



ORDINARY MEETING OF COUNCIL

Wednesday 16 February, 2022

at 9:15am

Council Chambers
56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 16 February, 2022** when the following business will be submitted:-

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

KARINA EWER
CHIEF EXECUTIVE OFFICER



Council Meeting

BUSINESS PAPER

This meeting is being webcast and those in attendance should refrain from making any defamatory statements.

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE
2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS
3. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the original inhabitants whose country we are gathered on, and we pay respect to the elders, past, present, and future and extend respect to all first nations people.

4. VISITORS

9:30am Presentation from Tocumwal Golf & Bowls Club
CEO Paul Gemmill, Operations Managers, Kathy Giddens and Club President Jennie Hehir

5. CONFIRMATION OF MINUTES

Recommendation: That the Minutes of the meeting held in the Council Chambers on Wednesday 19 January, 2022 be confirmed.

6. MAYORAL MINUTES

Nil

7. NOTICES OF MOTION

Nil

8. ITEMS FOR RESOLUTION



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8.1 Council Action List Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council receive and note the Council Action List Report

Report:

The Council Action List Report, circulated separate to this Agenda to Councillors is designed to note the motion, and actions being taken to implement that decision, including the timeframe in which it is likely to be completed.

Council Meeting

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8.2 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 January 2022,
- b) Confirm the accounts paid as per Warrant No. 01/22 totaling \$3,136,093.29, and
- c) Note the report on investments attached as **“Appendix 8.2-A”**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 January 2022 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 January 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 January 2022, totaling \$3,136,093.29 and will be submitted for confirmation of payment as per Warrant No. 01/22
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council’s Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister’s Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) January has seen a decrease in total funds held as expected due to payments of large contracts. Overall funds have decreased by \$4.6M since the same period last year.

Council is still in a strong financial position although funds are expected to continue to decrease throughout the year as large projects continue and are finalised.

- f) Further information regarding Council's investments is attached to this Agenda as "Appendix 8.2-A".

Statement of Bank Balances as at 31 JANUARY 2022

Bank Account Reconciliation

Cash book balance as at 1 JANUARY 2022	\$13,310,262.97
Receipts for JANUARY 2022	\$ 1,678,970.26
Term Deposits Credited Back	\$ -
	<u>\$14,989,233.23</u>
<i>Less Payments Statement No 01/22</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 626,306.97
Electronic Funds Transfer (EFT) Creditors E038840-E039122	\$ 2,445,226.89
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 64,559.43
Total Payments for JANUARY 2022	<u>\$ 3,136,093.29</u>
Cash Book Balance as at 31 JANUARY 2022	<u>\$11,853,139.94</u>
<i>Bank Statements as at 31 JANUARY 2022</i>	\$11,838,472.85
Plus Outstanding Deposits	\$ 14,640.50
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 JANUARY 2022	<u>\$11,853,113.35</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	SEWER	144/19	365	**0.30%	23/03/2022	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	182	**0.85%	23/05/2022	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**0.35%	31/05/2022	\$ 2,000,000.00	BBB+
AMP	WATER	136/18	365	**0.80%	19/10/2022	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	GENERAL	124/16	365	0.40%	13/05/2022	\$ 2,025,954.84	UNRATED
Bendigo Bank	WATER	141/18	364	*0.30%	13/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*0.30%	26/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.30%	28/09/2022	\$ 5,000,000.00	BBB+
Central Murray Credit Union	GENERAL	126/16	365	0.40%	31/08/2022	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	102/14	365	0.50%	6/04/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	146/19	365	0.30%	31/08/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.50%	18/11/2022	\$ 2,000,000.00	AA-
						<u>\$ 28,025,954.84</u>	

Total Funds Held at 31 JANUARY 2022

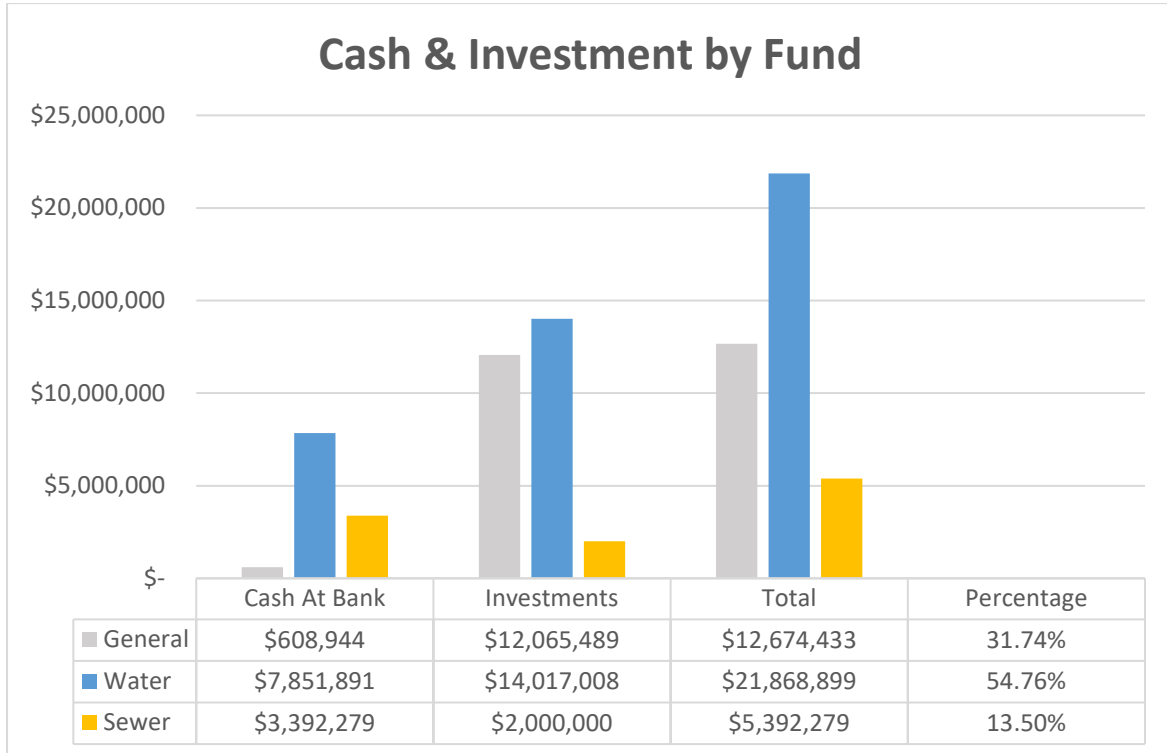
\$39,879,068.19

Tahlia Fry - Finance Manager

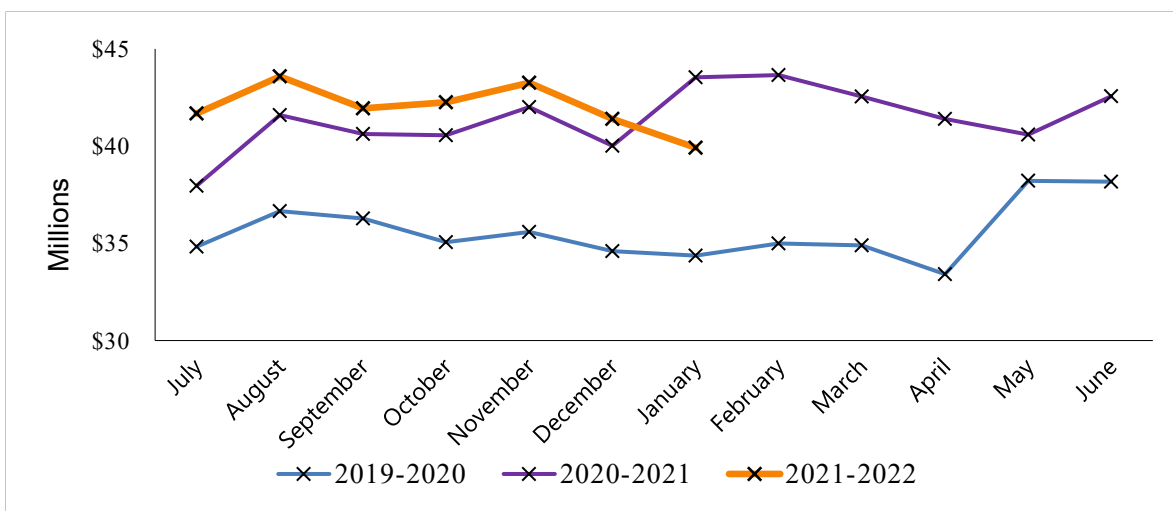
*The Council also receives an additional 0.25% commission

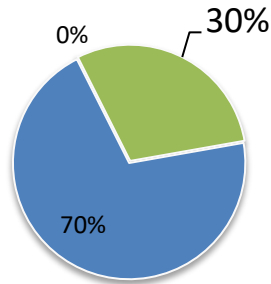
**The Council also receives an additional 0.20% commission

Total Funds held between General, Water and Sewer are as follows:

