



Council Chambers,  
BERRIGAN. 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **19<sup>th</sup> February, 2014**, when the following business will be submitted:-

**9.00AM**

**Public Question Time**

Mr Frank Bickley – land valuations  
Mr Darrell Bowden – Barooga Walking Track

**COUNCIL MEETING**

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13.	CLOSE OF MEETING	

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

ROWAN PERKINS  
GENERAL MANAGER



## **Council Meeting**

Wednesday, 19<sup>th</sup> February, 2014

### **BUSINESS PAPER**

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1. **APOLOGIES**
2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
3. **VISITORS ATTENDING MEETING**
4. **CONFIRMATION OF MINUTES**  
**RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 15<sup>th</sup> January, 2014 be confirmed.**

#### **5.1 FINANCE – ACCOUNTS**

**AUTHOR:** Finance Manager

**RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31<sup>st</sup> January, 2014, be received and that the accounts paid as per Warrant No.01/14 totalling \$1,553,124.21 be confirmed.**

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#### **REPORT**

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31<sup>st</sup> January, 2014 will be certified by the Finance Manager.
- b) The Finance Manager will certify that the Cash Book of the Council was reconciled with the Bank Statements as at 31<sup>st</sup> January, 2014.
- c) The Finance Manager will certify the Accounts, including the Petty Cash Book made up to 31<sup>st</sup> January, 2014, totalling \$1,553,124.21 and will be submitted for confirmation of payment as per Warrant No. 01/14

## Berrigan Shire Council Business Paper, 19<sup>th</sup> February, 2014

### Items requiring Council Resolution

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- d) The Finance Manager certifies that all Investments have been placed in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993 (as amended), the Minister's Amended Investment Order gazette 11 January 2011, clause 212 of the Local Government (General) Regulations 2005 and Third Party Investment requirements of the Department of Local Government Circular 06-70.
- e) January has shown a decrease in total funds held at the end of December. The decrease is comparable with the same period last year and represents the general pattern in cash holdings over the year.

Total funds held are expected to increase in February with the receipt of the 3rd instalment of the FAG and Rates.

<b>Prior Financial Institution</b>	<b>Amount</b>		<b>Current Financial Institution</b>	<b>Amount</b>	<b>Interest Rate</b>
Hume	\$ 1,000,000.00	3.80%	Hume	\$1,000,000.00	3.70%

### Items requiring Council Resolution

#### Statement of Bank Balances as at 31 January 2014

##### Bank Account Reconciliation

Cash book balance as at 1 January 2014	\$2,293,437.37
Receipts for January 2013	\$ 936,788.37
Transfers from NAB at Call Account	\$ -
	<u>\$3,230,225.74</u>
Less Payments Statement No 01/14	
Cheque Payments V75241-V75258	\$ 12,562.38
Electronic Funds Transfer (EFT) payroll	\$ 372,851.52
Electronic Funds Transfer (EFT) creditors E017327-E017551	\$ 1,152,699.18
Transfers to NAB At Call Account	
Loan repayments, bank charges, etc	\$ 15,011.13
Total Payments for January 2014	<u>\$ 1,553,124.21</u>
Cash Book Balance as at 31 January 2014	<u><b>\$1,677,101.53</b></u>
Bank Statements as at 31 January 2014	\$ 1,677,701.53
Plus Outstanding Deposits	
Less Outstanding Cheques	\$ 600.00
<b>Reconciliation Balance as at 31 January 2014</b>	<u><b>\$1,677,101.53</b></u>

##### INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
National Australia Bank	01/09	At Call	2.60%		\$ 504,336.72
Central Murray Credit Union	94/13	180	4.15%	10/05/2014	\$ 1,000,000.00
Central Murray Credit Union	95/13	210	4.15%	13/03/2014	\$ 1,000,000.00
Bendigo Bank	85/11	179	3.80%	14/03/2014	\$ 2,000,000.00
WAW Credit Union	83/11	180	3.80%	27/04/2014	\$ 2,000,000.00
Commonwealth Bank Australia	98/13	180	3.90%	26/05/2014	\$ 1,000,000.00
Hume	91/12	270	3.80%	9/09/2014	\$ 1,000,000.00
Hume	87/11	180	3.70%	27/07/2014	\$ 1,000,000.00
Hume	97/13	180	3.70%	3/06/2014	\$ 1,000,000.00
Bank Of Queensland	90/12	270	3.80%	11/07/2014	\$ 2,000,000.00
AMP	99/13	270	3.90%	12/09/2014	\$ 1,000,000.00
Goulburn Murray Credit Union	76/09	180	3.75%	26/05/2014	\$ 1,000,000.00
					<u><b>\$ 14,504,336.72</b></u>

**Total Funds Held at 31 January 2014**

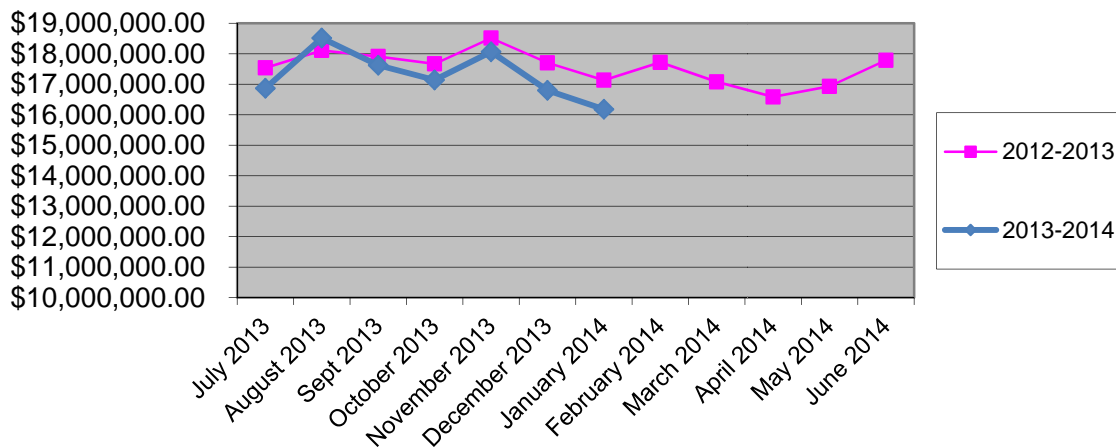
**\$16,181,438.25**

Carla von Brockhusen - Finance Manager

RESOLUTION

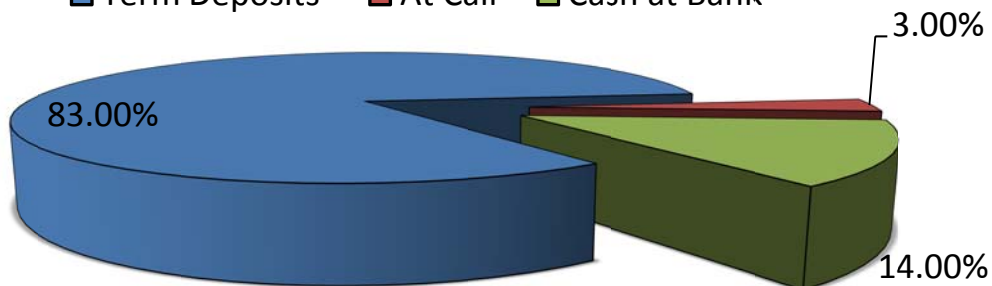
Items requiring Council Resolution

Summary of Total Fund Held at Month End

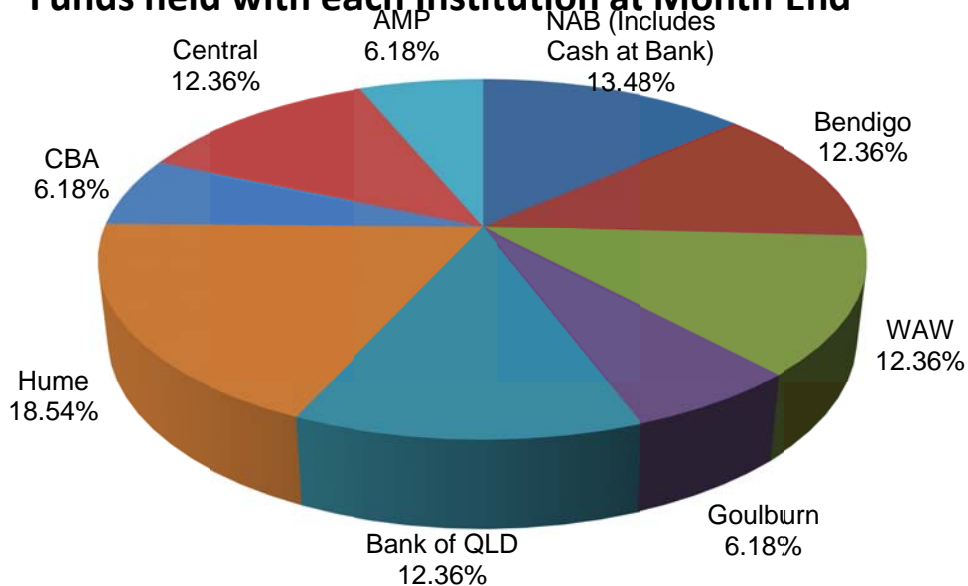


Funds Held By Council at Month End

■ Term Deposits ■ At Call ■ Cash at Bank



Funds held with each Institution at Month End



RESOLUTION

## Items requiring Council Resolution

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### 6 CLOSED COUNCIL

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

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

The matters and information are the following:

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

#### 6.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

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

- (a) personnel matters concerning particular individuals (other than councillors)

Items requiring Council Resolution

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It is not in the public interest to reveal details of personnel.

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

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

6.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

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

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Confidential Items requiring Council Resolution

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Items requiring Council Resolution

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Open Council resumed at .....

**RESOLUTIONS FROM THE CLOSED  
COUNCIL MEETING**

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

RESOLUTION

Items requiring Council Resolution

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

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 21.101.1

**RECOMMENDATION:** - that the Council:

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

President	Mr G Brentnall
Secretary/ Treasurer	Mrs I Twigg
Committee	Mr M Burnett
	R Burnett, J Sullivan, E Evans, G Backhouse, W Wright, R Wright, C Wigg, L Knight and M Burnett

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**REPORT:**

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

## Items requiring Council Resolution

## 7.2 TRANSFER OF LEVEE BANK LAND AT WOPERANA

**AUTHOR:** Director Technical Services

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

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

**FILE NO:** 14.165.12, 14.009.1, 05.005.9

**RECOMMENDATION:** that the Council agree to pay costs of \$4,950 to have the land enclosing the levee bank at Woperana transferred from the Murray Valley National Park to Council ownership.

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**REPORT:**

Part of the Tocumwal levee system is currently constructed on Murray Valley National Park adjacent to Lower River Road and was subject to an occupation license issued by the former NSW Forestry Department. The land is 1.5ha in area and can be identified in the plans and aerial photos included in the valuation report attached as Appendix "B".

The forest area has since been gazetted as National Park under the control of the Office of Environment and Heritage and they have been working towards transferring ownership of land areas that contain Council assets to the Council rather than continuing with occupation licenses.

In this instance it is important that the Council has a clear ability to access the area to maintain and improve its levee system. If the land is transferred to Council ownership it will remove the possibility of conflict with government departments where work is required to be carried out within the national park.

The costs associated with the land transfer are set out below:

Sale Price	\$550
Valuation Fee	\$935
Survey Fees	<u>\$3465</u>
TOTAL	\$4950

There may also be some additional legal costs in having the subdivision formalised.

If Council adopts this recommendation a further report will be presented to the Council to complete subdivision requirements in due course.

