaths and kerb and gutter under the *Roads Act 1993* and as a guide for the equitable distribution of costs between Council and owners of abutting properties.

3. SCOPE

This policy applies to all property within Berrigan Shire.

4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 1.3.1

Coordinate flood levee, Council road network and storm water asset management and planning

5. DEFINITIONS

Affected property – A property with a boundary adjacent to the proposed works

Front boundary – The boundary providing the main access to the affected property. In the case of dispute where a property has access across multiple boundaries, the shortest boundary will be deemed as the front boundary.

Responsible Officer – The staff member appointed by the General Manager with the responsibility for the administration of contributory footpath and kerb and gutter schemes as per this policy.

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6. POLICY IMPLEMENTATION

6.1. General principles

The Council recognises that often the main beneficiaries of a particular contributory scheme are not necessarily the adjacent property owners. However, there is often a strong community interest in ensuring that footpath and kerb and gutter networks are linked and affected.

In implementing this policy, the Council will balance the needs of the Berrigan Shire community as a whole with the interests of affected landholders.

6.2. How projects are identified

The Council will identify potential projects for contributory schemes as part of its Integrated Planning and Reporting suite of Asset Management Plans, in particular in its:

- Pedestrian Access Management Plan (PAMP), and
- Stormwater Drainage Asset Management Plan

These plans, developed in consultation with the public, will identify specific projects that are suitable to be funded via a contributory scheme.

Identified projects will then be included in the Council's Capital Works Program and Operational Plan and budget, prioritised on the basis of risk, need and available funding

Alternatively, potential projects may be identified by the Council following requests from landholders and/or other members of the community.

6.3. How the Council will consult

6.3.1. Preliminary consultation

Following inclusion of a prospective scheme in the Council's Capital Works Program, the Council will advise landholders about the scheme in writing.

The information provided to landholders will include:

- preliminary estimates for the total cost of the works,
- method of apportionment of the cost,
- the estimated cost to owner,

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- details of payment options in line with this policy, and
- a method to respond to the Council, regarding their support or otherwise for the plan

Landholders will have fourteen (14) days to provide a response to the Council.

6.3.2. Site meeting

Landholders will also have the opportunity to request a site meeting to clarify issues raised in their response. Based on the responses, the Responsible Officer will determine if a site meeting is required.

If a site meeting is held all affected landholders will be invited to attend. The Council's representatives will include at a minimum, one staff member and one Councillor. A record of the meeting will be taken.

6.3.3. Initial Report

The Responsible Officer shall prepare a preliminary report to a subsequent Technical Services Committee meeting addressing the following where appropriate:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- the need for the scheme taking into account taking into account the Council's Integrated Plans
- the likely beneficiaries of the scheme;
- options for the scope, staging and funding of the scheme;
- the preliminary estimate and the basis for apportionment;
- recommendation to the Committee for Council to either proceed with the scheme or not to proceed;
- Ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

Based on this report, the Council will resolve to proceed with formal development of the scheme.

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6.3.4. Final report and notice

Following Council's resolution to proceed with the Scheme, the final design, estimates and apportionment of costs shall be prepared by the Responsible Officer. Where the cost and/or scope of the project significantly changes from the initial estimate, the Responsible Officer will ensure landholders are advised.

The finalised scheme will be presented to a subsequent Council meeting for adoption.

After adoption by Council, all affected landholders will be given formal notice of their requirement to contribute, in accordance with all legislative requirements.

The notice shall:

- contain an outline of the proposed scheme; and
- set out the method of calculation of the estimated contribution.

In addition to the above legislative requirements the notice sent shall include:

- the name of a Council officer for contact in regard to individual enquiries;
- proposed timing for works to be carried out;
- further advice of Council's policy regarding payment options

6.4. How the Council will charge landholders

6.4.1. Allocation of costs

Contributions by landholders to the cost of eligible works under a contributory scheme will be determined on the following basis.

- The total cost of the works will be proportionately allocated across each affected property on the basis of the length of the property boundary adjacent to the works.
- Each property where the front boundary is adjacent to the works will be charged 50% of the cost allocated to the property.
- Where a boundary other than the front boundary is adjacent to the works, the property will only be charged 25% of the cost allocated to the property.