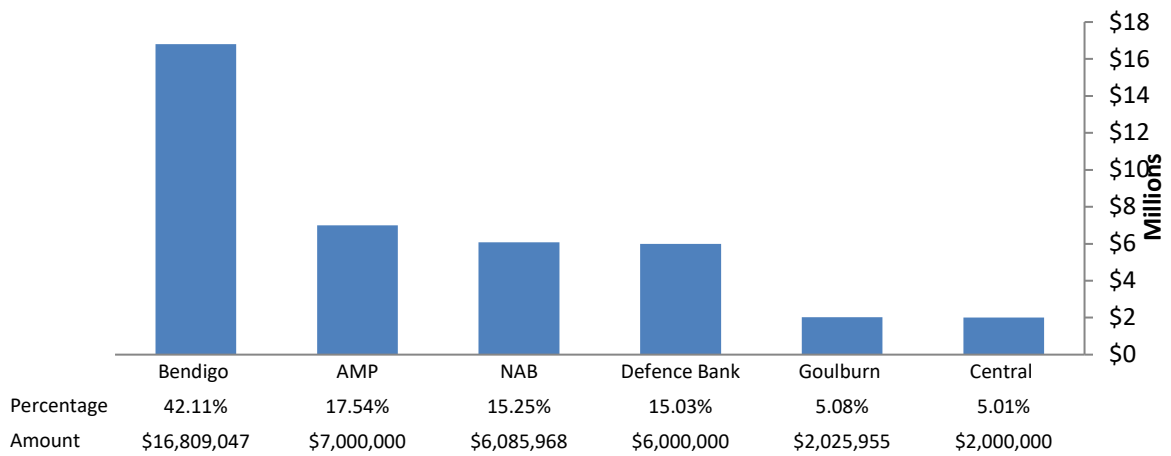


Total Cash and Investments





■ Term Deposits ■ At Call T-Corp ■ Cash at Bank



Term Deposits Credited Back

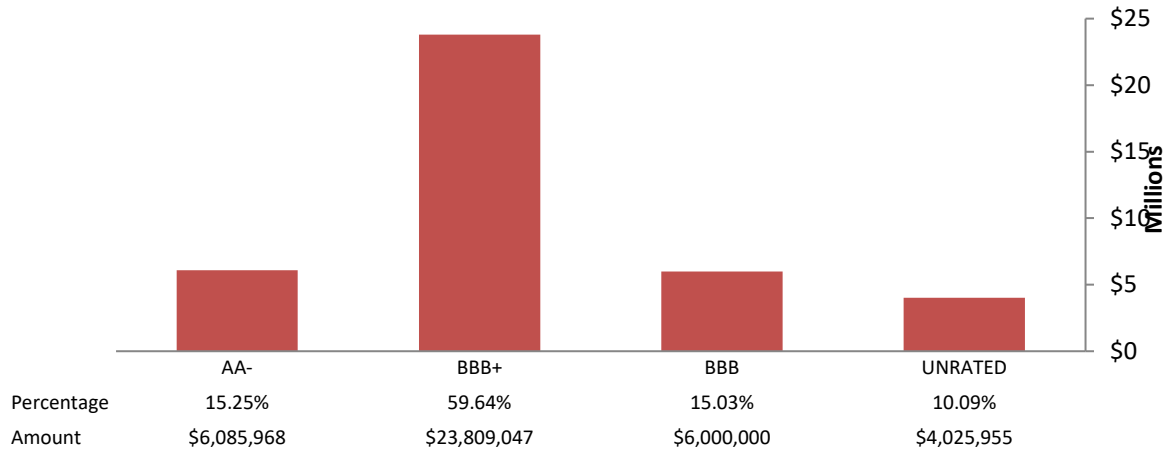
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES				

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES				

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



Council Meeting

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8.3 Dawe Ave, Finley - Road, Drainage and Footpath Construction T09-21-22

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. not accept any tender submitted for Tender T09-21-22, Dawe Ave, Finley – Road, Drainage and Footpath Construction;
2. direct the CEO and Director Infrastructure to engage with Murrumbidgee Local Health District to integrate road works with the proposed redevelopment of Finley Hospital; and
3. carry forward the \$350,000 budget allocation towards the road works at Dawe Ave, with work to recommence once the scope of the Finley Hospital redevelopment is known.

Report:

Council has an overall budget of \$350,000 towards Dawe Ave, Finley under the existing financial year. The budget is largely towards the construction of road works, drainage and footpath.

A tender was advertised on the Tenderlink portal from 18/11/2021 to the 8/12/2021 and four submissions were received.

A Tender evaluation panel, consisting of internal staff and Consultants evaluated the submissions. Three tenders were found to be complying and of high quality, while the fourth was of supply of material and hence was not evaluated further.

All tenders were evaluated on Technical (80%) and Price (20%) criteria. A summary of scores is presented in Table 1.

Table 1: Weighted criteria evaluation score

Criteria	Tenderer - 1	Tenderer - 2	Tenderer – 3	Tenderer - 4
Mandatory Criteria	OK	OK	OK	Non-conforming product supply only bid
Price	5.0	20.0	15.5	0.0
Compliance with Specification	15.0	15.0	15.0	0.0
Track record	9.0	9.0	9.0	0.0
Quality Systems	8.0	6.0	8.0	0.0
Availability of skills & resources	6.0	6.0	6.0	0.0
WHS considerations	12.0	9.0	9.0	0.0
Contract completion date	9.0	6.0	9.0	0.0
Total Score	64.0	71.0	71.5	0.0

The above Table shows Tenderer- 3 being the highest overall scorer. Table 2 shows the price submission of the three complying tenderers, against the Council budget of \$350,000.

Table 2: Price submission by Tenderers

Criteria	Tenderer - 1	Tenderer - 2	Tenderer – 3	Tenderer - 4
Price submission	\$862,886.70	\$613,681.57	\$688,915.40	Non-conforming product supply only bid

During the tendering period, an announcement was made by the Federal Government that \$25m funding has being allocated to the redevelopment of the Finley Base Hospital (The Hospital). The Hospital is located on a significant portion of Dawe Ave that is proposed to be redeveloped and would be the major beneficiary of any upgrade works.

As the hospital is small, a \$25m redevelopment could fundamentally change the nature and context of the hospital and how it interacts with Council’s infrastructure including the proposed redevelopment of Dawe Ave. However, no plans for the redevelopment were made public and no indication of functional and footprint changes have been put forward for Council consideration.

Progressing the Dawe Ave construction works presents a great risk to Council of spending capital on new assets that may become unfit for future use due to changed needs. Current levels of service from the existing Dawe Ave are good, and with some minor maintenance could see the existing infrastructure service Dawe Ave until more is known about the redevelopment of the Hospital.

Considering the newly announced Hospital grant and the received Tenders being well above the Council allocated project budget, it is recommended that, Council to:

1. not accept any tender submitted for Tender T09-21-22, Dawe Ave, Finley – Road, Drainage and Footpath Construction; and
2. direct the CEO and Director Infrastructure to engage with Murrumbidgee Local Health District to integrate road works with the proposed redevelopment of Finley Hospital; and
3. Carry forward the \$350,000 budget allocation towards the road works at Dawe Ave, with work to recommence once the scope of the Finley Hospital redevelopment is known.



Council Meeting

16 February 2022

8.4 Councillor and Staff Interaction Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. revoke the Councillor and Staff Interaction Policy adopted on 17 November 2021,
and
2. adopt the Councillor and Staff Interaction Policy as set out below:



Policy

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COUNCILLOR AND STAFF INTERACTION POLICY

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	19 February 2025	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.2.1 Provide facilities and support including financial to elected Council	

1. POLICY STATEMENT

It is important for Councillors and staff to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles

This policy provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff

The policy complements and should be read in conjunction with the *Berrigan Shire Council Code of Conduct* (the Code of Conduct)

2. PURPOSE

The purpose of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

3. SCOPE

This Policy applies to all Councillors and council staff.



Policy

This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing. This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.

Clause 3.1(b) of the Code of Conduct provides council officials must not conduct themselves in a manner that is contrary to a council's policies. A breach of this Policy will be a breach of the Code

4. POLICY IMPLEMENTATION

4.1 Objectives

The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy
- b) enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure Councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide Councillor interaction with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct .

4.2 Principles, roles and responsibilities

4.2.1 Requirements

Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.



Policy

The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a Councillor is as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well-informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.2.2 Principles

Council commits to the following principles to guide interactions between Councillors and staff:

<u>Principle</u>	<u>Achieved by</u>
Equitable and consistent	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Considerate and respectful	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels
Ethical, open and transparent	Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct



Policy

Fit for purpose	Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of eight people.
Accountable and measurable	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.2.3 Councillors

Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors accept that:

- a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the Chief Executive Officer by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to received favourable treatment for themselves or others.

4.2.4 Council staff

The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:

- a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who in turn is accountable to the Council's governing body
- b) they should not provide advice to Councillors unless it has been approved by the Chief Executive Officer
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner



Policy

- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

4.3 Councillor Request System

Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious. Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.

The Chief Executive Officer may identify Council support staff (the Councillor support officer) under this Policy for the management of requests from Councillors.

4.3.1 Request system

Councillors can use the Councillor requests system to:

- a) request information or ask questions that relate to the strategic position, performance or operation of the Council
- b) bring concerns that have been raised by members of the public to the attention of staff
- c) request ICT or other support from the Council administration

Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the Chief Executive Officer or staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.

Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.

The Chief Executive Officer or the staff member authorised to manage a Councillor request will provide a response within 5 working days. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.

4.3.2 Confidentiality

Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.



Policy

Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.

Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.