Items requiring Council Resolution

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**7.3 DETERMINATION OF FEES PAYABLE TO COUNCILLORS****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**RECOMMENDATION:** - that the Council not make any submission to the Local Government Remuneration Tribunal in relation to its 2014 review and determination of fees payable to Councillors.

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**REPORT:**

The Local Government Remuneration Tribunal is required, pursuant to the Local Government Act, to conduct an annual review and make a determination in relation to fees payable to Councillors.

The Tribunal has commenced its review and has advised that it will not be calling for any submissions from Councils prior to making its determination.

The Tribunal will review the minimum and maximum fee levels for each category of Councils. In doing so the Tribunal has also advised that it is required to apply the Governments public sector wages policy that caps any increases at 2.5%.

Despite the above the Tribunal has invited Councils to advise it of any areas of concern before 21<sup>st</sup> February 2014.

Items requiring Council Resolution

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**7.4 SALE OF LAND AT TOCUMWAL  
AERODROME**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Diverse and resilient business

**STRATEGIC OBJECTIVE:** 4.2 Strengthen and diversify the local economy

**FILE NO:** 05.005.9

**RECOMMENDATION:** - that the Council sign and seal all documents relating to the sale of lots 26, 30, 34 and 35 DP 1190777 and lot 25 DP 1190776.

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**REPORT:**

As Councillors may be aware the subdivision at the Tocumwal Aerodrome is basically complete and the majority of blocks are available for immediate sale. Four lots still require registration of easements, however sales can proceed on these, subject to the registrations, if required.

To date contracts have been entered into, or are proposed to be, for the following sales.

Lot 25	\$77,000
Lot 26	\$66,000
Lot 30	\$66,000
Lot 34	\$66,000
Lot 35	\$66,000

Given the above it would be appropriate to sign and seal all documents related to the proposed sales.

Also regarding the Aerodrome:

The new fuel system has been installed albeit no funding agreement has yet being signed.

The proposed sale of Lot 26 on terms is still awaiting the preparation of the required legal documents but other than the details of these the sale has been agreed.

Items requiring Council Resolution

**7.5 FINANCIAL REVIEW**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**RECOMMENDATION:** - that the Council

1. Note the second quarterly review of the 2013/14 budget and vote the funds contained therein as shown in Appendix “C”.
2. Note the Quarterly Budget Review Statement attached also as “Appendix “D”

**REPORT:**

Circulated with the Agenda as Appendix “C?” is the Quarterly Financial Review for the period 1 October 2013 to 31 December 2013. This report takes into account all known factors and work variations until 31 December 2013 and later where possible, including budget allocations for the 2013/14 financial year.

The summarised results are as follows:

	\$
Revised budget surplus as at 30/9/13	\$ 10,805
Increased expenditure as per this report	\$(263,909)
Increased revenue as per this report	\$ 324,395
 Revised budget surplus as at 31/12/13	 \$ 71,291

While this represents an improvement in the Council’s budget situation, it is still fairly fragile. The Council has two large building projects underway as well as the netball court construction and some allowance may need to be made if significant additional costs are identified.

Major changes proposed in this review include:

- Adjustments of the budget allocations for the projects at Finley and Barooga Recreation Reserves. This is only transferring funds already allocated across accounts – no new funds have been committed at this stage.

RESOLUTION

### Items requiring Council Resolution

- Reallocations of roadwork funding to allow for additional maintenance expenses incurred, largely funding from delaying future works.
- An additional \$120,626 in Natural Disaster Relief and Recovery Arrangements (NDRRA) funding has been made available. This has been reflected as additional expenditure.

#### Favourable:

- Temporary transfer of high security water has raised \$80,000. This has been placed back into the Water Service Reserve for future use.
- An allowance of \$80,000 has been made for the sale of land at Ingo Renner Drive in Tocumwal. This cost would only cover the cost of acquisition and making it ready for sale. Note that these funds are not available for expenditure until a sale is made.
- An additional \$22,000 in Domestic Waste Management charge revenue has been identified – this has been returned to the Domestic Waste Management Reserve.

#### Unfavourable:

- Demolition of the Finley Community Band Hall has been included at a cost of \$11,000.
- \$15,000 has been included for the development of the Corporate Plan – including the cost of the corporate workshop. Funds for this increase were found through savings in the Councillors' equipment budget.

JOB / ITEM	TITLE / DESCRIPTION	AMOUNT	COMMENTS
<b>EXPENSES</b>			
1100-2470	ADMIN MGT PLAN EXPENSES	15,000 (u)	REALLOCATED FROM 1100-2618
1100-2618	EQUIP / FURN – COUNCILLORS <=\$5,000	15,000 (f)	REALLOCATE TO 1100-2470
3670-2026	DWM TRANSFER TO RESERVE	23,500 (u)	INCREASE TRANSFERS TO RESERVE
1412-0150	TIP OPERATING EXPENSES – TOC	12,000 (u)	FROM 1412-0160
1412-0160	RECYCLE CENTRE OPERATIONS EXPENSES	12,000 (f)	TO 1412-0150
4110-2026	WATER SUPPLIES TRANSFER TO RESERVE	80,000 (u)	SALES OF HIGH SECURITY WATER TO RESERVE
1510-0570	MAINS RETIC - FIN	20,000 (u)	TRANSFER FROM 1510- 0615
1510-0615	FIN - FILTERED & UNFILTERED MAIN TONGS/HOWE STS	20,000 (f)	TRANSFER TO 1510-0570



## Items requiring Council Resolution

<b>1610-0886</b>	TOC - REPLACE PUMPS PS No.9	12,000 (f)	REALLOCATE TO 1610-0887
<b>1610-0887</b>	TOC - PUMP STATIONS UPGRADE	18,000 (u)	PARTIAL COVERED BY 1610-0886
<b>1610-0884</b>	FIN - REFURBISH CONCRETE WORK	50,000 (f)	PARTIAL TO 1610-0708
<b>1610-0708</b>	TOC-REFURBISH CONCRETE WORK	40,000 (u)	COVERED BY 1610-0708
<b>1714-0119</b>	FIN - BAND HALL ASBESTOS DEMO	11,000 (u)	REQUIRED FOR HAND BACK TO CROWN LAND
<b>1717-0220</b>	FINLEY REC RESERVE UPGRADES	20,000 (u)	PARTIAL REALLOCATION 1717-0500
<b>1717-0221</b>	FINLEY REC RESERVE CONSTRUCTION	1,564,660 (u)	PARTIAL REALLOCATION 1717-0500
<b>1717-0500</b>	FINLEY REC RESERVE - NEW BUILDING	1,584,660 (f)	REALLOCATE TO 1717-0220 & 1717-0221
<b>1910-0336</b>	RESEAL OSBORNE ST 926-980	23,074 (u)	REALLOCATION FROM 1910-0360 & 1910-0361
<b>1910-0360 &amp; 361</b>	R/S OSBOURNE ST 0-256	23,074 (f)	REALLOCATE TO 1910-0336
<b>0011-0000</b>	RURAL SEALED ROADS - MAINTENANCE	120,626 (u)	INCREASE IN MAINTENANCE
<b>1912-0072</b>	R/S CRUICKSHANKS RD	80,000 (u)	REALLOCATED FROM 1912-0236
<b>1912-0236</b>	MIECHELS ROAD	85,120 (f)	REALLOCATED TO 1912-0072
<b>1912-0240</b>	R/S ROCKLIFFS RD 0-6520	80,400 (f)	REALLOCATED TO 1912-0251
<b>1912-0251</b>	HAYFIELD RD - MR564 TO OAKENFALL	68,000 (u)	REALLOCATED FROM 1912-0240
<b>1912-0121</b>	FIRE BREAKS - RURAL UNSEALED R	17,420 (u)	INCREASED EXPENDITURE – COVERED FROM RURAL UNSEALED MAINTENANCE
<b>2015-0151</b>	INGO RENNER DR LAND	40,000 (u)	REHABILITATION COSTS
<b>INCOME</b>			
<b>1200-1680</b>	WORKCOVER INCENTIVE PAYMENTS	10,388 (f)	INCOME RECEIVED – REALLOCATION FROM 1200-1670
<b>3660-1000</b>	DWM CHARGES COLLECTED	22,000 (f)	INCREASE IN ACTUAL INCOME
<b>4110-1504</b>	SALE OF HIGH SECURITY	80,000 (f)	INCREASE IN ACTUAL

### Items requiring Council Resolution

	WATER		INCOME
<b>6500-1949</b>	BGA REC RESERVE PROJECT CONTRIBUTION	60,000 (f)	CONTRIBUTION EXPECTED – REALLOCATED FROM 6600-1922
<b>6500-1960</b>	BGA REC RES PROJECT CONTRIB	60,000 (f)	CONTRIBUTION EXPECTED – REALLOCATED FROM 6600-1924
<b>6500-1961</b>	BGA REC RES PROJECT IN-KIND	194,000 (f)	IN KIND CONTRIBUTION – REALLOCATED FROM 6600-1961
<b>6500-1959</b>	FINLEY RECREATION RESERVE PROJECT CONTRIBUTIONS	123,000 (f)	REALLOCATION FROM 6600-1923
<b>6600-1961</b>	BAROOGA RECREATION RESERVE PROJECT CONTRIBUTIONS	194,000 (u)	REALLOCATE TO 6500-1961
<b>6600-1922</b>	FINLEY RECREATION RESERVE PROJECT CONTRIBUTION FROM LOAN	60,000 (u)	REALLOCATE TO 6500-1949
<b>6600-1924</b>	BAROOGA RECREATION RESERVE PROJECT CONTRIBUTION FROM LOAN	60,000 (u)	REALLOCATE TO 6500-1961
<b>6600-1923</b>	FINLEY RECREATION RESERVE PROJECT IN KIND	123,000 (u)	REALLOCATE TO 65000-1959
<b>7100-1954</b>	RMS DISASTER RECOVERY FUNDING - FLOOD DAMAGE	120,626 (f)	ADDITIONAL FUNDING CLAIMED
<b>8710-1826</b>	RENTAL - OTHER REAL ESTATE INC. GST	350,000 (u)	REALLOCATED TO 8720-3800
<b>8720-3800</b>	TOC HIGHWAY BLOCK DISPOSAL PROCEEDS	350,000 (f)	FROM 8710-1826
<b>8720-3800</b>	RILEY CRT BLOCK SALE (INGO RENNER)	80,000 (f)	PROPOSED PROCEEDS SALE RILEY CRT

Councillors are invited to make comments or ask questions about any of the variances in this report.

#### Quarterly Budget Review Statement

The December Quarterly Budget Review Statement is attached as Appendix "D".

## Items requiring Council Resolution

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The QBRS is designed to:

- Facilitate progress reporting against the original and revised budgets at the end of the quarter
- Provide explanations for major variations
- Enable the Responsible Accounting Officer (RAO) to indicate if the Council will be in a satisfactory financial position at the end of the financial year.

This QBRS does not make any additional changes to the Council budget over and above the changes identified in the “line-item” report above. The QBRS simply shows the budget changes in another format to arrive at the same result.

The line-item budget report, while prepared on an accrual basis, delivers a “cash” report to the Council – i.e. what is the net cash position of the Council given the budget it has adopted. It gives the Council some comfort that has sufficient cash to undertake the program of works adopted in the budget.

The line-item budget also provides the Council with a complete list of all Council job cost accounts thus ensuring transparency regarding changes to Council programs and /or cost overruns. It is possible however to lose track of the important changes in the large report.

The QBRS, on the other hand, is prepared strictly on an accrual basis and in a format that is consistent with the Annual Financial Statements. While some of the basic transparency of the line-item budget has been lost, it does allow for tracking of the Council’s operating result from quarter to quarter to the end of the financial year.