The Council may choose to allocate an amount less than the total cost to one or more of the affected properties. This may occur

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where technical issues associated with the site raise the cost of the works significantly above the normal costs incurred.

If a property has already contributed to the existing footpath and/or kerb and gutter works associated with a particular proposal, it will not be required to make a further contribution.

6.4.2. Invoicing

Once the project is complete, the Responsible Officer is authorised by the Council to arrange for invoices to be drawn up and sent to landholders on the basis of this policy.

Where the final cost is greater than 10% above the estimated cost, the Responsible Officer must seek Council approval via resolution before issuing invoices. The Council will have the discretion to charge an amount less than the actual cost, should it choose to do so.

6.5. How the Council will collect contributions

6.5.1. Charge against the land

As per legislation, the contribution will be recorded as a charge on each affected property as per unpaid rates under the *Local Government Act 1993*.

The amount of the contribution owing for the property will be included on notices provided under s603 of the *Local Government Act*.

6.5.2. Payment and collection

Affected landholders will have two options to pay the contribution owing:

- Payment in full within 30 days of the invoice being issued.
- A repayment program over a three year period.

The repayment program will require landholders to enter into a formal agreement with the Council setting out the terms of the repayment. This agreement will require payment in full by the landholder by the due date as set on in the agreement.

Where a contribution debt is not repaid in line with the terms outlined in this policy and in the agreement, the Council will charge penalty interest at the maximum rate permitted for outstanding rates and charges by the Office of Local Government. The penalty interest charged will be backdated to the date the invoice was initially issued.

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The Council will collect outstanding contribution debt in line with established debt collection procedures. Landholders may make application for consideration under the Council's Financial Hardship Policy.

7. RELATED POLICIES

7.1. Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- *Privacy and Personal Information Act 1998*

7.2. Policies and other Council plans

- Pedestrian Access Management Plan
- Stormwater Drainage Asset Management Plan
- User Fees and Charges Policy
- Collection Policy
- Financial Hardship Policy

5.7 POLICY FOR INTERNAL REPORTING

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 14.080.1

98 RESOLVED Crs Morris and Jones that the Council:

- Revoke its Policy for Internal Reporting; and
- Adopt the Policy for Internal Reporting set out below.

10. INTERNAL REPORTING POLICY

File Reference No: 22.112.1

Strategic Outcome: Good government

Date of Adoption: 19/04/2017

Date for Review: 21/04/2021

Responsible Officer: Director Corporate Services

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1. POLICY STATEMENT

The Berrigan Shire Council through resourcing the development, implementation, annual review and endorsement by Council of this policy is committed to creating and maintaining an open working environment in which Councillors, employees, (whether they are full-time, part-time or casual), contractors and consultants are able to raise with confidence concerns regarding actual or suspected unethical, unlawful or undesirable conduct and wrongdoing.

2. PURPOSE

The purpose of this Policy in accordance with the provisions of the *Public Interest Disclosures Act (1994) (PID Act)* and the *NSW Ombudsman Model Internal Reporting Policy: Local Government* is to:

- Encourage Councillors, employees, contractors and consultants to report an issue if they genuinely believe a person or persons have breached Council's Code of Conduct, Council policies or the law.
- Describe Council's commitment to a fair workplace and outline the process for managing public interest disclosures.
- Protect individuals who in good faith, report wrong doing which they reasonably believe to be corrupt, illegal or unethical on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.
- Assist in ensuring that matters of Misconduct and/or unethical behaviour are identified and dealt with in accordance with this policy.

3. SCOPE

This Policy applies to:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council
- employees of contractors providing services to Council
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers
- public officials of another council or public authority who report wrongdoing relating to Berrigan Shire Council.

It applies to all activities undertaken by the Council.

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4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 2.2.2

Council operations support ethical, transparent and accountable corporate governance.

5. POLICY IMPLEMENTATION

5.1 Roles and responsibilities

In accordance with the *NSW Ombudsman Model Internal Reporting Policy: Local Government* all persons covered by the scope of this policy are responsible for acting in accordance with the following procedures about

- What should be reported
- When a report will be protected
- How to make a report, anonymity
- Confidentiality
- Internal and external reporting options
- Role and responsibilities – General Manager, the Mayor and Disclosure Coordinator and Disclosure Officers
- Feedback and support to individuals that report wrong doing
- Protection against reprisals
- Support for the subject of a report
- False and misleading disclosures

5.1.1. Council staff and Councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

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Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Council's Code of Conduct. A breach of the Code could result in disciplinary action.