4.3.3 Refusal or restriction of access to information

The Chief Executive Officer may refuse access to information requested by a Councillor if:

- a) the information is not necessary for the performance of the Councillor's civic functions, or
- b) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- c) the Chief Executive Officer is prevented by law from disclosing the information, or
- d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources

Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must act reasonably. The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.

Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under paragraph c) above, the Councillor may instead request the information through a resolution of the council by way of a notice of motion.

Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.

4.3.4 Reporting

A report will be provided to Councillors regularly (at least quarterly) regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

4.4 **Access to Council staff**

Councillors may directly contact members of staff that are listed at Appendix A of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.

Councillors can contact staff listed at Appendix A about matters that relate to the staff member's area of responsibility.



Policy

Councillors should as far as practicable, only contact staff during normal business hours.

If Councillors would like to contact a member of staff not listed on Appendix A, they must receive permission from the Chief Executive Officer.

If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person.

4.5 Councillor access to Council buildings

Councillors are entitled to have access to the council chamber, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the Chief Executive Officer.

Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer

4.6 Interactions

4.6.1 Appropriate interactions

Examples of appropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies



Policy

- c) council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
- d) council staff, including Council's executive team members, document Councillor requests via the Councillor requests system
- e) council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
- f) Councillors and council staff feel supported when seeking and providing clarification about council related business
- g) Councillors forward requests through the Councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

4.6.2 Inappropriate interactions

Examples of inappropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory
- b) Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to conflict of interest considerations, staff refusing to give information that is available to other Councillors to a particular Councillor



Policy

- e) Councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
- f) Councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to Councillors
- h) Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
- i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- j) staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

4.6.3 Management

Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff.

Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.

5. RELATED LEGISLATION, POLICIES AND STRATEGIES

5.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- [Work Health and Safety Act 2011](#)

5.2 Council policies and guidelines

- [Code of Conduct](#)
- Procedures for the Administration of the Code of Conduct
- Work Health and Safety Policy
- Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy



Policy

6. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

7. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

8. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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9. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.11.2021	New Policy	Deputy Chief Executive Officer
2.0	16.02.2022	Re-adoption with amendment to Appendix A	Deputy Chief Executive Officer



Policy

APPENDICES

Appendix A - Authorised staff contacts for Councillors

Section 5.4 of this Policy provides that councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list at any time.

Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer.

If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter

Authorised staff members name	Position
Matthew Hansen	Deputy CEO/Director Corporate Services
Jo Ruffin	Director Strategic Planning and Development
Rohit Srivastava	Director Infrastructure
Matt Miller	Manager Planning and Building
Jacq-Lyn Davis	CEOs Personal Assistant
Darren Bell	Information and Communication Technology Coordinator

Report:

The Councillor and Staff Interaction Policy provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

This policy was adopted in November 2021. In the opinion of management, the policy is fit-for-purpose and can be re-adopted with only one minor change:

- *the addition of the Information and Communication Technology Coordinator position to Appendix A – Authorised staff contacts for Councillors.*

This change is required to allow Councillors to interact directly with that staff member to address issues relating to the IT equipment and facilities provided to them by the Council.



Council Meeting

16 February 2022

8.5 Vaccinations Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. endorse the Vaccinations Policy attached as set out below, and
2. review this policy no later than 17 September 2025



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VACCINATIONS

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Chief Executive Officer	
Document Control:	Version 1.0	
Delivery Program Link:		

1. POLICY STATEMENT

The Berrigan Shire Council (**Council**) must provide a work environment without risks to health and safety, so far as is reasonably practicable. The obligation to provide a safe and healthy work environment requires that the Council eliminate or minimise, so far as is reasonably practicable, the public and individual health risks associated with exposure to communicable disease/s for which there is a vaccine.

2. PURPOSE

This policy aims to assist Council to assess and manage exposure to diseases/s and thereby meet or exceed its obligations under current legislation and / or any relevant Public Health Orders related to current (COVID-19) or future pandemics.

Particular areas of work conducted by the Council have been identified as at high risk of exposure to communicable diseases, including some which are preventable by vaccination. Other areas are listed in relevant legislation as requiring vaccination and have been included in this policy for ease of reference.

3. SCOPE

This policy applies to employees, contractors and their employees engaged at Council worksites, and visitors. Those accessing High Risk areas have particular considerations which must be adhered to



Policy

access those sites or to perform duties related to those High Risk sites. The policy also includes individuals participating in work activities that are conducted off site.

4. DEFINITIONS

COVID-19 Vaccination Certificate – is a certificate available through a person’s MyGov account after they have received their final COVID-19 vaccination. The Certificate is digital.

High Risk Areas – are those areas identified in the Risk Matrix included at **Appendix 1**.

High Risk Activities – are those activities or work tasks required by those who attend High Risk Areas. These activities are identified in the Risk Matrix included at **Appendix 1**.

Medical Contraindication – means a specific situation for which vaccination may be harmful to the person (such as history of anaphylaxis, relevant other medical conditions which prevent vaccinations being provided such as immunocompromised, etc.)

Public Health Order – means measures taken by the State and / or Federal government to prevent a significant public risk. Public Health Orders are a measure of last resort and are generally only used where voluntary measures are not adopted to prevent a public health risk.

Reasonable – means to apply fair and appropriate consideration to the question of whether it is practical for an employee to work from home.

Unvaccinated – means any employee who either cannot be vaccinated, or refuses a vaccination, or refuses to supply evidence of their vaccination status.

Vaccine preventable diseases – means those diseases referred to in Schedule 3 of the *Public Health Act 2010*

Vaccination Report – is a report obtainable through a person’s MyGov account (Medicare) which outlines all vaccinations the person has received and that are current.

Work from Home – means to be able to perform normal duties from a purely home based environment (i.e. their house, apartment or place of residence)

5. POLICY IMPLEMENTATION

5.1 Risk of Exposure

Assessment of risk of exposure to disease/s and for each Council position, has been considered and the risk assessment is provided at **Appendix 1**.



Policy

For the areas identified as High Risk vaccinations will be mandatory. Required vaccinations are listed in **Appendix 2**, along with the relevant work area.

5.2 High Risk Activities and Groups

High risk activities for the purpose of this policy include:

- a) exposure to human faeces or other human waste products;
- b) exposure to general waste;
- c) working with children or the elderly;
- d) working with animals;
- e) travel including any travel in enclosed spaces (such as airplanes, vehicles for long distances etc.);
- f) others as determined via the risk assessment process or as a direct result of Public Health Orders.

High risk groups:

- a) water and sewer operators and trainees;
- b) landfill and waste transfer station operators;
- c) appointed first aid officers;
- d) librarians;
- e) rangers;
- f) freight workers (where Public Health Orders and / or Border Community Rules apply);
- g) others as determined via the risk assessment process or as a direct result of Public Health Orders.

5.3 Administration

All employees are required to provide a current vaccination report for Council records.

All employees are required to provide a current COVID-19 vaccination certificate for Council records.

Employees who refuse to provide their vaccination report or COVID-19 vaccination certificate as noted above, will be deemed to have not received those vaccinations.

Where a vaccination report is not provided by an employee for general vaccinations (such as hepatitis, measles etc) Council will consider the person unvaccinated and will restrict their ability to work in High Risk areas.



Policy

Where a COVID-19 vaccination certificate is not provided by an employee, they will be considered to be unvaccinated and will be subject to any Public Health Order restrictions relevant to unvaccinated people at the time.

5.4 Working from Home

Should an employee choose not to provide their COVID-19 vaccination certificate to Council and Public Health Orders require them to work from home, Council will allow them to work from home.

Should working from home not be a reasonable option for the employee, that employee will be required to access current leave balances, including Sick Leave, Annual Leave or Long Service Leave.

For the purposes of this policy most administration officers will be reasonably able to work from home, however for outdoor workers, the worker will need to demonstrate they will reasonably be able to perform their normal duties from home to access this option.

5.5 Access to Leave

Where all leave balances have been exhausted by an employee, they have refused to provide a COVID-19 vaccination certificate, they are not reasonably able to work from home AND the Public Health Order in force at the time, requires them to continue to be absent from work, Leave Without Pay (LWOP) may be considered by the Chief Executive Officer (CEO) on a case by case basis.

LWOP only be access as per the provisions of the Employee Leave Policy (i.e. the CEO must be satisfied that access to LWOP is a bona-fide personal emergency).

Where all leave balances have been exhausted by an employee, they have refused to provide a COVID-19 vaccination certificate, they are not reasonably able to work from home, the Public Health Order in force at the time requires them to continue to be absent from work AND an application for LWOP has been refused by the CEO, that employee's employment with Council will be terminated. Nothing in this policy should be taken to suggest that an employee's position becomes redundant in these circumstances and therefore there is no entitlement to redundancy per the Award.

5.6 COVID-19 Vaccinations

All new employees will be required to have a minimum of the COVID-19 vaccination and any vaccinations required of their position (which will be listed on their position description at the time of employment).

All reasonable steps will be taken to encourage current non-vaccinated employees identified as 'at risk' to get vaccinated



Policy

Failure to comply with a request to seek vaccination from vaccine-preventable disease/s may lead to an increased risk of serious illness and may result in incapacity to undertake work that places them at risk of infection.

Employees will be advised of health risks related to their work at the time of employment. Current employees may contact their supervisor or the Human Resources Co-ordinator for advice.