### Statements

The QBRS consists of six statements:

1. **Responsible Accounting Officer’s statement** – This is a statement from the RAO advising the Council of her opinion regarding the Council’s financial position.

If the RAO advises the Council that its financial position is not satisfactory, the RAO must provide the reasons for her concern and advice on what is required to remedy the situation.

2. **Income and Expenditure Budget Review Statement** – This is the budget equivalent of the Income Statement in the Annual Financial Statements. This report shows an updated projected operating result for the year and the effect of the proposed budget changes to the operating result.

### Items requiring Council Resolution

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- The first column shows the Council's original budget as reflected in the Management Plan adopted by the Council in June.
- The next five columns show budget changes previously approved by the Council. In this case, this reflects Council's works brought forward from 2012/13. It also reflects some coding changes between the budget as shown in the Long Term Financial Plan and the Quarterly Budget Review Statement. These coding issues require some work before the next review.
- The Revised Budget column shows the Council's budgeted result prior the changes adopted by the Council in the December quarter review.
- The highlighted Variations this Quarter column shows the effect of the changes adopted by the Council at the review; and
- The Projected Year End Result shows the Council's current position.
- Finally, the actual YTD figures show what the Council's actual result for the quarter. As the Council raises much of its rate revenue at the start of the financial year, this will be significantly more than the projected result for the year.

The December QBRS shows the Council is estimating to return an operating **deficit** before capital items for the 2013/14 year of \$0.8m. Note that this deficit is entirely the result of being paid 50% of the Council's 2013/14 Financial Assistance Grant in June 2013. Without this advance payment, the Council would be projecting to make a reasonable surplus of around \$1.2m

Overall, there has not been much change this quarter to the Council's projected operating position. The only significant change has been the re-categorisation of the sale of a plot of land in Tocumwal from "Other revenue" to "Gain on the disposal of assets"

### 3. Capital Budget Review Statement – This statement presents the Council's budgeted capital works program.

The first half of the table shows how much the Council is proposing to spend on capital projects while the second half demonstrates how the Council is preparing to pay for them. The statement also splits Council's expenditure into sub-categories of New Assets, Renewal Assets and Loan Repayments.

### Items requiring Council Resolution

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As per the Income and Expenditure Budget Review Statement, the Capital Budget Review Statement works from left to right from the original budget through the previously adopted changes through to the proposed changes and followed by the revised budget.

Since all expenditure should be funded in some manner, the Capital Expenditure and Capital Funding sections of this report should balance.

The major change in the December quarter to this statement again relates to the re-categorisation of the sale of a plot of land in Tocumwal.

4. **Cash & Investments Budget Review Statement** – This statement attempts to show the movements in the Council's cash position and cash reserves as well as duplicating some of the investment and bank reconciliation detail provided in the monthly warrant report to the Council.

Again the columns in this statement track the changes made as the year progress in the same manner as the previous two columns.

This report is in my opinion a very useful one for the Council as it allows the Council to track changes in its commitments and unrestricted cash.

The changes in this statement largely reflect transfers to reserves identified in this statement.

5. **Key Performance Indicators Budget Review Statement** – This statement is designed to provide some simple financial indicators to give the Council a snapshot of how it is performing financially.

Unlike the earlier reports there is some freedom here for the Council to choose what indicators it would like to see included in the report. The finance team have chosen three that seem reasonably useful for the Council to track.

- Debt Service Ratio – an indicator of how much of the Council's income is used to service its debt
- Rates & Annual Charges Coverage Ratio – an indicator of how reliant the Council is on its rates revenue
- Building and Infrastructure Renewal Ratio – an indicator of the Council's effort in renewing its assets as they deteriorate.

6. **Contracts and Other Expenses Budget Review Statement** – This statement is an attempt to provide the Council with some detail about

**Items requiring Council Resolution**

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the Council's new contractual arrangement and expenditure on consultancies and legal expenses.

The contract with Kennedy Builders for the construction of the Finley Recreation Reserve building has been added.

RESOLUTION

Items requiring Council Resolution

**7.6 DELIVERY PROGRAM REVIEW AND OPERATIONAL PLAN REPORT**

**AUTHOR:** Strategic and Social Planning Coordinator

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

**RECOMMENDATION:** - that the Council note the December 2013 Delivery Program Review and December 2013 Quarter Progress Report of the Annual Operational Plan 2013/14 circulated as Appendix “E”.

**REPORT:**






**Annual Operational Plan**

Circulated with this Agenda as Appendix “E” is the December 2013 Delivery Program 2013 – 2017 Review and December 2013 quarterly review and progress report of the Council’s *Annual Operational Plan 2013/14*: the first year of Council’s *Berrigan Shire 2023: 4-year Delivery Program 2013 – 2017*.

This report provides a traffic light review with comments by Responsible Officers of the status of:

- Council actions that support and promote *Berrigan Shire 2023* outcomes (these are outcomes which match Department of Local Government’s quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program* Objectives;
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

The traffic light format provides a visual update on the status of *Council’s Annual Operational Plan* and Council’s progress toward full implementation of its *4-year Delivery Program*. It should be read in accordance with the following key:

 Complete	 On Target	 Not On Target	 Past Due	 No Status / Deferred
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R E S O L U T I O N

### Items requiring Council Resolution

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Additional information in the appended reporting and monitoring Review and Progress Report includes:

1. A percentage target for each *Delivery Program, Annual Operational Plan* objective and or *Operational Plan* action – usually 100% though in some instances where it is reasonable to assume a degree of ‘slippage’:(i.e.: seasonality; carryover from previous years and or carry forward as is the case for ongoing capital works) the full year performance target may be lower
2. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target
3. Comments from the Responsible Council Officer highlighting service achievements and or the challenges relevant to the Council operation being reported and its status.

Council should also note that not all Annual Operational Plan Actions or objectives have targets set. This is because the action may be related to a higher order objective and or further work still needs to be done on determining the most appropriate measure and target.

Council should also note that the employment of an Economic Development Officer in this quarter has seen a number of actions that were previously not on target in the September review now on target.

The following table provides a summary of the status of Council’s Annual Operational Plan actions.






In the context of Council’s 4-year Delivery Program 2013 – 2017 this is a pleasing start to the first year of the Delivery Program with no planned actions past due and only two actions identified as being deferred.

Namely, the strategic review and management of recreation open space assets and facilities and Council’s participation in Sun Country on the Murray’s development of a Tourism Strategy.

These are issues that will be discussed at Council’s Corporate Planning Workshop scheduled for the 20<sup>th</sup> and 21<sup>st</sup> of February 2014.



## Items requiring Council Resolution

Outcome	 Complete	 On Target	 Not On Target	 Past Due	 No Status / Deferred	Total
Sustainable Natural and Built Environment	1	20	1	0	0	22
Good Government	1	25	3	0	0	29
Supported and Engaged Communities	2	29	7	0	1	39
Diverse and Resilient Business	0	20	7	0	1	28
<b>Delivery Program Status</b>	<b>4</b>	<b>92</b>	<b>18</b>	<b>0</b>	<b>2</b>	<b>118</b>

RESOLUTION

Items requiring Council Resolution

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**7.7 TOCUMWAL AERODROME SUBDIVISION –  
CREATION OF EASEMENTS****AUTHOR:** Development Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** Property File**RECOMMENDATION:** - that the Section 88B instrument associated with the creation of easements for electricity supply Tocumwal Aerodrome subdivision be signed and sealed for registration purposes.

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**REPORT:**

Subsequent to the recent subdivision of a section of the Tocumwal Aerodrome, Essential Energy has requested that easements be created for two of their assets, being an overhead power line traversing two allotments and also a substation encroaching small areas of another two allotments.

In order to finalise the subdivision and to meet the power provider's requirements it would now be appropriate to sign and seal the Section 88B instrument to enable the creation of the easements.

## Items requiring Council Resolution

**7.8 COMMERCIAL CREDIT POLICY****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** 26.063.3**RECOMMENDATION:** - that the Council adopt the following Policy for Commercial Credit.**1. POLICY STATEMENT**

Berrigan Shire Council provides a range of services on a commercial basis to the public. These services include:

- Waste Management
- Water cartage and delivery
- Road and footpath construction
- Building certification

There may be occasions where it is appropriate to offer credit to users of these facilities. It is important that the Council has in place a framework to assess requests for credit and manage the risk to the Council that providing credit entails

**2. PURPOSE**

This policy sets the terms and conditions on which the Council will offer credit for customers/clients of its commercial operations. The policy aims to promote transparency and consistency, reduce the risk of fraud by minimizing cash transactions and eliminate as far as possible the costs to Council of offering credit.

**3. SCOPE**

This policy applies to all customers of Council services requesting credit unless otherwise exempt.

## Items requiring Council Resolution

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### 4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.2.2.3:

*Coordinate Council investments, financial management, financial operations and processing*

### 5. POLICY IMPLEMENTATION

#### 5.1 General policy

The Council has no obligation to offer credit to its customers or clients. The provision of credit is a privilege and not a right.

As a general rule, the Council will not offer credit to customers/clients of its services and facilities. Payment should be made either in advance or at the point of sale.

However, there are some limited circumstances where the Council will provide credit facilities.

#### 5.2 When credit may be offered

The Council can offer credit in circumstances where:

- Requiring cash up front is impractical for the Council or the customer
- Business operations for the Council are streamlined
- Excessive cash-handling at remote sites or by employees working alone can be avoided

#### 5.3. Applications for credit

Applications for commercial credit must be made in writing. The application must provide any information required by the Finance Manager.

An application for credit must be submitted and approved before the Council will provide any service on credit.

#### 5.4. Approval for credit

The person responsible for approving applications for credit is the Finance Manager. In his or her absence, the Director Corporate Services may grant approval.

The General Manager may, at any time, approve an application for credit.

Applications will be assessed on the following basis

- The use of credit terms.
- Previous payment history with the Council (including payment of rates)

## Items requiring Council Resolution

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- Business relationship with the Council.
- General credit history

### 5.5. Credit terms

The Council's standard credit terms are "nett 30 days". Any change or variation from these terms granted by the Finance Manager will be specifically noted in writing.

When approving an application for credit, the Finance Manager will nominate a credit limit – not to be exceeded without the Finance Manager's specific written permission.

### 5.6. Collections

Collection of outstanding debt will be undertaken as per the Council's Collection Policy.

### 5.7. Withdrawal of credit

Credit can be withdrawn at the absolute discretion of the Finance Manager.

Access to use of the Council's credit will be placed on hold immediately on a payment becoming overdue and will not be restored until such time as the Finance Manager is satisfied that the outstanding amount has either been paid or a suitable repayment plan has been agreed.

### 5.8. Exemptions

The following charges and/or services are exempt from this policy. Credit and/or access to these services may still be restricted based on other Council policies and procedures

- Ordinary rates
- Utility charges (Water access, Sewer, Domestic Waste Management, Garbage Collection, Stormwater)
- Water consumption charges
- Contributions for infrastructure per s217 of the *Roads Act* 1993 ("Half-cost" schemes)
- Burial charges
- Expenses for uniforms, private use of vehicles, travel incidentals etc. charged to staff
- Developer charges
- Services provided to volunteer committees of the Council
- Services provided to Home and Community Care clients

### Items requiring Council Resolution

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## 6. RELATED POLICIES OR STRATEGIES

### 6.1 Legislation

- *Local Government Act 1993*

### 6.2 Council policies

- Berrigan Shire Council Code of Conduct
- Delivery Program
- Fraud Control Policy

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### REPORT:

In order to provide some guidance to Council finance staff as well as operators of Council facilities such as the Waste Management Facility, staff have prepared a policy to manage the provision of commercial credit to customers using Council services.