5.1.2. General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring that Council complies with the PID Act.

The General Manager can receive reports from staff and councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with.
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures.
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report.
- make decisions following any investigation or appoint an appropriate decision-maker.
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified.
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

i. Disclosures Coordinator

The Council's Disclosures Coordinator is the Director Corporate Services.

The Disclosures Coordinator has a central role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter.

The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager).
- coordinate the management of complaints made under the Council's Code of Conduct.

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- coordinate Council's response to a report.
- acknowledge reports and provide updates and feedback to the reporter.
- assess whether it is possible and appropriate to keep the reporter's identity confidential.
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified.
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report.
- ensure Council complies with the PID Act.
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

ii. Disclosures Officers

Disclosures officers are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Given its size, Berrigan Shire Council has chosen not to appoint any disclosures officers to assist the Disclosures Coordinator.

iii. Mayor

The Mayor can receive reports from staff and councillors about the General Manager. Where the Mayor receives such reports, they have a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the council's Code of Conduct
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

iv. Supervisors and Managers

Supervisors and Managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and Managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing.

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Managers and supervisors have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor or Administrator.

b. What should be reported

You should report any suspected wrongdoing within Berrigan Shire Council.

There are five categories of serious misconduct that will be dealt with in accordance with the PID Act and with this policy, these being corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention.

All other suspected wrongdoing within Council should also be reported, including any activities or incidents seen within the Council that are believed to be wrong.

5.2.1. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a Council official using their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

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5.2.2. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

i. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the Council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

ii. Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

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iii. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

iv. Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Berrigan Shire Council's policies.

The Council's policies covering these areas include:

- Equal Employment Opportunity and Workplace Bullying and Harrassment Policy
- Work Health and Safety Policy

Even if these reports are not dealt with as public interest disclosures, Berrigan Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

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c. When will a report be protected?

Berrigan Shire Council will support any person that reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to a position nominated in this policy (see section 5.7) or an investigating authority (see section 5.8).

Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of the policy of the governing body of the Council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

d. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The individual making the report should keep a copy of this record.

e. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Berrigan Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If the relevant Council officers do not know who made the report, it is very difficult for them to prevent any reprisal action.

f. Who can receive a report within Berrigan Shire Council?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in

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accordance with the Council's disclosure procedures – this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the *procedures* supporting this policy.

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

The following positions are the only staff within Berrigan Shire Council who can receive a public interest disclosure.

General Manager

Rowan Perkins

Work: 03 5888 5100 Mobile 0407 344 848 AH 03 5874 2376

Email: rowanp@berriganshire.nsw.gov.au

Mayor

Cr Matt Hannan

Mobile 0409 893 142

Email: mhannan@berriganshire.nsw.gov.au

Disclosures Coordinator

Matthew Hansen – Director Corporate Services

Work: 03 5888 5100 Mobile 0427 635 396

Email: matthewh@berriganshire.nsw.gov.au

g. Who can receive a report outside of Berrigan Shire Council

Staff and councillors are encouraged to report wrongdoing within Berrigan Shire Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making the report to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

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5.7.1. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Director-General of the Division of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- the Information and Privacy Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with Berrigan Shire Council. The Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. The Council will also provide appropriate support and assistance to individuals who report wrongdoing to an investigating authority.

5.7.2. Members of Parliament or journalists

To have the protections of the PID Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, Berrigan Shire Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

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Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

i. Other external reporting

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Berrigan Shire Council, contact the Disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

h. Feedback to the individual who reported wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

5.8.1. Acknowledgement

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. The Council will attempt to get this information to you within five working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Berrigan Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

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This information will be given to you within 10 working days from the date you make your report.

5.8.2 Progress updates

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

5.8.3 Feedback

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere to council's code of conduct. A breach of the code of conduct could result in disciplinary action.