5.7 Vaccination Refusal

If workers refuse the required vaccination/s, are unable to be vaccinated for medical reasons, have certified medical contraindications, or do not respond to vaccination/s, a risk assessment process will be undertaken to determine the most appropriate way to provide alternative protection. Consideration will be provided to the way in which particular disease/s are spread.

Appropriate controls to protect unvaccinated employees may include one or a combination of the following:

- **Preventative Measures:** work restrictions, safe work practices, additional training and personal protective equipment
- **Outbreak management measures:** work restrictions and exclusion to protect the employee and prevent further outbreak

Employees who decline vaccination will provide advice in writing (e.g. email) to the Human Resource Co-ordinator via their supervisor. Information provided in this way will be subject to the management of health records under the *Health Records and Information Privacy Act 2002*.

For any period between vaccination and immunity onset, the risk assessment process will be adopted to address risk and ensure controls are in place to prevent exposure (including exposure of co-workers, or the broader public) to relevant disease.

5.8 Responsibilities

Individuals are responsible for maintaining and retaining their own vaccination records, and associated blood and other test results.

Employees have a duty to take reasonable care for their own health and safety and must not adversely affect the health and safety of other people or employees. They must comply with any reasonable instruction and co-operate with any reasonable policy document relating to health and safety at the workplace.

The Human Resource Co-ordinator will assist management and others to facilitate compliance, monitoring and review of compliance with this policy.



Policy

Directors and other Executive Managers are responsible for implementing, monitoring, reviewing and ensuring compliance with the policy.

The CEO is responsible for the implementation of this policy and managing the impacts of any Public Health Orders on staff. Including directing employees to be excluded from any worksite as a direct result of relevant Public Health Orders.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- [Local Government \(State\) Award 2020](#)
- [Workers Compensation Act 1987](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Public Health Act 2010](#)
- [Health Records and Information Privacy Act 2002](#)
- Public Health Orders (NSW) – as in place from time to time

6.2 Council policies and guidelines

- [Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Work Health and Safety Policy](#)

7. RECORDS MANAGEMENT

Vaccination records are health records and will be managed according to the *Health Records and Information Privacy Act 2002*. Specifically, Council will not collect health information unless:

- (a) the information is to be collected for a lawful purpose that is directly related to a function or activity of the organisation (i.e. to ensure adherence to current Public Health Orders or to comply with relevant Health and Safety requirements);
- (b) the collection of the information is reasonably necessary for the purposes of ensuring the health and safety of employees (i.e. their risk of contracting disease/s is reduced for the exposure employee may be subject to);
- (c) the information requested is relevant to the position held, is not more than is necessary and is accurate, up to date and complete;



Policy

- (d) the collection of the information is not intrusive to an unreasonable extent on the personal affairs of the employee to whom the information relates
- (e) the information is collected directly from the employee and only from the employee unless it is reasonable or impractical to do so; and
- (f) Council is able to store, maintain and destroy these records as per the requirements of the *Health Records and Information Privacy act 2002*.

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each trade must be kept for at least five (5) years.

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

8. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

9. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

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Policy

10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.11.2021	New Policy	Chief Executive Officer



APPENDIX 1 – Vaccination Risk Assessment

COVID-19 Vaccination - Workplace Risk Assessment								
The following risk assessment is based on the risk to the Council if staff were to contract COVID-19. The Likelihood of contracting the virus is based upon their work location and interaction with members of the public. The Consequence considers the impact this would have on the Council's ability to continue operations, and ultimately the effect contracting the virus would have on the individual.								
The use of the Tiers is in accordance with recommendations from the Fair Work Ombudsman and LGNSW								
The Risk Assessment does not include contractors. Contractors are required to adhere to the Public Health Order and provide Council with written confirmation that they are complying.								
Tier	Definition	Applicable Workplaces/Roles	Risk	Current Controls	Likelihood	Consequence	Risk Rating	Additional controls
1	Where employees are required as part of their duties to interact with people with an increased risk of being infected with coronavirus	Water Treatment	Service levels for community will be affected if water operators contract covid and are unable to work, or are isolated as close contacts	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Possible	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Sewer Treatment	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Almost Certain	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Water & Sewer Overseer	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Environmental Engineer	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Technical Officer - Water and Sewer	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Town maintenance (Public amenity maintenance)	Staff responsible for cleaning public amenities are at greater risk of being exposed to the virus from patrons, and from surfaces.	Masks to be worn; Sanitising regularly	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Technical Support Officer (Sewer and stormwater pipe inspections - CCTV)	Staff responsible for accessing sewer and stormwater pipes to determine blockages are at greater risk of contracting covid through their exposure to raw sewerage.	Masks to be worn; Sanitising regularly	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Technical Officer - Asset management (Sewer and stormwater pipe inspections - CCTV)	Staff responsible for accessing sewer and stormwater pipes to determine blockages are at greater risk of contracting covid through their exposure to raw sewerage.	Masks to be worn; Sanitising regularly	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Freight drivers (those driving between Victoria and NSW for work purposes)	Required to drive, particularly between NSW and Victoria to deliver Council services such as gravel pick up and delivery. Victoria has implemented the requirement of all freight drivers to be vaccinated if they wish to cross the border.	Operators currently have border passes and using separate vehicles; Masks are worn; Sanitising regularly	Almost Certain	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination as per border crossing rules. Compulsory testing and isolation until negative result returned whenever symptoms present.
Libraries	Librarians exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Patron visits increase the risk to Librarians	Physical distancing enforced; Wiping down and sanitising areas following use including books; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	High	Vaccination a requirement for appointment; Pool to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.		

APPENDIX 1 – Vaccination Risk Assessment

		Lifeguards	Lifeguards regularly exposed to children, who are considered spreaders of the covid virus; Expected to provide lifesaving treatment and are therefore expected to work in close proximity to patrons.	Sanitising regularly; Lifeguards required to wipe down areas following use.	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for appointment; Pool to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Water & Safety Officer (when acting in lifeguard role)	Lifeguards regularly exposed to children, who are considered spreaders of the covid virus; Expected to provide lifesaving treatment and are therefore expected to work in close proximity to patrons.	Sanitising regularly; Lifeguards required to wipe down areas following use.	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for appointment; Pool to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
2	Where employees are required to have close contact with people who are particularly vulnerable to the health impacts of coronavirus	Libraries	Librarians exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Patron visits increase the risk to Librarians	Physical distancing enforced; Wiping down and sanitising areas following use including books; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Libraries closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Bendigo Bank	Bendigo Bank staff exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Customers increase the risk to staff.	Physical distancing enforced; Wiping down and sanitising areas following use; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Bendigo Bank to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Customer Service	Customer service staff exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Customers increase the risk to staff.	Physical distancing enforced; Wiping down and sanitising areas following use; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Office closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Ranger	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Building Surveyors	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Building and Health Inspectors	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		On-call staff	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Landfills	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Introduce contactless payments; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Rates/Revenue	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Road Construction	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.

APPENDIX 1 – Vaccination Risk Assessment

Concreting	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
Parks and Gardens	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
Town Maintenance(all other activities outside of public amenity maintenance)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
Social & Strategic Planning Co-ordinator	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
Economic Development Liaison	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
Human Resources Co-ordinator	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
CEO	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
Deputy CEO	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
Payroll Officer	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.

Where there is interaction or likely interaction between employees and other people such as

APPENDIX 1 – Vaccination Risk Assessment

customers, other employees or the public in the normal course of employment	Support Staff	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Finance	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Workshop	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Store	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Roads Overseer	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Maintenance Overseer	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Director Technical Services	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Project Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Water & Safety Officer (when acting in meter reading role)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.

APPENDIX 1 – Vaccination Risk Assessment

		Enterprise Risk Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Assets & Operations Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
4	Where employees have minimal face-to-face interaction as part of their normal employment duties	CEO-Personal Assistant	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Town Planner	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Weed Control	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Surveyors	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Engineering Services Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Technical Officer - Asset Management (all activities outside of CCTV pipe surveillance)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Technical Support Officer (all activities outside of CCTV pipe surveillance)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.

Appendix 2 – Minimum Required Vaccinations – Specified High Risk Areas

Sewerage

- Hepatitis A and B
- Tetanus
- Covid 19

Water Treatment

- Hepatitis A and B
- Tetanus
- Covid 19

Animals

- QFever (if exposed to sheep, cattle, goats, kangaroos, or camels in the course of your work)
- Influenza
- Rabies (lyssaviruses where you may come into contact with wildlife such as bats)
- Covid-19

Libraries (people who work with children of the aged)

- Hepatitis A and B
- Influenza
- MMR (Measles, Mumps, Rubella – if not immune)
- Pertussis (diphtheria-tetanus-acellular pertussis)
- Varicella (Chicken Pox – if not immune)
- Covid-19

Source: Australian Immunisation Handbook <https://immunisationhandbook.health.gov.au/>



Report:

The Vaccinations Policy assists the Council assess and manage exposure to diseases/s and thereby meet or exceed its obligations under current legislation and / or any relevant Public Health Orders related to current (COVID-19) or future pandemics.

The Council must provide a work environment without risks to health and safety, so far as is reasonably practicable. The obligation to provide a safe and healthy work environment requires that the Council eliminate or minimise, so far as is reasonably practicable, the public and individual health risks associated with exposure to communicable disease/s for which there is a vaccine.

This policy was adopted in November 2021. In the opinion of management, the policy is fit-for-purpose and can be re-adopted as written.