The proposed policy sets the terms and conditions on which the Council will offer credit for customers/clients of its commercial operations. The policy aims to promote transparency and consistency, reduce the risk of fraud by minimizing cash transactions and eliminate as far as possible the costs to Council of offering credit.

This would apply to all customers of Council services requesting credit unless otherwise exempt.

The policy allows for exemptions for:

- Ordinary rates
- Utility charges (Water access, Sewer, Domestic Waste Management, Garbage Collection, Stormwater)
- Water consumption charges
- Contributions for infrastructure per s217 of the *Roads Act 1993* (“Half-cost” schemes)
- Burial charges (This exemption may require some consideration)
- Developer charges
- Services provided to volunteer committees of the Council
- Services provided to Home and Community Care clients

The policy provided above in simple terms provides for the following

- Credit is offered to customers as a privilege and not a right

**Items requiring Council Resolution**

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- Credit requires pre-approval and this approval can only be granted by the Finance Manager and/or the General Manager
- Credit will be withdrawn until all accounts are brought up to date or an agreed payment plan is agreed.
- Credit can be withdrawn as seen fit by the Finance Manager and/or the General Manager

This policy is a draft for discussion and the Council may see fit to modify this or choose not to adopt any policy at all.

**RESOLUTION**

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 Items requiring Council Resolution
 

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**7.9 ROADSIDE CLEAR ZONES****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife**FILE NO:** 28.121.2

**RECOMMENDATION:** - that the Council review its Roadside Hazard Treatment Policy to determine if alternative methods can be introduced to either reduce destruction of significant roadside vegetation or where significant destruction is unavoidable alternative revegetation on land other than road reserves can be considered and further that the authors of the joint letter be advised of the Council's intended review.

**REPORT:**

Councillors may recall at the January 2014 meeting it received representations from residents in the area of Broughan's Road, Finley. The residents were concerned with the level of tree removal and lack of vegetation restoration works associated with the reconstruction and upgrading of Broughan's Road.

Associated with those representations the Council has received a joint letter from forty five residents that:

- Advises whilst appreciating the road improvement they are devastated by the impact of the tree removal;
- Highlighting the negative impacts of the tree removal;
- Suggesting that trees can be retained whilst still improving the road;
- Requesting that the Council reconsider its options to provide both an improved road and maintenance of the existing environment.

A copy of the joint letter is circulated as appendix "F" with this agenda.

The activities at Broughan's Road that are of concern to the residents are a result of the application of both the standards existing in the Council's asset management plan and the Council's Roadside Hazard Treatment Policy.



**Items requiring Council Resolution**

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While both the plan and the policy are aimed creating safer roads that are relevant to their usage and providing safer conditions when accidents or incidents do occur it may be possible to review Roadside Hazard Treatment Policy to include other alternative treatments where tree removal or the installation of guard rail etc may not be the only or best solution. An example of this was put to the last meeting by residents where it was suggested that the Council could work with landholders to provide revegetation on private land.

A copy of the Council's existing policy is circulated as appendix "G" with this agenda.

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Items for Noting

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**RECOMMENDATION** – that Items for Noting numbered 8.1 to 8.8 Inclusive be received and noted.

**8.1 ROADS AND MARITIME SERVICES / LOCAL GOVERNMENT STRATEGIC DISCUSSION FORUM**

**AUTHOR:** Director Technical Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 28.094.1

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**REPORT:**

Roads and Maritime Services have recently appointed Lindsay Tanner to the position of Regional Manager, South West Region. Lindsay has invited Council representatives to attend a Strategic Discussion Forum in April to discuss the following topics:

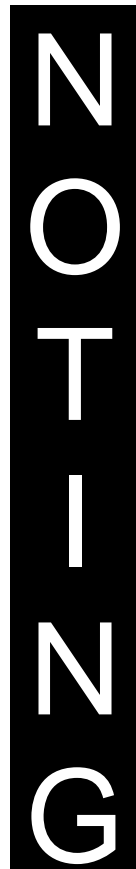
- Roads and Maritime Matrix structure.
- Freight and Ports Strategy 2013
- Murray-Murrumbidgee Regional Transport Plan
- Bridges for the bush program
- Corridor Strategies
- Issues Council request on the agenda

It is intended that these forums replace the Regional Consultative Committee meetings and have a more strategic focus.

This round of meetings is proposed for the 1<sup>st</sup> April, 2014 at Deniliquin and the 3<sup>rd</sup> April, 2014 at Wagga Wagga.

The meetings will be held between 11.00am and 1.00pm with a light lunch afterwards.

It is intended that the Director Technical Services and the Mayor attend the Deniliquin meeting.



Items for Noting

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**8.2 COUNCIL SUBMISSION – INDEPENDENT  
LOCAL GOVERNMENT REVIEW PANEL  
FINAL REPORT**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

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**REPORT:**

As Councillors may be aware, staff are in the process of developing a draft response to the Final Report prepared by the Independent Local Government Review Panel for consideration by the NSW Government.

Whilst it was hoped that the Government was adjusting its requirement for submission to be received by 7<sup>th</sup> March 2014, this has not occurred.

The Council's draft submission is nearing completion and it is proposed to have the Council finally review this at the Corporate Workshop so that it can be finalized and submitted by the required date.

The documents that form the basis of submissions to be made by LGNSW and the LGMA has been placed in the dropbox in the "Review of Local Government" folder. The LGNSW document provides some interesting commentary attributed to Ross Woodward.

P.S. The Minister for Local Government has now extended the submission date to 4<sup>th</sup> April, 2014.

Items for Noting

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**8.3 FINLEY RODEO**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 02.163.1

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**REPORT:**

The President of the Finley Rodeo Committee has written to thank the Council for its financial and in kind support that contributed to the success of the 2014 Finley Rodeo.

Items for Noting

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**8.4 EXECUTIVE CERTIFICATE FOR ELECTED MEMBERS**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

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**REPORT:**

The Council previously considered a report regarding the fact that .

LGNSW, in partnership with the UTS Centre for Local Government and TAFE NSW, has developed the Executive Certificate for Elected members – a high quality accredited program, which gives Councillors a pathway to higher learning.

The five-day program is conducted over three stages and covers:

Stage 1 – Role of an Elected Member (one day)

Stage 2 – Legislative Responsibilities of NSW Elected Members (two days)

Stage 3 – Effective Decision Making (two days)

On successful completion of the program, participants will receive a Statement of Attainment for the National Elected Members Skills Set, as well as a UTS Executive Certificate for Elected Members.

The program also offers a pathway to higher learning. Eligible participants wishing to progress to postgraduate tertiary studies will receive one subject credit towards the UTS Centre for Local Government's "Graduate Certificate in Local government Leadership" or the "Master of Local Government".

LGNSW has advised the Council that a small number of places are still available for the regional Coffs Harbour course on Friday 28 February to Sunday 2 March and Friday 28 – Saturday 29 March 2014.

Cost of the course is \$3,500 (excl GST).

Items for Noting

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**8.5 DISABILITY INCLUSION BILL**

**AUTHOR:** Strategic and Social Planning Coordinator

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 14.165.6

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**REPORT:**

The New South Wales State Government Minister for Disability Services Hon John Ajaka MLC has sought comment on the draft *Disability Inclusion Bill 2014* before it is introduced into Parliament this year.

This Bill and subsequent legislation will replace NSW Disability Services Act 1993 and is designed to strengthen the individual rights of people while also providing a framework for services in the lead up to the full implementation of the National Disability Insurance Scheme.

LGNSW sought comment from local Councils for inclusion in its submission and requested that Councils comment on the provisions of the Bill related to:

- Broadening and strengthening the definition of disability;
- The development by State government of a State Disability Inclusion Plan; and the
- Development by Local Government and State Agencies of a Disability Action Plan.

A copy of the submission forwarded to the LGNSW 2 February 2014 and the NSW Department Families and Community Services 11 February 2014 is attached as Appendix "I".

Items for Noting

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**8.6 MAY RAMROC MEETING**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 14.099.2

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**REPORT:**

The next RAMROC meeting is scheduled to be held on Wednesday 7<sup>th</sup> May 2014.

The proposed meeting date has been rescheduled to Wednesday 30<sup>th</sup> April 2014 to facilitate a meeting with the Minister for Local Government to discuss the Final Report prepared by the Independent Local Government Review Panel.

The meeting will be held at Albury instead of Jerilderie and will commence at 9.30 am for 10.00 am.

The Mayor and General Manager are the Council's formal representatives on RAMROC however any other Councillors are welcome to attend.

**Would any Councillors other than the Mayor proposing to attend the RAMROC meeting please advise the General Manager at the meeting.**



Items for Noting

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**8.7 INTERNATIONAL WOMEN'S DAY**

**AUTHOR:** Library Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 03.095.2

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**REPORT:**

The Berrigan Shire Library Service is again hosting an International Women's Day luncheon on March 8<sup>th</sup> at the Berrigan Recreation Reserve for the fourth year. After the success and encouragement of the first 2011 literary lunch, which celebrated 100 years of International Women's Day, the Council has continued this highly anticipated event each year on the day.

This year, 2014, we are very excited to offer three internationally published Australian authors who will be speaking about their lives and 'Women who have inspired us'.

Di Blacklock, Ber Carroll and Liane Moriarty are friends who quarterly host an online 'bookchat' space to keep their fans informed of their lives, loves and current work. Ber has recently sold the film rights to her book, 'High Potential'.

These authors write contemporary Australian fiction and will connect well with the local audience with their flair for reflecting the lives of ordinary Australians through their work.

Many of our members have read and enjoyed Di, Ber and Liane's books, therefore we anticipate good support on the day.

This event is open to all.

Items for Noting

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**6. REFUGEE RESETTLEMENT**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:**

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**REPORT:**

The Council, at its November 2013 meeting resolved *“that the Council contact the Immigration Minister to determine if there is any interest in regional redeployment of asylum seekers and query:*

- *What is required*
- *What support provided to*  
*transport*  
*Education*  
*Health*  
*Housing*  
*Etc”*

As a result of the above resolution the Mayor wrote to the Minister for Immigration and Border Protection, Scott Morrison MP, expressing the Council's interest in regional deployment of asylum seekers to Berrigan Shire and requesting a meeting with the Minister.

The Acting Assistant Secretary of the Department has now replied to the Council. A copy of the response is circulated with this agenda as Appendix “J”.

The key elements of the response are:

- The Government cannot presently issue Temporary Protection Visas;
- At this stage the Government is not in a position to open new regional resettlement locations in Australia, including NSW; and
- The Minister is not able to meet with the Mayor due to existing commitments.