5.9. Maintaining confidentiality

Berrigan Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

The Council is committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. The relevant Council officers will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, the Council will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, it is important that you only discuss your report with the staff of Berrigan Shire Council responsible to deal with it. This will include the Disclosures Coordinator and the General Manager. In the case of a report about the General

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Manager, you should only discuss your report with the Disclosures Coordinator and the Mayor.

Where your complaint is made under the Council's code of conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

5.10. Reprisal and workplace conflict

5.10.1. Risk management

When a staff member or councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure. It may also be a breach of the council's code of conduct.

5.10.2. Protection against reprisal

Berrigan Shire Council will not tolerate any reprisal action against a person who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect

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the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of Council's Code of Conduct which may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

5.10.3. Responding to reprisals

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the general manager immediately, or in the case of an allegation of reprisal action by the General Manager, the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the general manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

If the Disclosures Coordinator becomes aware of or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will ensure that the matter is

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reported under the Council's code of conduct and dealt with in accordance with the Council's code of conduct procedures.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by an appropriately qualified member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of Council's Code of Conduct (reprisal action) by a councillor or the General Manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC, or the Chief Executive of the Division of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

5.10.4. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

5.11. Support for those reporting wrongdoing

Berrigan Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such

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as stress management, counselling services, legal or career advice.

The Council also has staff that will provide support for those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

Contact details for support staff:

Karen Hanna
Payroll Officer
Phone 03 5888 5100
Email karenh@berriganshire.nsw.gov.au

Michelle Koopman
Enterprise Risk Manager
Phone 03 5888 5100 Mobile 0418 466 720
Email michellek@berriganshire.nsw.gov.au

Berrigan Shire Council has also established an Employee Assistance Program available to all staff on in accordance with the Council's Employee Assistance Program Policy.

The Employee Assistance Program provides Council supported access to qualified professionals offering short term solution-focused counselling. Its processes are directed at clarifying the problem, identifying options and developing practical plans to approach difficult issues. This is done under the strictest confidence with the main aim of protecting the individual's privacy.

Contact details for the Employee Assistance Program are:

Insight Health
Phone 1800 850 325 (free call)

All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

5.12. Sanctions for making false or misleading disclosures

It is important that all staff, councillors and other Council officials are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of the council's code of conduct and may result in disciplinary action.

In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

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5.13. Support for the subject of a report

Berrigan Shire Council is committed to ensuring people who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate

If you are the subject of a report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- treated fairly and impartially
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

5.14. Review

This policy will be reviewed by Council no less than every four years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

5.15. More information

More information around public interest disclosures is available from the Council's Disclosure Coordinator and the Council's Payroll Officer.

Staff and councillors can also access advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

5.16. Resources

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

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For disclosures about corrupt
conduct:

Independent Commission Against
Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281
5773

Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au

Address: Level 21, 133
Castlereagh Street,
Sydney NSW 2000

For disclosures about
maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro):
1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Address: Level 24, 580 George
Street, Sydney NSW 2000

For disclosures about serious and
substantial waste:

Auditor-General of the NSW Audit
Office

Phone: 02 9275 7100

Facsimile: 02 9275 7200

Email: mail@audit.nsw.gov.au

Web: www.audit.nsw.gov.au

Address: Level 15, 1 Margaret
Street, Sydney NSW 2000

For disclosures about serious and
substantial waste in local
government agencies:

Office of Local Government in the
Department of Premier and Cabinet

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: olg@olg.nsw.gov.au

Web: www.olg.nsw.gov.au

Address: 5 O'Keefe Avenue, Nowra,
NSW 2541

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For disclosures about police
misconduct:

Police Integrity Commission (PIC)

Phone: 02 9321 6700

Toll free: 1800 657 079

Facsimile: 02 9321 6799

Email: contactus@pic.nsw.gov.au

Web: www.pic.nsw.gov.au

Address: Level 3, 111 Elizabeth
Street, Sydney NSW 2000

For disclosures about breaches of
the GIPA Act:

Information Commissioner

Toll free: 1800 463 626

Facsimile: 02 8114 3756

Email: oiinfo@oic.nsw.gov.au

Web: www.oic.nsw.gov.au

Address: Level 11, 1 Castlereagh
Street, Sydney NSW 2000

6. RELATED POLICIES OR STRATEGIES

6.1. Relevant Legislation

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act (ICAC Act) 1988*
- *Work Health and Safety Act 2011*
- *Ombudsman Act 1974*
- *Public Interest Disclosures Act 1994*
- *Public Interest Disclosures Regulations*