Council Meeting

16 February 2022

8.6 Drug and Alcohol-Free Workplace Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. endorse the Drug and Alcohol-Free Workplace Policy as set out below; and
2. review this policy no later than 17 September 2025



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DRUG AND ALCOHOL FREE WORKPLACE POLICY

Strategic Outcome:	Good government	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Version 3.0	
Delivery Program Link:	2.1.3.5 Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan.	

1. POLICY STATEMENT

All workers have a duty of care to take reasonable care for their own health and safety and ensure they do not adversely affect the health and safety of others. This requires staff to be in a fit and well state to perform their work, and extends to ensuring staff are not under the influence of drugs or alcohol whilst at work.

Berrigan Shire Council is committed to providing a drug and alcohol free workplace in order to protect the interests of employees and the public.

2. PURPOSE

The purpose of this policy is to establish a clear and consistent framework for addressing the risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drugs.

Council's aims are to:

1. protect employee health and welfare,
2. prevent drug and alcohol-related incidents,
3. foster a safe workplace environment,
4. encourage safe and positive behaviours; and
5. provide support to employees dealing with drug and alcohol dependency

3. SCOPE

This policy relates to all workers of the Berrigan Shire Council.



4. DEFINITIONS

BAC	Blood Alcohol Content
CASA	Civil Aviation Safety Authority
Council Workplace	Any place where Council staff are required to perform duties, including but not limited to Council premises, parks, reserves, vehicles, plant or any Council building or physical asset.
DAMP	Drug and Alcohol Management Program – a CASA requirement for Aerodromes
EAP	Employee Assistance Program - a Council funded program for employees seeking support, advice and counselling. Refer Employee Assistance Policy.
Illicit drugs	Any drugs defined and specified as prohibited or illegal under any Federal, State or territory legislation, and drugs for which a medical prescription has not been issued to the person using the drug.
Negative result	means a result returned at or below the nominal level used for initial screening/testing.
Non-negative result	means a result that is initially positive which needs to be referred to an external accredited testing laboratory for confirmatory testing.
Notifiable incident	In accordance with the <i>Work Health and Safety Act 2011</i> , Part 3, a notifiable incident means (a) the death of a person, or (b) a serious injury or illness of a person (Cl. 36), or (c) a dangerous incident (Cl. 37).
Positive result	A positive result is where a non-negative screening result has been subsequently confirmed positive by an external accredited testing laboratory.
Prescribed medication	Drugs only obtainable with a prescription
Random testing	Testing conducted on employees that are selected at random, without any pre-set criteria or suspicions.

5. POLICY IMPLEMENTATION

5.1 Alcohol and Illicit Drugs Use



Alcohol and illicit drugs have the ability to impair an employee's judgement and work performance. As a result, employees are obliged to present for work in a fit state and not under the influence of alcohol and/or drugs so that in carrying out normal work activities, they do not:

- expose themselves, their co-workers or the public to unnecessary risks to health and safety, or
- inhibit their ability to fulfil the requirements of the position, or
- present a poor public image of Council.

5.2 Prescribed Medication

Where an employee is on a course of prescribed or over the counter medication that may induce drowsiness or impair performance, they must notify their Manager/Supervisor prior to commencement of duty. It is the responsibility of the employee to source information from their doctor or pharmacist regarding the effects of the prescribed drugs on work performance and to take reasonable steps to mitigate any work-related risk

5.3 Alcohol and Illicit Drugs in the Workplace

Possession, consumption or being under the influence of illicit drugs whilst at the workplace and during working hours (including lunch breaks) will not be permitted. Consumption or being under the influence of alcohol whilst at the workplace, during working hours (including lunch breaks), overtime and on-call arrangements will not be permitted.

Employees are not to use a council vehicle for the purpose of purchasing alcohol unless they have entered into a private use agreement, or have been given verbal authorization to purchase alcohol for an official Council function. The use of a Council vehicle at any time for the purpose of purchasing illicit drugs will not be permitted.

The consumption of alcohol or any illegal drugs in public whilst wearing or displaying any item of clothing that identifies the person as a Council employee (other than at an approved Council function) is not permitted.

5.4 Approved functions

In special circumstances the Council, by resolution, may permit the consumption of alcohol at functions provided that alternative drinks, i.e. low alcohol and soft drinks etc and food are provided.

Where such events are permitted by the Council, service of alcohol must be by a 'responsible service of alcohol' qualified person or persons.



5.5 Testing Providers

Council will use an accredited external testing provider to conduct random testing.

In addition, Council will identify staff who will be responsible for administering in-house testing when accessing the external provider would prove too difficult within a short timeframe. In-house testers will be appropriately trained and will be required to abide by strict confidentiality protocols.

5.6 Testing Procedures

Council reserves the right to perform drug and alcohol testing under a range of circumstances, and always as a means of determining a potential or existing employee's ability to safely perform their duties.

5.6.1 Pre-employment

All persons selected for temporary, casual or permanent employment with Council will be required to undergo a pre-employment medical examination and drug and alcohol screen to determine fitness to perform nominated duties. This test will be conducted using a urine sample. Refer to Council's Pre-employment Medical policy.

5.6.2 Suspicion

It is the responsibility of all managers/supervisors and co-workers to ensure that no employee commences or continues to work, if the employee appears to be affected by alcohol, illegal drugs, medication or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position.

If a manager/overseer has justifiable cause to doubt an employee's fitness for duty, Council reserves the right to remove the employee from the work site and request a saliva or breath test. This test, depending upon availability, may be performed by Council's qualified in-house testers, contracted testing provider, or at a local medical clinic.

5.6.3 Incident-specific testing

Employees may be subject to testing following any incident classified as notifiable under the *Work Health and Safety Act 2011*, or where an employee may have breached safety procedures. The employee will either be required to present to a local medical clinic where a trained practitioner will administer the test, or by one of Council's qualified in-house testers.

5.6.4 Random testing



Council will employ a third party registered independent testing provider to perform a random drug and alcohol testing program across the organisation on a quarterly basis. Due to the varied locations of work sites, the Human Resources Services Officer will provide a list of employee numbers (not names) allocated to the various work sites/locations. The tester will randomly choose employee numbers which will then be matched to an employee name. If the employee is at work on that day they will be tested. Testing will consist of saliva testing for the presence of drugs, and a breath test for the BAC of alcohol.

5.6.5 Self-reported

In the event an employee self-reports that they may have presented to work whilst still under the influence of, or suffering the effects of alcohol or other drugs, the employee will be requested to leave work for the day (to be covered by Sick Leave). Alternatively, the employee may request to be tested for either alcohol or other drugs to ensure they are in a fit state to continue or start working. If the employee has self-reported and presents with a non-negative result, no further action will be taken. All self-reports for alcohol or illicit drug use will be recorded on the employee's personnel file, and monitored for repeat behaviour. The employee will be offered support as per clause 5.9 of this Policy.

5.6.6 Refusal to be tested

In any circumstances if an employee refuses to be tested or does not cooperate fully with the administration of a drug or alcohol test without reasonable excuse, they may be subject to disciplinary action in accordance with the *Local Government (State) Award 2020*.

5.7 **Tocumwal Aerodrome (DAMP)**

The Civil Aviation Safety Regulations Sub Part 99, requires an Aerodrome to implement a Drug and Alcohol Management Program (DAMP) and policy (99.045) for staff who may be undertaking Safety Sensitive Aviation Activities (SSAA). Under CASR Sub Part 99B, Council is classed as a micro-business with ten or less SSAA employees and is able to claim an exemption and will adopt the CASA Micro-business Drug and Alcohol Management Plan as a condition of the exemption.

All Council staff performing SSAA are still required to abide by this policy.

5.8 **Contractors**

Council will insist any contractors performing work for Council will be required to have a Drug and Alcohol policy in place.



Any contractors on-site when random testing is taking place will be required to participate. Any contractors returning a non-negative will be required to leave the worksite. Council will need to be assured that a management plan is in place to monitor the contractor or contractor's employee before allowing them to return to the worksite.

5.9 Volunteers

Council volunteers will not be subjected to random testing but will be required to abide by this policy, and will be subjected to testing based upon suspicion or following an incident.

5.10 Test Results and Further Action

5.10.1 Negative Result

Where an employee returns a negative result, no further action is taken.

5.10.2 Non-negative Result

Where an employee returns a non-negative result, a second sample will be taken and sent to an external laboratory for further testing.

Each non-negative result will be discussed individually and confidentially between the employee and the employee's Manager. The employee's Manager will discuss the result and determine what action may be taken. Depending upon their duties, and the nature of the result, the employee may be requested to leave the premises and stay home, utilising whatever leave is available to them, until the results of the second test are received.

5.10.3 Positive Result

If a positive result is received from the external laboratory, the employee will be required to attend a meeting with their Manager, the CEO and a support person if requested, to determine a further course of action.

5.10.4 Returning to Work

Any employee who has returned a positive result will not be permitted to return to work until a negative result has been received. Council's in-house testers will perform follow up testing with results communicated to the employee's Manager, and included on the employee's file.

5.11 Rehabilitation/EAP

Council will support any employee who returns a positive result, to seek support and rehabilitation for issues relating to drug and/or alcohol dependency. Strategies may include:



- Encouraged to utilise the Employee Assistance Program
- Sourcing of rehabilitation providers
- Dissemination of information to assist with recovery
- Job re-organisation

If an employee returns a positive test for the first time, and commits to and actively participates in counselling or other treatment, they may not be subject to disciplinary action however will be expected to take whatever leave is available to them to participate in treatment and/or counselling programs.