Items for Noting

**8.8 DEVELOPMENT DETERMINATIONS FOR MONTH OF JANUARY 2014**

**AUTHOR:** Support Officer

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

**REPORT:** APPLICATIONS DETERMINED FOR JANUARY

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
41/14/DA/DM	Use of deck and hinged floating pontoon as a single mooring	QUICKS ROAD, BAROOGA NSW 3644 (Lot133//DP1013085)	Yawley Holdings P/L	YAWLEY HOLDINGS PTY LTD	Approved 28-01-2014	\$ 35000.00	Active 29	Total 29
43/14/DA/D6	Additions to Dwelling	1-3 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot2//DP253555)	Robert & Helen	MR R BOWMAN AND MRS H M BOWMAN	Approved 16-01-2014	\$ 172000.00	Active 0	Total 19
45/14/DA/DM	Use and Development of an NBN co-fixed Wireless Telecommunications Facility	75-85 HAMILTON STREET, FINLEY NSW 2713 (Lot2//DP1014875)	Daly International Pty Ltd	MR J B MCNAUGHT AND MRS V MCNAUGHT	Approved 28-01-2014	\$ 0.00	Active 22	Total 22
46/14/DA/DM	Use of Building	SEPPELTS ROAD, BAROOGA NSW 3644 (Lot4//DP659936)	David Murphy	SPUD NOMINEES PTY LTD	Approved 17-01-2014	\$ 0.00	Active 15	Total 15
47/14/CD/M5	Inground Fibreglass Swimming Pool	66 HENNESSY STREET, TOCUMWAL NSW 2714 (LotA//DP368701)	Poolside Cobram	MR JL TURNBULL AND MRS ME TURNBULL	Approved 07-01-2014	\$ 36500.00	Active 1	Total 1
47/14/DA/D3	Office Addition to Existing Shed	BURMA ROAD, TOCUMWAL NSW 2714 (Lot1//DP808187)	David Riley	RILEY & CO PTY LTD	Approved 13-01-2014	\$ 17800.00	Active 4	Total 4
48/14/CD/M6	Pergola	86-88 DENILIQVIN STREET, TOCUMWAL NSW 2714 (Lot51//DP711033)	Apollo Patios	MR G M MANNIX AND J MANNIX	Approved 23-01-2014	\$ 19500.00	Active 3	Total 3

### Items for Noting

#### APPLICATIONS PENDING DETERMINATION AS AT 11-02-2014

Application No.	Date Lodged	Description	Property Location
49/14/DA/D9	24-01-2014	10 Lot Subdivision	1-35 HAMILTON ST, FINLEY NSW 2713 (Lot1165//DP875732)
51/14/DA/D2	30-01-2014	Additions to Preschool	6-8 DAWE AVENUE, FINLEY NSW 2713 (Lot22//DP758412)
53/14/DA/D5	05-02-2014	Residential Storage Shed	5-7 HUNTER DRIVE, TOCUMWAL NSW 2714 (Lot16//DP1091884)
54/14/DA/D3	06-02-2014	Hard Rock Quarry	123 YARRAWONGA ROAD, BERRIGAN NSW 2712 (Lot15//DP752291)
55/14/DA/D9	06-02-2014	Boundary Realignment	59-67 HAMILTON ST, FINLEY NSW 2713 (Lot1172//DP842762)

#### TOTAL APPLICATIONS DETERMINED / ISSUED

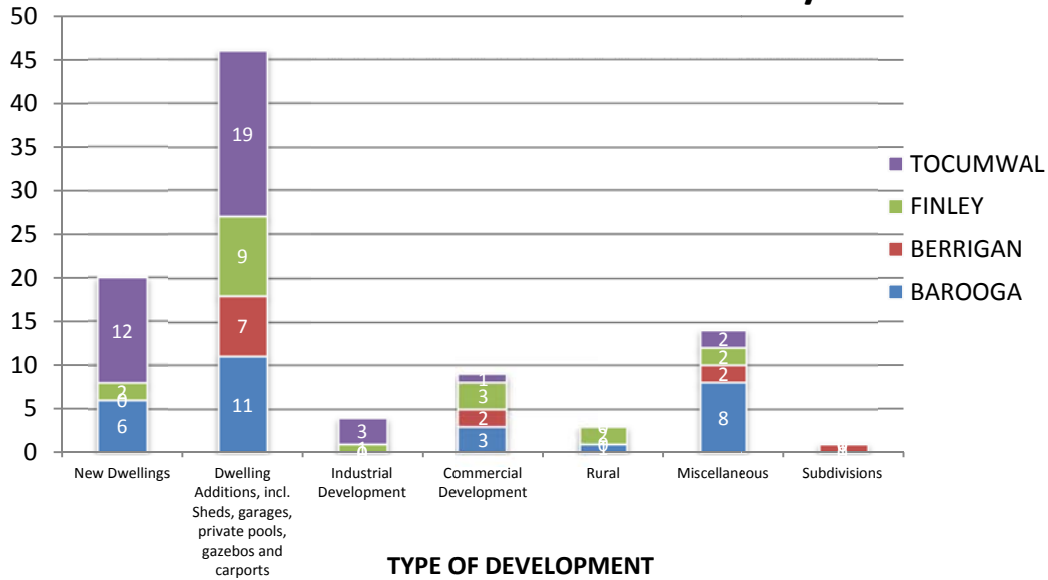
	This Month (January)	Year to Date	This Month Value	Year to Date Value
<i>Development Applications Determined</i>	5	51	\$563,440.00	\$13,325,329.00
<i>Construction Certificates Issued</i>	2	35	\$2,280,340.00	\$5,783,879.00
<i>Complying Development Cert. Issued</i>	2	46	\$555,378.00	\$3,392,815.00
<i>Local Activity Approvals Issued</i>	4	32	0	0

#### OTHER CERTIFICATES ISSUED FOR JANUARY

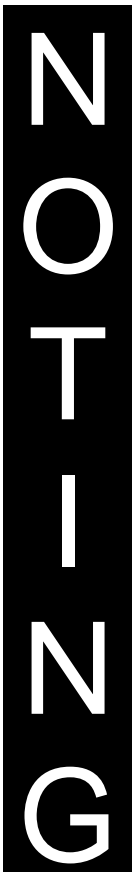
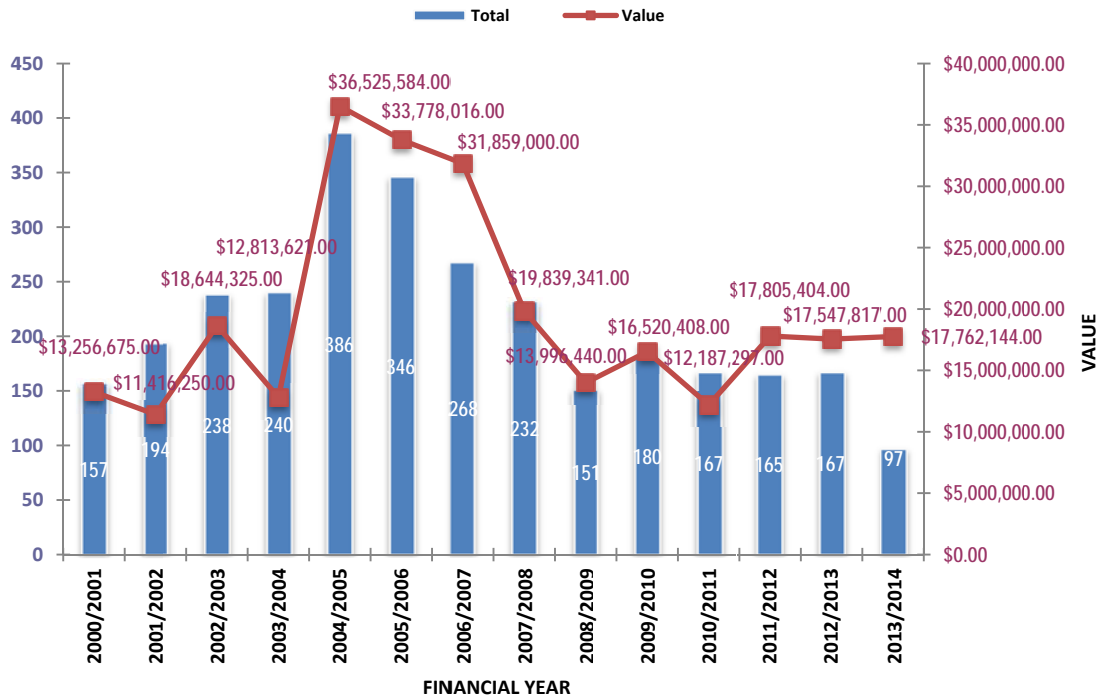
	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total
BAROOGA	14	56	6	9	6	7	6	7	0	0	0	1
BERRIGAN	8	36	0	3	1	5	0	1	0	0	0	0
FINLEY	5	74	0	4	0	6	0	0	0	2	0	0
TOCUMWAL	13	97	0	19	2	5	2	2	0	3	1	1
TOTAL	40	263	6	35	9	23	8	10	0	5	1	2

Items for Noting

DEVELOPMENT ACTIVITY 2013 / 2014



DEVELOPMENT ACTIVITY



Committee meeting reports

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**9.1 MINUTES OF A CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 5<sup>TH</sup> FEBRUARY, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 9.00 AM.**

**RECOMMENDATION** – that recommendations numbered 1 to 3 inclusive of the Corporate Services Committee Meeting held on 5<sup>th</sup> February, 2014 be adopted.

**5. NAMING OF THE BAROOGA RECREATION RESERVE MULTI-FUNCTION BUILDING**

**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:** 21.051.1

**RECOMMENDATION NO. 1** - that the Council prepare a Policy requiring Committees of Management to seek the Council's permission to name infrastructure at Council controlled facilities.

**6. BERRIGAN WAR MEMORIAL SWIMMING POOL**

**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:** 26.160.1

**RECOMMENDATION NO. 2** - that the Council note the report and consider further at the Council's Corporate Workshop.

**7. LOCAL GOVERNMENT PERFORMANCE FRAMEWORK**

**AUTHOR:** Strategic and Social Planning Coordinator  
**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

**RECOMMENDATION NO. 3** - that the Council review and endorse the submission forwarded to the Division of Local Government on the Local Government Performance Framework.

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**9.2 MINUTES OF A MEETING OF THE EVENTS COMMITTEE HELD WEDNESDAY, 5<sup>TH</sup> FEBRUARY, 2014 COMMENCING AT 10.15 AM.**

**RECOMMENDATION** – that recommendations numbered 1 to 4 inclusive of the Events Committee Meeting held on 5<sup>th</sup> February, 2014 be adopted.

**4. EVENT EVALUATION – BERRIGAN RACE CLUB LADIES DAY EVENT**

**AUTHOR:** Enterprise Risk Manager  
**STRATEGIC OUTCOME:** Good government  
**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting  
**FILE NO:** 08.063.3

**RECOMMENDATION NO. 1** - that the Council take no further action in relation to clarifying funds spent on the Berrigan Race Club Ladies Day Event, and put in place formal guidelines for breaches of funding agreements.

**5. EVENT EVALUATION - BAROOGA BULLS AND BEATS**

**AUTHOR:** Economic Development Officer  
**STRATEGIC OUTCOME:** Diverse and resilient business  
**STRATEGIC OBJECTIVE:** 4.3 Diversify and promote local tourism  
**FILE NO:** 08.063.3

**RECOMMENDATION NO. 2** - that Council notes the Event funding acquittal as submitted by the Barooga PBR.

**6. EVENT EVALUATION – STRINGS MUSIC FESTIVAL**

**AUTHOR:** Economic Development Officer  
**STRATEGIC OUTCOME:** Diverse and resilient business  
**STRATEGIC OBJECTIVE:** 4.3 Diversify and promote local tourism  
**FILE NO:** 08.063.3

**RECOMMENDATION NO. 3** - that Council notes the Event funding acquittal as submitted by the Strings Music Festival committee.



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**7. EVENT FUNDING APPLICATION – FINLEY  
MONSTER WEEKEND**

**AUTHOR:** Economic Development Officer  
**STRATEGIC OUTCOME:** Diverse and resilient business  
**STRATEGIC OBJECTIVE:** 4.3 Diversify and promote local tourism  
**FILE NO:** 08.063.3

**RECOMMENDATION NO. 4** - that the Council provide \$3,500 support to the Finley Monster Weekend event.

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**9.3 MINUTES OF A MEETING OF THE RISK MANAGEMENT COMMITTEE HELD WEDNESDAY, 5<sup>TH</sup> FEBRUARY, 2014 COMMENCING 11.07 AM.**

**RECOMMENDATION** – that recommendations numbered 1 to 3 inclusive of the Risk Management Committee Meeting held on 5<sup>th</sup> February, 2014 be adopted.