6.2. Relevant References

- NSW Ombudsman Protected Disclosure Guidelines 6th Edition
- NSW Ombudsman Model for Internal Reporting Policy for Council

6.3. Berrigan Shire Council's Policy and Procedures

- Code of Conduct
- Workforce Management Plan
- Statement of Business Ethics
- Equal Employment Opportunity Policy
- Workplace Bullying and Harassment Policy
- Employee Assistance Program Policy
- Fraud Control Policy
- Policy for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors
- Guidelines for the payment of expenses and provision of facilities for staff
- Work Health and Safety Policy and associated procedures

Min. No.

5.8 POLICIES FOR READOPTION

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO: 02.017.1, 22.155.1, 12.049.1

99 RESOLVED Crs Curtin and Glanville that the Council:

- Note that it has reviewed the following policies
 - Commemorative Wreaths
 - Staff Remuneration Package Review
 - Commercial Credit
- Set the date for their next scheduled review as May 2021.

5.9 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:

100 RESOLVED Crs Morris and Bodey that the Council revoke the following Council policies:

- 07 - Berrigan Airstrip
- 66 – Liability Management

Cr Taylor again declared a conflict of interest in this item and left the Chambers at 9:45am.

5.10 DOCUMENTS FOR SIGNING AND SEALING

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

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

FILE NO: PF

101 RESOLVED Crs Morris and Jones that the Council sign and seal the deed of agreement with David Groutsch for a transfer of land to allow for the widening of Tuppal Road.

Min. No.

Cr Taylor returned to the Chambers at 9:46am.

Camillus O’Kane, Town Planner entered the Chambers at 9:46am.

5.11 DEVELOPMENT APPLICATION 115/17/DA/DM

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: 115/17/DA/DM

102 RESOLVED Crs Bodey and Glanville that the Development Application 115/17/DA/DM for a Change of Use - Residential Storage Shed to Fitness Studio 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 (BSC-001 – BSC002), the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. 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)

3. Permitted hours of operation

Operation of the studio shall be carried out only between the hours of 7.00am and 6.30pm Monday to Friday inclusive. No activity shall be carried out on Saturdays, Sundays and public holidays.

4. Soundproofing of the studio

Prior to the operation of classes, soundproofing materials must be installed in order to mitigate the noise generated during the fitness sessions.

Division:

In Favour: Crs: Ross Bodey, John Bruce, Bernard Curtin, Denis Glanville, Colin Jones, Daryll Morris, John Taylor, Matt Hannan

Against: Nil

Min. No.

Camillus O’Kane, Town Planner left the Chambers at 9:55am.

The meeting adjourned at 9:55am and the Mayor made an
Australian Citizenship presentation to:

Mrs Judith URRUTIA
Mrs Anne STRONGE
Mr Ian STRONGE

A presentation was also made to the following long serving
volunteers:

Mrs Barbara Cullen – Tocumwal Recreation Reserve
Mr Jim Cullen – Tocumwal Recreation Reserve
Mrs Marjorie Kable – Mary Lawson Wayside Rest and Finley
Log Cabin
Mr Ian Matheson– Mary Lawson Wayside Rest and Finley
Log Cabin
Mrs Ivy Matheson– Mary Lawson Wayside Rest and Finley
Log Cabin
Mr Barry Dawe – Finley Community Help Group
Mr Len Koschel – Barooga Recreation Reserve

The meeting reconvened at 10:50am.

ITEMS FOR NOTING

- 6.1 NSW LOCAL ROADS CONGRESS 2017
- 6.2 JOINT ORGANISATIONS
- 6.3 COBRAM SECONDARY COLLEGE
- 6.4 TAFE OUTSTANDING ACHIEVEMENT AWARD
- 6.5 DEVELOPMENT DETERMINATIONS FOR THE MONTH OF
APRIL 2017

103 **RESOLVED** Crs Morris and Glanville that Items for Noting
numbered 6.1 to 6.5 inclusive be received and noted.

Min. No.