If an employee refuses assistance or support, and refuses to participate in any rehabilitation programs, and either attends work in an unfit state and returns a further positive result upon suspicion testing, or returns a second positive following random testing, they will be subject to disciplinary action which may result in dismissal.

5.12 Confidentiality

All information generated from Council's testing program will be kept private and confidential unless:

- the test result must be released to the employee's Manager and CEO to facilitate further action;
- the test result becomes part of a dispute;
- complying with a legal requirement.

File notes relating to impairment or self-reporting will be included on an employee's personnel file, and kept confidential in accordance with records management procedures and the Council's Privacy Management Plan

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- *Local Government (State) Award 2020*
- Berrigan Shire Council Work Health and Safety Policy
- Berrigan Shire Council Employee Assistance Program Policy
- Berrigan Shire Council Pre-Employment Medical Policy
- Tocumwal Aerodrome Management Plan
- Drug and Alcohol Management Procedure



Report:

The Drug and Alcohol-Free Workplace Policy establishes a clear and consistent framework for addressing the risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drug.

All workers have a duty of care to take reasonable care for their own health and safety and ensure they do not adversely affect the health and safety of others. This requires staff to be in a fit and well state to perform their work and extends to ensuring staff are not under the influence of drugs or alcohol whilst at work. Berrigan Shire Council is committed to providing a drug and alcohol-free workplace in to protect the interests of employees and the public.

This policy was adopted in October 2021. In the opinion of management, the policy is fit-for-purpose and can be re-adopted as written.



Council Meeting

16 February 2022

8.7 Staff Remuneration Review Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. endorse the Staff Remuneration Review Policy as set out below; and
2. review this policy no later than 17 September 2025



Policy

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STAFF REMUNERATION REVIEW

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Version 4.0	
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing	

1. POLICY STATEMENT

This policy provides a means for the Council to assure itself that the remuneration paid to the Council's Chief Executive Officer and Directors is as per their conditions of employment and properly authorised.

2. PURPOSE

In line with the *Local Government Act 1993*, the General Manager (titled Chief Executive Officer at Berrigan Shire Council) is generally responsible for the efficient and effective operation of the council's organization. This includes overall responsibility for the Council's payroll function.

The Chief Executive Officer's responsibility for overseeing the payment of his or her remuneration package carries some risk. This risk is somewhat mitigated by the delegation of the payroll function to another staff member. However, further mitigation of this risk is possible through seeking a third party review of the payments made to the Chief Executive Officer.

In the interests of completeness, this review also includes the Council's director-level staff and the delegated Responsible Accounting Officer.

The review of senior manager remuneration is one of the control measures identified in the Council's Fraud Control Plan. This plan was developed in line with the Council's Risk Management Framework



Policy

3. SCOPE

This policy applies to the remuneration packages (including redundancy and severance payments) of the Council's Chief Executive Officer, the other Director-level positions and the delegated Responsible Accounting Officer place in the 12 month period immediately preceding any review.

4. POLICY IMPLEMENTATION

4.1 Review

The Council will direct the Audit Risk and Improvement Committee to commission an annual (1 July to 30 June) review of payments made under the respective remuneration packages of the following staff:

- Chief Executive Officer
- All Director-level positions
- Responsible Accounting Officer (if not a Director-level position)

A report on the review and its findings must be presented to the Council. The report will include, at a minimum, an opinion on the correctness and accuracy of the payments made under the respective employment agreements as well as any other relevant findings and recommendations.

This report must be presented to the Council for consideration by no later than 31 October each year.

Subject to meeting the obligations above, the nature and conduct of the review is for the determination of the Audit Risk and Improvement Committee.

5. RELATED LEGISLATION, POLICIES AND STRATEGIES

5.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#)
- [Local Government \(State\) Award 2020](#)

5.2 Council policies and guidelines

- [Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Salary Policy](#)
- [Fraud Control Policy](#)



Policy

- Fraud Control Plan
- [Internal Reporting Policy](#)

6. RECORDS MANAGEMENT

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each audit must be kept for at least five (5) years.

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

7. REVIEW AND EVALUATION

This policy will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

8. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

*Berrigan Shire Council
56 Chanter Street
Berrigan NSW 2712*

*Ph: 03 5888 5100
Email: mail@berriganshire.nsw.gov.au*

9. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
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Policy

2.0	20.10.2021	Revoke existing policy and Adopt new Policy document	Deputy Chief Executive Officer

APPENDICES

NIL

Report:

The Staff Remuneration Review Policy provides a means for the Council to assure itself that the remuneration paid to the Council's Chief Executive Officer and Directors is as per their conditions of employment and properly authorised

The Chief Executive Officer's responsibility for overseeing the payment of his or her remuneration package carries some risk. This risk is somewhat mitigated by the delegation of the payroll function to another staff member. However, further mitigation of this risk is possible through seeking a third-party review of the payments made to the Chief Executive Officer.

In the interests of completeness, this review also includes the Council's director-level staff and the delegated Responsible Accounting Officer. The review of senior manager remuneration is one of the control measures identified in the Council's Fraud Control Plan. This plan was developed in line with the Council's Risk Management Framework.

This policy was adopted in October 2021. In the opinion of management, the policy is fit-for-purpose and can be re-adopted as written.



Council Meeting

16 February 2022

8.8 Workplace Smoking Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. endorse the Workplace Smoking Policy as set out below;, and
2. review this policy no later than 17 September 2025



Policy

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WORKPLACE SMOKING POLICY

Strategic Outcome:	Good government	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.1 Council operations, partnerships and coordination of resources contribute toward implementation of Berrigan 2027	

1. POLICY STATEMENT

Council is committed to providing a safe and healthy working environment in accordance with Work Health and Safety legislation, and Smoke-free Environment legislation. Council will ensure procedures and resources are in place to identify hazards and introduce control measures that eliminate or reduce the risks.

2. PURPOSE

The purpose of this policy is to outline how no smoking in the workplace is enforced, how Council staff and members of the public comply with smoke-free public places, and to clearly outline variations where the policy does not apply.

3. SCOPE

This policy applies to all Council workers including contractors and volunteers, councilors and visitors to Council workplaces.

4. OBJECTIVE

This policy is developed to assist the Council with the Community Strategic Plan Objective:

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

Specifically, to reduce the risk of harm to all workers and visitors to the workplace.

5. DEFINITIONS

Council Workplaces are all workplaces where Council staff or contractors are expected to work. This extends to buildings, construction sites, parks and reserves;



Policy

Council vehicles	include all motor vehicles within Council's fleet;
Council plant	includes all larger plant not defined as a motor vehicle, and includes but not limited to road construction plant, trucks, tractors, ride-on mowers;
Private use of vehicles	is in accordance with the Private Use of Council Vehicles Policy and includes all vehicles where private use is included as part of the appropriate staff member's vehicle arrangement
Public places	as defined by the <i>Smoke Free Environment Act 2000</i> , which is a place or vehicle that the public, or a section of the public, is entitled to use or that is open to, or is being used by, the public or a section of the public (whether on payment of money, by virtue of membership of a club or other body, or otherwise.
Smoke-free area	is an area that is free of smoke generated by tobacco products, non-tobacco smoking products or e-cigarettes. Smoke-free areas are defined in the <i>Smoke Free Environment Act 2000</i> and include indoor and outdoor public places.
Workers	is the definition under the <i>Work Health and Safety Act 2011</i> and includes paid employees, contractors, volunteers, work experience students, and hired staff.

6. POLICY IMPLEMENTATION

6.1 Council Buildings, Plant and Vehicles

All Council buildings, large plant and Council owned vehicles are smoke-free areas.

All workers and visitors are not permitted to smoke in these areas. This also extends to areas within four metres of an entry or exit point of any Council buildings that are open to the public, and in areas where chemical storage prohibits smoking.

Smoking is permitted in designated smoking areas and these are provided at the rear of the Council offices, and identified areas at Council Depots.

6.2 Private Use Vehicles

No smoking is permitted in any Council vehicle at any time. For the avoidance of doubt, this includes when the car is used outside work hours under a private use agreement.

6.3 Public Places



Policy

Under the *Smoke Free Environment Act 2000*, smoking is not permitted in identified public places. These include:

- within ten metres of children's play equipment in outdoor public places;
- at public swimming pools;
- spectator areas at sportsgrounds or other recreational areas used for organised sporting events;
- public transport stops and platforms;
- within four metres of a pedestrian access point to a public building.

This includes the main entrance to the Council offices, and the rear entrance used by workers.

6.4 Quit Programs

As part of Council's commitment to health and wellbeing, any staff member requiring assistance to quit smoking is encouraged to participate in a quit program. Council will provide information around these programs, and how they can be accessed.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Smoke Free Environment Act 2000*
- *Work Health and Safety Act 2011*
- NSW Health Tobacco Strategy and Policy

7.2 Council policies and guidelines

- Private Use of Council Vehicles Policy
- Work Health and Safety Policy
- Code of Conduct



Report:

The Workplace Smoking Policy outlines how “no smoking” in the workplace is enforced, how Council staff and members of the public comply with smoke-free public places, and to clearly outline variations where the policy does not apply

Council is committed to providing a safe and healthy working environment in accordance with Work Health and Safety legislation, and Smoke-free Environment legislation. Council will ensure procedures and resources are in place to identify hazards and introduce control measures that eliminate or reduce the risks.