- 1. TREE MANAGEMENT POLICY**  
**AUTHOR:** Enterprise Risk Manager  
**STRATEGIC OUTCOME:** Good government  
**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting  
**FILE NO:** 27.151.1

**RECOMMENDATION NO. 1** - that the Council adopt:  
1. the Tree Management Policy as outlined below;  
2. the Preferred Tree Species List included as Appendix 1.

**TREE MANAGEMENT POLICY**

File Reference No: 11.151.1  
Strategic Outcome: Good government  
Date of Adoption: [Click here to enter a date.](#)  
Date for Review: [Click here to enter a date.](#)  
Responsible Officer: Enterprise and Risk Manager

**1. POLICY STATEMENT**

Council is committed to the maintenance and improvement of its surrounding flora by effectively managing trees and vegetation within urban areas, road reserves and other lands over which Council has control.

This policy seeks to provide a practical and balanced approach to tree management. Whilst the health, safety and welfare of Council staff and the community, and the protection of public property, and private property where Council trees may encroach, is paramount, Council is also committed to preserving trees, improving the aesthetic urban landscape,

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and effectively managing the environment. Whilst these objectives can be conflicting, responsible risk management shall take precedence in any determination regarding existing or future plantings.

**2. PURPOSE**

The purpose of this policy is to formalise the Berrigan Shire Council's management of trees including:

- Tree selection and planting
- Risk Assessment
- Maintenance and tree removal
- Preservation

**3. SCOPE**

This policy shall apply to all trees and shrubs that are growing on any property under Council's control including operational land, community land, nature strips, road reserves and public reserves.

**4. OBJECTIVE**

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

*1.2.1 Partner with community groups and agencies on projects that retain and preserve the health of our natural landscapes and wildlife;*

*2.2.2 Council operations support ethical, transparent and accountable corporate governance.*

**5. DEFINITIONS**

*Preferred Species are the trees that Council would select for planting after considering various factors including environmental, proximity to infrastructure, and ongoing maintenance.*

**6. POLICY IMPLEMENTATION**

**6.1 New Tree Selection and Placement**

**6.1.1 Tree Planting – Residents**

1. Council will provide suitable trees to plant on nature strips, but will also authorise residents to plant trees, provided that:-

- a. A written application is made for such planting containing an undertaking from the applicant that the trees, once planted, will be watered and otherwise maintained by the applicant;

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- b. The trees will be of a type that is listed in Council's Preferred Species List;
  - c. The total number of trees on any section of nature strip (including existing trees) does not exceed two (2) for each property frontage, except where the General Manager may determine that additional trees are warranted, where the property frontage is significantly longer than normal or other unusual circumstances exist.
2. Residents or land owners may provide and plant additional trees on nature strips at their own cost provided that such trees are of a type listed on Council's Preferred Species List and provided that such plantings are located so as to minimise future problems in regard to Council infrastructure (such as kerb and gutter, water mains, etc), other services (such as powerlines, gas or cabling) and the safety of pedestrians or traffic.
3. A resident or land owner may be required to remove or relocate any nature strip tree planted without prior approval if the location or type of tree may, in the future:-
- a. Cause damage to water mains, sewer mains, drainage lines, footpaths, kerb and gutter or other Council facilities or utilities, or
  - b. Encroach on powerlines, or
  - c. Cause a safety hazard to pedestrians or vehicular traffic.

**6.1.2 Tree Planting and Maintenance in New Subdivision Developments**

Where a developer is required to plant trees as part of the planning permit process for new developments, Council will oversee the planting and establishment.

Approved landscape plans must conform to site assessments and Council's Preferred Species List.

**6.1.3 Tree Planting – Council**

To ensure the long term success of tree planting, a detailed analysis of site conditions and design constraints is required. The objective is to minimise risk associated with trees by selecting trees that will have minimal impact on and have minimal impact by their new environment.

When assessing the site and determining the type of tree to plant, consideration must be given to the following risk zones:

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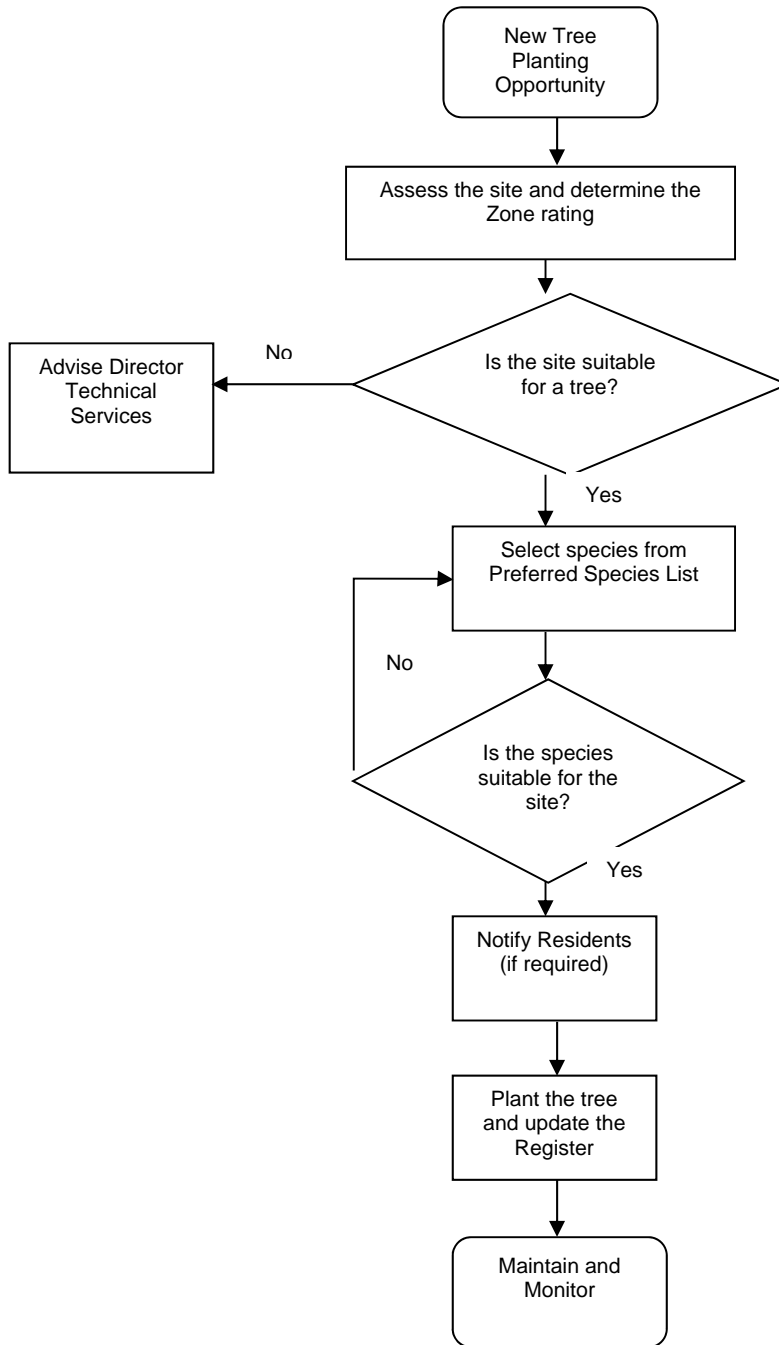
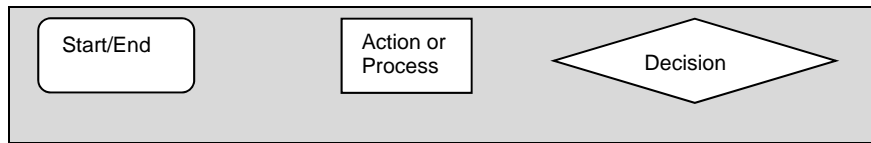
	<b>Zone A Most constraints (High to Very High Risk)</b>	<b>Zone B Moderate constraints (Medium Risk)</b>	<b>Zone C Fewest constraints (Low Risk)</b>
<b>Electrical &amp; telecommunications</b>	<ul style="list-style-type: none"> <li>Uninsulated low and high voltage wires</li> <li>Bushfire area</li> </ul>	<ul style="list-style-type: none"> <li>Bundled cables</li> <li>Insulated cables</li> </ul>	<ul style="list-style-type: none"> <li>No powerlines</li> </ul>
<b>Below ground services – typical layouts</b>	<ul style="list-style-type: none"> <li>Fibre optic cables</li> <li>High voltage power</li> </ul>	<ul style="list-style-type: none"> <li>Bundled cables</li> <li>Insulated cables</li> <li>Water conduits</li> <li>Sewer conduits</li> </ul>	<ul style="list-style-type: none"> <li>No powerlines</li> <li>No conduits</li> </ul>
<b>Slope</b>	<ul style="list-style-type: none"> <li>Steep slope</li> </ul>	<ul style="list-style-type: none"> <li>Moderate slope</li> </ul>	<ul style="list-style-type: none"> <li>Generally flat land</li> </ul>
<b>Paved areas</b>	<ul style="list-style-type: none"> <li>Paved area</li> <li>Sealed surface</li> <li>Brick pavers</li> </ul>	<ul style="list-style-type: none"> <li>Partially paved areas</li> <li>Non reinforced concrete</li> </ul>	<ul style="list-style-type: none"> <li>Grass up to 6m</li> </ul>
<b>Verge width</b>	<ul style="list-style-type: none"> <li>Less than 3.0m</li> </ul>	<ul style="list-style-type: none"> <li>From 3m to 4m</li> </ul>	<ul style="list-style-type: none"> <li>4m or wider</li> </ul>
<b>Building set back</b>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Less than 6m</li> </ul>	<ul style="list-style-type: none"> <li>6m or greater</li> </ul>
<b>Street lighting</b>	<ul style="list-style-type: none"> <li>Over pedestrian crossings</li> <li>Traffic intersections</li> </ul>	<ul style="list-style-type: none"> <li>Street lighting other than crossings and intersections</li> </ul>	<ul style="list-style-type: none"> <li>No street lighting</li> </ul>
<b>Signage (i.e. traffic signs)</b>	<ul style="list-style-type: none"> <li>Arterial roads</li> <li>High density residential streets</li> </ul>	<ul style="list-style-type: none"> <li>Medium density residential streets</li> <li>Arterial roads in rural zones</li> </ul>	<ul style="list-style-type: none"> <li>Low density rural/residential streets</li> </ul>
<b>Traffic</b>	<ul style="list-style-type: none"> <li>Large volumes of heavy vehicles</li> </ul>	<ul style="list-style-type: none"> <li>Heavy vehicles in moderate volumes</li> </ul>	<ul style="list-style-type: none"> <li>Residential traffic in low volumes</li> <li>Cul-de-sacs</li> </ul>
<b>Soils</b>	<ul style="list-style-type: none"> <li>Severely compacted</li> <li>Shallow</li> <li>Reactive clay</li> <li>Acid sulphate</li> <li>Poor drainage</li> </ul>	<ul style="list-style-type: none"> <li>Moderately compacted</li> <li>Urban fill</li> <li>Moderate drainage</li> </ul>	<ul style="list-style-type: none"> <li>Undisturbed soil</li> <li>Deep profile</li> <li>Medium texture</li> <li>Good natural drainage</li> </ul>
<b>Water table</b>	<ul style="list-style-type: none"> <li>High</li> </ul>	<ul style="list-style-type: none"> <li>Moderate depth</li> </ul>	<ul style="list-style-type: none"> <li>Deep water table</li> </ul>

Trees must then be selected from the Preferred Species list that are suitable to the selected Zone, climatic conditions, wildlife habitat and landscaping principles and aesthetic value.