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

104 RESOLVED Crs Morris and Glanville that recommendations numbered 2 to 3 inclusive of the Corporate Services Committee Meeting held on 3rd May, 2017 be adopted.

5. FINLEY SCHOOL OF ARTS

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 05.101.3

RECOMMENDATION NO. 2 - that the Council adopt the concept plan for the Finley School of Arts redevelopment as amended for the hall crossover and the removal of garden beds and glass panel doors.

6. 2017/18 OPERATING BUDGET

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

FILE NO:

RECOMMENDATION NO. 3 - that the Council adopt the 2017/18 operating budget and budget commentary as a draft for inclusion in the 2017/18 Operational Plan subject to:

- inclusion of provision of public toilets at Barooga and Finley cemeteries and cleaning costs of \$12,000.
- Increase in cemetery user charges of \$6,000 per annum plus meet half of the cost of cleaning public toilets at the Barooga and Finley cemeteries.
- reduction in the budget for replacement servers by \$15,000.
- reduction in the budget for the concept plan for the redevelopment on the Finley School of Arts by \$31,000.

Min. No.

**7.1 MINUTES OF THE TECHNICAL SERVICES
COMMITTEE MEETING**

105 RESOLVED Crs Curtin and Jones that recommendations numbered 1 inclusive of the Technical Services Committee Meeting held on 3rd May, 2017 be adopted.

4. CEMETERY AMENITIES BUILDINGS

AUTHOR: Director Technical Services

**STRATEGIC OUTCOME: Supported and engaged
communities**

**STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and
accessible communities**

FILE NO: 24.030.7, 24.030.8, 24.030.9, 24.030.10

RECOMMENDATION NO. 1 - that the Council support the development of Modus Australia public toilets at Barooga and Finley cemeteries at an approximate cost of \$25,000 each plus annual cleaning costs of \$6,000 each per annum.

Min. No.

MAYORS REPORT

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

- Barooga Debutante Ball
- Opening of Tocumwal Golf and Bowls Club
- School of Arts Memorial Hall
- Inland Rail Tocumwal
- Meeting with cross benchers in Deniliquin
- Little Athletics
- Trainee Golf Championships
- National Heavy Vehicle Regulator Workshop

106 **RESOLVED** Crs Glanville and Jones that the Mayors report be received.

DELEGATES REPORTS

Cr Brodey

- Nil

Cr Taylor

- PGA Trainees

Cr Morris

- RAMROC

Cr Curtin

- ANZAC Day
- Bank meetings
- Health meetings

Cr Glanville

- ANZAC Day
- Opening Tocumwal Golf and Bowls Club
- PGA Trainees
- Golf NSW mid amateurs

Cr Jones

- Central Murray County Council General Manager resigned
- Tocumwal Chamber of Commerce

Cr Bruce

- ANZAC Day
- Barooga Advancement Group meeting

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GENERAL BUSINESS

Cr Bodey

- Tocumwal Foreshore application
- Habitat for Humanity – Group build
- Asbestos Blocks

Cr Taylor

- Nil

Cr Morris

- Nil

Cr Curtin

- Berrigan banking
- Staff positions

Cr Glanville

- Nil

Cr Jones

- Street number reminders
- Justices' of the Peace
- Rotary contribution to Tocumwal Community Development Committee
- Dead tree Moore Street

Cr Bruce

- Traffic count Barooga
- Barooga Bowls Classic

Cr Hannan

- Aerodrome blocks
- Visitor Information Centre
- Melinda Pavey advisor

Development Manager

- Solar farm at Finley
- Finley Hospital grant
- Dept of Planning visit

Director Technical Services

- Tender - Lower River Road

107 RESOLVED Crs Taylor and Morris that the Council hold an extraordinary council meeting on Wednesday 7 June 2017 at 8:00am to consider the application for the Innovation Funding, Tender 03/16/17 and T10/16/17.

Min. No.

Director Corporate Services

- Finley Secondhand Shop Lease

General Manager

- Annual leave from Monday 22 May to Friday May 26, 2017

Cr Bruce

- Central Murray County Council – General Manager

Cr Morris declared a Pecuniary conflict of interest in this item as he is an employee of Central Murray County Council and left the Chambers at 12:13pm.

There being no further business the meeting closed at 12:20pm.