This policy was adopted in July 2021. In the opinion of management, the policy is fit-for-purpose and can be re-adopted as written.



Council Meeting

16 February 2022

8.9 Water Trading Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. endorse the Water Trading Policy as set out below: and
2. review this policy no later than 17 September 2025



Policy

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WATER TRADING

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing	

1. POLICY STATEMENT

In order to have a secure supply of water to meet the needs of its town water supply customers, Berrigan Shire Council holds high-security water allocations. These allocations have economic value to the Council.

In situations where the Council has more than sufficient water to meet customer demand, the Council will look to trade surplus allocation to productive or other use elsewhere to generate additional revenue for the Council's water fund.

2. PURPOSE

This policy has been developed to generate additional revenue for the Council's Water Fund to improve service delivery, provide additional capital improvements and reduce the financial burden on water service customers.

3. SCOPE

This policy applies to all trading of water allocations owned by the Berrigan Shire Council Water Fund.

It excludes water owned by the Council's General Fund and by its volunteer committees of management used for community purposes.



Policy

4. DEFINITIONS

Allocation assignment: An Allocation assignment (previously known as a Temporary Transfer) is the formal movement of a volume of water from one access licence to another and is valid only within a water year;

Permanent Transfer: The transfer of whole or part of the Allocation of an Entitlement under Division 4C of the *Water Management Act*, such transfer being without limitation as to duration

Water Allocation: The volumetric quantity of water that can actually be taken during any year, consequent to Water Allocation Announcement(s). It is defined in Division 4B of the *Water Management Act 2000*

5. POLICY IMPLEMENTATION

5.1 When will water be traded?

The primary use of the Council's water allocations is to provide water to its customers via its urban water supply service.

Water will only be traded where:

1. The Council has sufficient water to meet the expected needs of its customers, and
2. The Council has statutory and regulatory approval to trade water, and
3. The value of the surplus allocation is sufficient to make trading profitable for the Council.

5.2 How will water be traded?

The Council's sole objective when trading from its water allocation is to maximise "best value" to the Council's Water Fund over the long term. The "best value" concept is defined in the Council's Procurement and Disposal Policy as "the best return and performance" for the Council

All trades will be made at "arm's length" using an appropriate water trading exchange.

Any trades made for a purpose other than maximising the financial return to Council must be authorised by resolution of the Council.

Permanent transfers of water allocations (as opposed to allocation assignments) must be authorised by resolution of the Council.



Policy

5.3 Who will trade water?

All trades made under this policy will be authorised by the Chief Executive Officer or by other staff with explicit delegated authority granted by the Chief Executive Officer.

5.4 Exceptions

There may be circumstances where application of this policy is not appropriate, and Council reserves the right to consider other methods of trading surplus allocation assignments subject to separate resolution.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Local Government Act 1993*
- *Water Management Act 2000*
- *Local Government (General) Regulation 2005*
- *Pricing and costing for Council Businesses: A guide to Competitive Neutrality (1997)*

6.2 Council policies and guidelines

- *Procurement and Disposal Policy*

7. RECORDS MANAGEMENT

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each trade must be kept for at least five (5) years.

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

8. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

9. DOCUMENT AVAILABILITY



Policy

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	06.03.2003	Creation of Policy	General Manager
2.0	15.09.2021	Revoke & Adoption of Policy	Director Corporate Services

APPENDICES

Nil



Report:

The Water Trading Policy provides direction to Council staff when trading surplus water allocations held by the Council.

In order to have a secure supply of water to meet the needs of its town water supply customers, Berrigan Shire Council holds high-security water allocations. These allocations have economic value to the Council.

In situations where the Council has more than sufficient water to meet customer demand, the Council will look to trade surplus allocation to productive or other use elsewhere to generate additional revenue for the Council's water fund.

This policy was adopted in September 2021. In the opinion of management, the policy is fit-for-purpose and can be re-adopted as written.



Council Meeting

16 February 2022

8.10 Reimbursement of Relocation Expenses Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. endorse the Reimbursement of Relocation Expenses Policy attached as set out below; and
2. review this policy no later than 17 September 2025



Policy

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REIMBURSEMENT OF RELOCATION EXPENSES

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	17 November 2021	Minute Number:
Date for Review:	16 October 2024	
Responsible Officer:	Chief Executive Officer	
Document Control:	Version 4.0	
Delivery Program Link:	2.1.3.5 – Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Management and Development Plan 2017-2022	

1. POLICY STATEMENT

In order to attract suitably qualified and skilled staff, Berrigan Shire Council (**Council**) may consider offering reimbursement of relocation expenses as part of an offer of employment.

It is important that offers and payment of relocation expenses are transparent and equitable.

2. PURPOSE

The purpose of this Policy is to provide guidance to managers, finance and human resources staff and prospective employees on reimbursement of relocation expenses for employees required to relocate to take up employment with Council.

3. SCOPE

This policy applies to all Council employees

4. DEFINITIONS

Eligible employee: An employee required to relocate their primary place of residence from a residence outside Berrigan Shire to a new residence in Berrigan Shire in order to take up a position with the Council.



Policy

Primary place of residence: The residence where the employee ordinarily resides. This definition excludes arrangements where an employee uses temporary accommodation in the Shire and commutes on a weekly basis from a primary residence elsewhere.

Relocation expenses: The reasonable cost of relocating to a new primary place of residence. This may include the cost of a removalist or, for a self-removal, the cost of truck hire and fuel.

5. POLICY IMPLEMENTATION

Berrigan Shire Council will reimburse 50% of the relocation expenses of eligible employees up to \$1,500 – i.e. 50% of \$3,000 in relocation expenses where that relocation is from within New South Wales or Victoria. Where the employee is relocating from further away, increased relocation expenses will be at the discretion of the Chief Executive Officer

Payment of Relocation Expenses will be made on the following terms:

- The Council and the employee will agree on the terms of reimbursement before the acceptance of an offer of employment with the Council. An agreement to reimburse relocation expenses under this policy will be explicitly included in the letter of appointment. Retrospective reimbursement of relocation expenses is at the discretion of the Chief Executive Officer.
- Reimbursement will be made after six months continuous employment with the Council and subject to successful completion of any probation period.
- Reimbursement is made on the basis of actual expenses paid and the employee is required to provide receipts to support her/his claim.
- Authorisation for any payment under this policy must be given by the Chief Executive Officer, Director Corporate Services, Director Infrastructure, or Director Strategic Planning and Development as applicable
- In the case of genuine hardship, reimbursement under this policy may be made at an earlier date with the explicit approval of the Chief Executive Officer.

The Finance Manager should be made aware of any agreement to pay relocation expenses as soon as possible to allow for any budgetary considerations.

5.1 Responsibilities

It is the responsibility of the Chair of any interview panel to ensure the prospective employee is aware of this policy prior to making an offer of employment.

Where the Chair does not make the prospective employee aware of the policy and, after accepting the offer of employment, the employee finds they may have been eligible for relocation expenses, that



Policy

employee may make representations to the relevant Director or the Chief Executive Officer. Such request must be received during the probation period where a probation period is applicable, or within 3 months of commencement.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- Local Government (State) Award 2020

6.2 Council policies and guidelines

- [Code of Conduct](#)
- [Workforce Management and Development Plan 2017-2022](#)
- [Salary Policy](#)
- [Expenses and Facilities Guidelines for Staff 2021](#)

7. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

8. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

9. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

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Policy

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10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	19.07.2000	Creation of Policy	Director Corporate Services
2.0	21.08.2013	New Policy	Director Corporate Services
3.0	21.06.2017	Revoke existing & Adoption of new Policy	Director Corporate Services
4.0	17.11.2021	Minor Updates to current format. Insertion of clauses 5.1, 7, 8, 9 and 10	Chief Executive Officer
5.0	16.02.2022	Endorse existing Policy	Chief Executive Officer



Policy

APPENDICES

Nil



Report:

The Reimbursement of Relocation Expenses Policy provide guidance to managers, finance and human resources staff and prospective employees on reimbursement of relocation expenses for employees required to relocate to take up employment with Council

To attract suitably qualified and skilled staff, the Council may consider offering reimbursement of relocation expenses as part of an offer of employment. It is important that offers and payment of relocation expenses are transparent and equitable.

This policy was adopted in November 2021. In the opinion of management, the policy is fit-for-purpose and can be re-adopted as written.



Council Meeting

16 February 2022

8.11 Social Justice Framework

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: That the Council:

1. revoke the Social Justice Framework adopted on 12 October 2016; and
2. adopt the Social Justice Framework as set out below:



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SOCIAL JUSTICE FRAMEWORK

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	19 February 2025	
Responsible Officer:	Director Strategic Planning and Development	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.1.1 <i>Promote and support the engagement of Shire residents, local business and agencies in the development, implementation &</i>	

1. POLICY STATEMENT

Council planning and service delivery actively supports, and is informed by the social justice principles of access, rights, equity and participation

2. PURPOSE

The purpose of this framework is to define the Berrigan Shire Council's social justice obligations and the application of the *Local Government Act 1993* (Section 8) requirement that Council decision making 'considers social justice principles'.