6.1.4 Flow Chart – Proposed Trees

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6.2 Existing Trees

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A map of tree types within Council's urban areas will be progressively developed. This will provide a general overview of trees that currently exist on Council's nature strips, within parks and reserves and surrounding Council controlled areas.

Council will also progressively build a register of trees under Council control and within urban areas. The Tree Register will identify:

- Tree species and common name
- Location
- Approximate height of the tree
- Approximate width of the tree
- Approximate age of the tree
- Assessed vitality of the tree
- Other information including surrounding infrastructure, risk assessment and recommendations.

As trees are replaced, or new plantings occur, the new tree is added to the Tree Register and the existing tree is noted as removed or other relevant comment.

### 6.2.1 Existing Tree Risk Assessment

All trees under Council control located in urban areas will gradually, and as resources permit, undergo a risk assessment and will be included on the Tree Risk Register with follow up inspections scheduled in accordance with the results of the risk assessment. However, priority will be given to those trees, on all areas of Council controlled land, where:

- Complaints have been received;
- There are obvious declines in tree health;
- The tree has been damaged;
- The tree or its roots are affecting Council services or infrastructure;
- Planned Council works are in the vicinity.

There are two types of assessments that can be used when assessing tree risks, these are:

#### Walkover Tree Survey

This assessment involves a general risk analysis of a group of trees, and provides a holistic assessment. Where an individual tree is identified as a potential high risk, an individual tree assessment will be required before works can be recommended.

#### Individual Tree Assessment

This assessment involves analysing the characteristics specific to one tree.

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Both assessments involve considering the general or individual characteristics of the trees, and then applying the risk parameters.

Risk Analysis

Once a tree has been identified as requiring a risk assessment, it is analysed by a competent person to produce a level of risk that assists Council in determining treatment priorities and options.

The following factors are used in the analysis:

Probability of Failure (Likelihood)		
<i>Definition – the likelihood that the tree or limb will fail</i>		
Level/Descriptor	Description	Indicative Frequency
A – Almost Certain	The tree or more likely a limb will fail on an annual basis.	Expected to occur.
B – Likely	The tree/limb has failed several times.	Will probably occur.
C – Possible	The tree/limb might fail as trees of this type are known to fail.	Might occur at some time.
D – Unlikely	Heard of a tree/limb of this type failing in the past.	Not likely to occur.
E – Rare	Have never heard of a tree/limb of this type failing.	Conceivable, but highly unlikely.

Consequences	
Target Range	
<i>Definition – The location and the activity occurring at that location where the tree/limb may fail</i>	
Level	Description
1	Constant activity, either pedestrian or vehicular/Expensive buildings.
2	Busy streets with either pedestrian and/or vehicular activity/High cost buildings.
3	Periodic activity, either pedestrian or vehicular/Smaller buildings.
4	Minimal daily pedestrian and/or vehicular activity/Minor, minimal cost buildings.
5	No activity/No buildings.
Size Range	
<i>Definition – The maximum size of the tree or limb identified as having the potential to fail.</i>	
Level	Description
1	>500mm in diameter
2	Between 250 and 500mm in diameter
3	Between 100 and 250mm in diameter
4	Between 25 and 100mm in diameter
5	Less than 25mm in diameter
<i>Consequences are calculated by adding the Target Range Level and the Size Range Level, .e.g C = T + S</i>	

This information is then used to determine the risk rating.

Probability of Failure	Consequence Range				
	1 – 2	3 – 4	5 – 6	6 – 7	8 – 10
A	Very High	Very High	High	Medium	Medium
B	Very High	High	High	Medium	Low



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C	High	High	Medium	Low	Low
D	High	Medium	Medium	Low	Low
E	Medium	Medium	Low	Low	Low

Risk Rating	Action Required
Very High	Immediate mitigation works required. Recommendations to be forwarded to appropriate Council personnel.
High	Mitigation works required. Recommendations to be forwarded to appropriate Council personnel.
Medium	Recommendations to be noted below and forwarded to appropriate Council personnel.
Low	No Action required.

**6.2.2 Tree Risk Assessment Recommendations**

Recommendations will be made following the risk assessment.

Recommendations for mitigation works or tree removal are usually made where the risks are very high or high, and there is minimal environmental or historical value in retaining the tree. Where doubts exist, or where further assessment is required, Council will enlist the services of a qualified arborist.

Further assessment and development consent will be required where the tree or vegetation is or forms part of a heritage conservation area.

**6.2.3 Pest and Disease Management**

When pest and disease outbreaks compromise the health or increase the risks associated with trees, Council will only intervene where the trees in question have been planted by Council.

In these circumstances the efficacy and cost effectiveness of available treatments will be assessed and, if justified, the appropriate integrated pest management techniques will be undertaken. Council will undertake to notify owners of privately owned trees of these problems, if it has a state of knowledge of problems, so that the owner may take action as required.

6.2.3.1 Termite Activity

The presence of pests in trees is not always apparent, and this is the case with termite activity. Council will treat Council planted trees where it has knowledge or has been advised of termite activity within those trees. However, due to the nomadic nature of termites, Council will not be responsible for any third party property damage.

**6.2.4 Road Reserve Trees and Vegetation**

Council, as the Road Authority under the Roads Act 1993, has a duty of care to the travelling public to, as far as possible ensure that trees and

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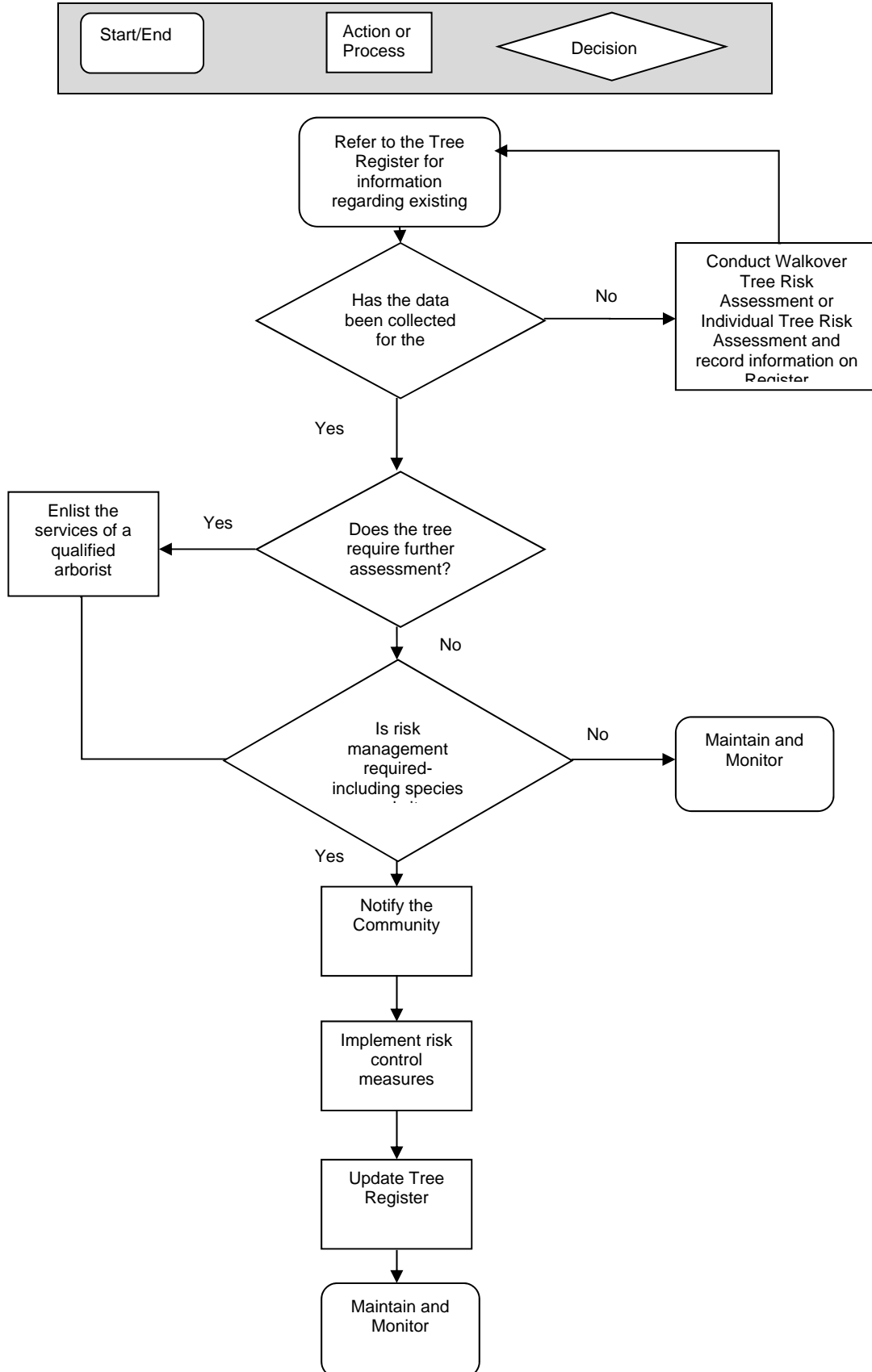
vegetation in the road reserve do not present a risk to life or property. In order to fulfil its duty of care it will be necessary for staff involved in road construction, maintenance and road inspections to be aware of trees and other vegetation that may present a risk to road users. This will be especially important following high wind or storm events.

Council has also established guidelines under the Roadside Vegetation Management Plan to:

- Maintain, and where necessary, enhance roadside conservation value roadsides.
- Increase public awareness of the importance of roadside vegetation
- Encourage community involvement in roadside conservation projects
- Provide management guidelines for roadside vegetation.

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6.2.5 Flowchart – Existing Trees



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**7. RELATED POLICIES OR STRATEGIES**

Additional publications to be read in conjunction with this policy include:

- *Roads Act 1993*
- Berrigan Shire Council Preferred Species List
- Berrigan Shire Council Roadside Vegetation Management Plan
- Berrigan Shire Council LEP
- Berrigan Shire Council Risk Management Policy and Framework

**2. LEGISLATIVE COMPLIANCE POLICY**

**AUTHOR:** Enterprise Risk Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 27.121.1

**RECOMMENDATION NO. 2** - that the Council adopt the Legislative Compliance Policy as outlined below.

Legislative Compliance Policy

File Reference No: 27.121.2

Strategic Outcome: Good government

Date of Adoption: [Click here to enter a date.](#)

Date for Review: [Click here to enter a date.](#)

Responsible Officer: Enterprise and Risk Manager

**1. POLICY STATEMENT**

The activities of Local Government are affected by more than 100 state acts, the main two being the Local Government Act (NSW) 1993 – administered by the Department of Local Government, and the Environmental Planning and Assessment Act (NSW) 1979 – overseen by the Department of Planning and Infrastructure, and subsequent amendments thereto. In an environment of continuous legislative change, creating a risk of non-compliance, it is important for the Council to develop strategies to ensure conformity with applicable laws.

**2. PURPOSE**

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This policy demonstrates a clear commitment by the Council to ensuring compliance with all applicable legislation. To facilitate this, the policy provides guidance on:

- The obligations of staff members in ensuring legislative compliance,
- The consequences of non-compliance,
- The application of legal requirements,
- Moral and ethical objections, and
- Strategies for ensuring compliance.

### 3. SCOPE

This policy applies to all staff of the Berrigan Shire Council including volunteers and contractors.

### 4. OBJECTIVE

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

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

### 5. DEFINITIONS

**Legislation** – *Laws that are made by Parliament, or under the authority of Parliament are called legislation, or statutes. “Acts” are primary legislation. Acts may authorize the making of Regulations, Orders and Notices and these are referred to as subordinate legislation.*

*Legislation compels or directs the action of individuals, industry and other groups in specified circumstances and also outlines actions that are not to be taken, in order to achieve certain policy objectives.*

**Delegation Register** – *Councils have certain duties which they must perform, and certain powers which they must exercise, pursuant to the Local Government Act, as well as a number of other Acts. Under the Local Government Act, Council is able to delegate those duties to staff and Committees of Council.*

*The Delegation Register is a listing of those functions which Council has delegated to appropriate staff and Committees of Council.*

### 6. POLICY IMPLEMENTATION

#### 6.1 Obligations of Staff Members

All Council staff members have a responsibility to help ensure legislative compliance within the organisation is achieved. These responsibilities

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however differ across the organisation, based on the position requirements of the individual and their direct involvement in statutory functions.

### General Responsibilities

While the Council does not expect staff to be fully conversant with every State and Federal law, all staff members are expected to be aware of the common areas of legislation that affect their day to day work.

In addition, staff members are expected to be aware of a range of employment related laws (for example legislation relating to work, health and safety, equal opportunity, bullying and harassment), and are expected to be aware that certain actions may be subject to the criminal code (such as theft, assault etc.).

Staff members should also be aware of any Council policies, codes, Australian Standards or statements that are relevant to their areas of responsibility.

### Additional Responsibilities

Staff members with delegated authority for carrying out statutory requirements (in accordance with the Delegation Register) are expected to develop a clear understanding of the relevant provisions as they relate to their responsibilities, and make themselves aware of changes to the legislation and its impact on Council activities.

### Senior Staff

Senior staff members are those staff who have workers under their responsibility. They are responsible for ensuring that risk due to non-compliance is minimized, and staff members under their responsibility are kept fully informed, briefed and/or trained about the key legal requirements relevant to their work.

They are also required to ensure that information relating to legislative changes is disseminated to appropriate staff members, and that recordkeeping systems and practices that capture evidence of compliance are in place.

### **6.2 Consequences of non-compliance**

Staff should be aware that any failure to comply with the law could be a criminal act, or result in a breach of the law or a breach of discipline.

Failure to comply with legal requirements could result in such things as:

- Disciplinary proceedings;

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- A hearing by the Pecuniary Interest Tribunal into complaints concerning alleged failures by Councillors, staff, delegates and advisors to disclose pecuniary interests;
- Dismissal of the Mayor and Councillors and the appointment of an Administrator;
- Removal of a Council's planning powers and the appointment of an Administrator;
- The appointment of an Environmental Administrator (under relevant environmental legislation);

Legal proceedings against the Council for orders to remedy or restrain breaches of certain Acts, or for other legal challenges relating to such things as acting beyond the scope of authority or power, or failing to provide natural justice, possibly resulting in costly litigation and awards of damages;

- Complaints about the conduct of the Council or staff members being referred to the Ombudsman, ICAC, Audit Office, Division of Local Government, Administrative Decisions Tribunal or other relevant bodies;
- Criminal proceedings;
- Disruption to management, staff morale problems and bad publicity resulting from any of the above.

### **6.3 Application of legal requirements**

The obligation to comply with legal requirements does not relieve the Council or individual staff members of the moral or ethical obligation to mitigate the effects of rigid adherence to the letter of the law where that results in, or would result in, unintended or manifestly inequitable or unreasonable treatment of an individual or organisation. For example:

- If the law gives the Council discretion, it should be exercised in a fair and reasonable way;
- If the law does not give the Council discretion, fairness may involve adopting a broad interpretation in certain circumstances, rather than a rigid adherence to legality;
- Other options may be available to the Council to mitigate any unreasonable or inequitable effects of compliance with the law. These

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could include, for example, waiving debts, refunding fees or charges, offering an expression of regret or an apology, deferring regulatory action to allow for an authorization to be obtained, fast tracking an assessment and determination of an application, and the like.

In a similar manner, policies, codes, standards, etc. should not be applied inflexibly, but on the basis of merit, with proper consideration being given to the particular circumstances of each individual case.

Staff members should have regard to circulars, practice notes, codes, guidelines, etc. issued by government or relevant central agencies. They should comply with their terms unless there are justifiable grounds for taking another course of action within the scope of the discretion available to the decision-maker.

### 6.4 Dealing with moral or ethical objections

There can be limited occasions where a staff member believes, on moral or ethical grounds, that he or she cannot give effect to a lawful policy.

Where such objection is based on a *bona fide* moral belief that is honestly and strongly held (as opposed to a mere personal or political preference), the staff member concerned should be relieved of responsibility for the implementation or enforcement of that policy. As well as recognising moral objections, such an approach helps to ensure the actual and perceived impartiality and fairness of the Council.

### 6.5 Strategies for ensuring compliance

Due to the number of Acts affecting council's operations, it is not possible to be fully aware of every State and Federal law and the changes that are being made. There is however a range of methods that the Council will employ to ensure compliance with key legislative changes. These include:

- Subscription and distribution of the NSW Parliamentary Counsel's Office weekly email service notifying of the making of statutory instruments, NSW Government Gazette and Bill information;
- Regard to circulars, practice notes, codes, guidelines, etc. issued by government or relevant central agencies;
- Subscription to Standards Australia receiving alert updates to amendments of the Standards Council has purchased;
- Attendance, where possible, at seminars, conferences and training sessions that relate to legislative changes.



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In addition, staff members will implement recordkeeping systems and practices that capture evidence of compliance and non-compliance. These systems could include:

- Reference to relevant legislation, codes and policies in written reports;
- Appropriate filing of circulars and notices advising of legislative changes;
- Notes to file on changes that have been made and their impact, or otherwise, on Council activities.

Compliance to this policy will be assessed through an internal audit function, where periodic examinations are conducted into key operational areas.

### **6.6 Legislative functions under the Local Government Act 1993**

The Local Government Act 1993 confers or imposes a number of different functions on a council including, but not limited to:

- a) *Service Functions:*
  - *Providing community health, recreation, education and information services;*
  - *Water supply, sewerage and stormwater drainage*
  - *Environmental protection;*
  - *Waste removal and disposal;*
  - *Land and property, industry and tourism development and assistance.*
- b) *Regulatory Functions:*
  - *Approvals;*
  - *Orders;*
  - *Building Certificates.*
- c) *Ancillary Functions:*
  - *Resumption of land;*
  - *Powers of entry and inspection.*
- d) *Revenue Functions:*
  - *Rates;*
  - *Charges;*
  - *Fees;*
  - *Borrowings;*
  - *Investments.*

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- e) *Administrative Functions:*
- *Employment of staff;*
  - *Management Plans;*
  - *Financial Reporting;*
  - *Annual Reports.*
- f) *Enforcement Functions:*
- *Proceedings for beaches of the Act;*
  - *Prosecution of offences;*
  - *Recovery of rates and charges.*

Whilst the main functions of councils are provided for under the Local Government Act 1993, councils also have functions under other Acts. Whilst the following list is not exhaustive, it does include some major legislation (including amendments) that Council must abide by:

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|---|--|
| • <i>A New Tax System (Goods and Services Tax) Act 1999</i>           | GST  |
| • <i>Carer's (Recognition) Act 2010</i>                               | Carer's Charter recognizing the role and contribution of carers to our community                                   |
| • <i>Community Land Development Act 1989</i>                          | Planning functions as consent authority  |
| • <i>Companion Animals Act 1998</i>                                   | Companion animal registration and control  |
| • <i>Conveyancing Act 1919</i>  | Placing covenants on council land  |
| • <i>Disability Services Act 1993</i>                                 | Disability provision for HACC and Early Intervention services  |
| • <i>Environmental Planning and Assessment Act 1979</i>               | Environmental planning   |
| • <i>Fair Work Act 2009</i>   | Workplace responsibilities   |
| • <i>Fire Brigades Act 1989</i>                                       | Payment of contributions to fire brigade costs and furnishing of returns.  |
| • <i>Fluoridation of Public Water Supplies Act 1957</i>               | Fluoridation of water supply by council  |
| • <i>Food Act 2003</i>  | Inspection of food and food premises   |
| • <i>Fringe Benefit Assessment Act 1986</i>                           | Fringe benefits  |
| • <i>Government Information (Public Access) Act 2009</i>              | Public access to Council records   |
| • <i>Impounding Act 1993</i>  | Impounding of animals and articles   |
| • <i>Interpretation Act 1987 (part. Section 50)</i>                   | Statutory corporations   |
| • <i>Library Act 1939</i>   | Library services   |
| • <i>Local Planning Amendment (Planning &amp; Reporting) Act 2009</i> |  |
| • <i>Protection of the Environment Operations Act 1997</i>            | Pollution control  |
| • <i>Public Health Act 2010</i>                                       | Inspection of systems for purposes of microbial control  |
| • <i>Recreation Vehicles Act 1983</i>                                 | Restricting use of recreation vehicles   |
| • <i>Roads Act 1993</i>   | Roads  |
| • <i>Rural Fires Act 1997</i>   | Issue of permits to light fires during bush fire danger periods.   |
|   | Requiring the furnishing of information to the Rural Fire Service Advisory Council and its Coordinating Committee. |
| • <i>State Emergency Service Act 1989</i>                             | Recommending appointment of local controller.  |

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- *Strata Schemes (Freehold Development) Act 1973* Approval of strata plans
- *Strata Schemes (Leasehold Development) Act 1986* Approval of leasehold strata plans
- *Swimming Pools Act 1992* Ensuring restriction of access to swimming pools.
- *Water Act 1912*
- *Work Health and Safety Act 2011* Workplace health and safety

The exercise by a council of its functions under the Local Government Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they affect include:

- *Heritage Act 1977* Rating based on heritage valuation
- *State Emergency and Rescue Management Act 1989* Council required to prepare for emergencies
- *Unclaimed Money Act 1995* Unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

**7. RELATED POLICIES OR STRATEGIES**

Additional publications to be read in conjunction with this policy include:

- Berrigan 2023 (Community Strategic Plan)
- Berrigan Shire Council Local Environmental Plan 2013
- Berrigan Shire Council Agency Information Guide
- Delegation Register
- All Council policies and plans developed in accordance with legislation

**6. RISK MANAGEMENT STRATEGIC PLAN REVIEW**

**AUTHOR:** Enterprise Risk Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 27.121.2

**RECOMMENDATION NO. 3** - that the review of the 2013-2016 Risk Management Strategic Plan, circulated as Appendix 2 be noted.

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Committee meeting reports

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**9.4 MINUTES OF A TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 5<sup>TH</sup> FEBRUARY, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 10.50 AM**

**RECOMMENDATION** – that recommendation number 1 of the Technical Services Committee Meeting held on 5<sup>th</sup> February, 2014 be adopted.

**5. TOWN ENTRANCE PROJECT: COMMUNITY MEETING TOCUMWAL**

**AUTHOR:** Strategic and Social Planning Coordinator  
**STRATEGIC OUTCOME:** Sustainable natural and built landscapes  
**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes  
**FILE NO:** 28.182.1

**RECOMMENDATION NO. 1** - that the Council approve the development of a tender for landscape architect or designer with experience in town entrance design and the selection of roadside trees and vegetation.

Items requiring Council Resolution

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10. MAYOR'S REPORT

**RECOMMENDATION** – that the Mayor's Report be received.

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Items requiring Council Resolution

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11. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

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12. GENERAL BUSINESS

RESOLUTION