3. SCOPE

This framework applies to Councillors, Council employees, and contractors engaged on behalf of the Berrigan Shire Council, and who are, during the course of their role, engaged in and have responsibility for, the planning and delivery of Berrigan Shire Council activities.

4. OBJECTIVE

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

2.1.1 Council operations, partnerships and coordination of resources contribute toward implementation of Berrigan Shire 2027



Policy

5. POLICY IMPLEMENTATION

5.1 Principles

Equity – there is fairness in decision-making, prioritising and allocation of resources. Moreover, the planning processes that guide decision-making are inclusive and protect the interests of current and future generations.

Access – residents and visitors to the Berrigan Shire have access, within Shire Council resources, to the services and opportunities that improve their quality of life.

Participation – the people who live, work and study in the Shire are encouraged and supported to become involved in Council and community decision-making.

Rights – Within the exercise of its responsibilities and activities, the Berrigan Shire Council supports:

- a) the right to be respected as an individual and a member of the community without distinction or discrimination;
- b) the right to a standard of living which protects the health, safety and dignity of individuals, children, and families;
- c) the right to work and earn an income;
- d) the right to learning throughout life;
- e) the right to participate in the public and cultural life of the community;
- f) the right to access adequate food, clothing, housing, social support and health services;
and
- g) the right to access recreation and leisure facilities and services.

5.2 Legislative requirements

Section 8A(2)(b) of the *Local Government Act 1993* requires Councils, when making their decisions consider “social justice principles”

5.3 Implementation

This framework and its decision-making principles is embedded in the Berrigan Shire Council’s approach to the planning and delivery of Council services and activities described in the following Council policies,



Policy

plans and strategies but is not limited, to the following and applies to all aspects of Council planning and decision making.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation and external guidelines

- *Local Government Act 1993*
- Integrated Planning and Reporting Guidelines for NSW Councils (2021)

6.2 Council policies and guidelines

- Child-Safe Policy and Framework
- Community Engagement Framework and Community Participation Plan
- Debt Management and Hardship Policy
- Equal Employment Opportunity Policy
- Community Strategic Plan
- Children, Young People, and their Families Strategy
- Library Services Strategy and Plan
- Active Aging and Disability Inclusion Strategy and Action Plan
- Pedestrian Access and Mobility Plan

7. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

8. REVIEW AND EVALUATION

This policy will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

9. DOCUMENT AVAILABILITY

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>



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10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	12.10.2016	Creation of new Policy	Director Strategic Planning & Development
2.0	16.02.2022	Amended with new IPR guidelines	Director Strategic Planning & Development



Report:

The Social Justice Framework Policy was due for review on 17 November, 2021. A review has been undertaken and the Policy is ready for adoption by Council.



Council Meeting

16 February 2022

8.12 Community Engagement and Community Participation Plan

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. revoke the Community Engagement and Participation Plan adopted on 12 October 2016; and
2. adopt the Community Engagement and Participation Plan as set below:



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COMMUNITY ENGAGEMENT PLAN AND COMMUNITY PARTICIPATION PLAN

Strategic Outcome:	Supported and engaged communities	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	21 February 2024	
Responsible Officer:	Director Strategic Planning and Development	
Document Control:	Version 2.0	
Delivery Program Link:		

1. POLICY STATEMENT

The development of a *Community Engagement Framework and Community Participation Plan* by the Berrigan Shire Council strengthens its commitment to supporting the participation of individuals, groups and communities in Council planning and decision making.

The Shire recognises residents, ratepayers and frequent visitors to the Shire have diverse opinions, ideas and extensive life experience. Community engagement allows the Shire to facilitate the sharing of:

- community knowledge and experience; and
- the best available information so better decisions are made about the issues, and challenges, affecting our community.

2. PURPOSE

The purpose of this framework is to broadly define the Berrigan Shire Council's commitment to Community Engagement and its application to:

- The development of the Shire's Community Strategic Plan,
- The development and implementation of the Council's Delivery Program and Operational Plan activities,



Policy

- The development, implementation and review of other Council Plans, and the strategies that may from time to time, be developed by the Council; and
- Environmental and Land Use Planning and Development in the Berrigan Shire

3. SCOPE

This framework applies to Councillors, Council employees, and contractors engaged on behalf of the Shire, and who are, engaged in and have responsibility for, the planning and delivery of Council activities.

4. OBJECTIVES

This policy is developed to assist the Council with the following Delivery Program Strategic Objectives:

- 1.1 Support sustainable use of our natural resources and built landscapes
 - 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife
 - 1.3 Connect and protect our communities
-
- 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
 - 2.2 Strengthen strategic relationships and partnerships with community, business and Government

5. DEFINITIONS

Community:	The people who live, work, study in, and visit the Shire. This includes and is not limited to: residents, ratepayers, local business – employees, suppliers, consumers and markets; utility providers; community and environmental agencies that outreach and or undertake activities in the Shire; State health and education providers; regional, State and Federal government agencies and or authorities
Community engagement:	Community engagement is a process best described as an approach to developing and sustaining a working relationship between the Berrigan Shire Council and the wider community
Community Participation Plan (CPP):	This Plan describes how the community may participate in the Council's Planning System. Consistent with the objectives of the EP&A Act the Council's CPP aims to increase community participation in environmental planning and assessment and is the Council's tool to deliver this aim.



Policy

Community Strategic Plan (CSP):	The highest-level plan the Shire Council will prepare pursuant to the <i>Local Government Act 1993</i> . The planning process considers the issues and pressures that may affect the community and the level of resources realistically available to achieve its aims and aspirations. The Shire Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area. It is not wholly responsible for its implementation. Other partners may also be engaged in delivering the long-term objectives of the plan. (Planning and Reporting Guidelines for local government in NSW 2010)
Council activities:	those described in the Council's Annual Operation Plan and 4-year Delivery Program

6. POLICY IMPLEMENTATION

6.1 Principles

The following principles¹ will be used by the Shire to guide its engagement with our community: the people, who live, work, study in, and visit the Shire.

- **Information:** To provide the community and key stakeholders with accessible, balanced and objective information on decisions, policies, plans and strategies.
- **Consultation:** To obtain feedback from the community and key stakeholders on analysis and alternatives to inform a decision.
- **Involvement:** To work directly with the community and key stakeholders throughout a project to ensure community concerns and aspirations are understood and considered.
- **Collaboration:** To partner with the community and key stakeholders in each aspect of the decision process – including the development of alternatives and identification of a solution. Responsibility for the final decision rests with Council but may, in some instances as in the development of the *Community Strategic Plan* be shared with the community and key stakeholders

¹ Adapted from: International Association for Public Participation (2008) *IAP2 Public Participation Spectrum*



Policy

6.2 Legislative requirements

This Framework and Community Participation Plan reflects the legislative requirements of the *Local Government Act 1993* and *NSW Environmental Planning and Assessment Act 1979 (EP&A Act)*

Specific provisions from each Act provide the framework and guidance to the Council and our community on the purpose of our engagement. These provisions describe the Council functions that are subject to Council's Community Engagement Framework and Participation Plan. Moreover, these provisions set out how and when our community can participate in the Council's:

- Land Use and Development Planning System; and
- Corporate Planning System using the NSW Local Government Integrated Planning and Reporting Framework.

6.2.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

The *NSW Environmental Planning and Assessment Act 1979* controls and regulates the use and development of land in New South Wales. Councils are required to develop a Community Participation Plan (CPP) per Division 2.6 of the EP&A Act and in doing so detail how and when a planning authority (the Council) will undertake community participation as part of the exercise of the relevant planning functions described by section 2.21 (2) of the EP&A Act.

6.2.2 Local Government Act 1993

Councils are required 'to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government' pursuant to Section 7 (d) of the *Local Government Act 1993*.

This requirement is further reinforced with respect to the Guiding Principles for NSW Councils Section 8a (3) Community Participation. Specifically, 'councils should actively engage with their local communities, using the integrated planning and reporting framework and other measures'. A Community Engagement Strategy pursuant to Section 402 (4) of the *Local Government Act 1993* must also guide and inform a Council's engagement with its community as part of the development of a Community Strategic Plan, and Council's suite of Integrated Plans and Strategies.

6.3 Implementation

The trigger for the implementation of this policy is guided by:

1. legislative requirements; and
2. the assessed impact on our community:
 - i. as to how we plan and deliver Council activities and
 - ii. of a proposal or community issue.



Policy

The Council's Community Engagement Framework is a whole-of-Council framework. The CPP is used by the Council's building and planning services as its engagement strategy. The CPP describes how we will engage the community in assessing a project or development application per the EP&A Act

6.4 Community Participation Plan

6.4.1 Objectives

The objectives of this participation plan are the principles developed and set out in Section 2.23 (2) of the EP&A Act.

6.4.2 Application

The Council's CPP applies to the following EP&A Act (Council) Planning System Functions also to the determination roles undertaken by any district, regional or local planning panel. Functions include:

1. **Planning:** activities undertaken by the Council that set the strategic direction, vision or context for the Council's land use and environmental planning system. Land use and environmental planning activities include Planning Proposals, the Council's Local Strategic Planning Statements (LSPS), Local Environment Plan (LEP), Community Participation Plans, Development Control Plans and Contributions Plans.
2. **Assessment and Determination of Development Applications & Other Matters:** activities undertaken by the Council where consideration and determinations made under the EP&A Act 1993.

The table in Appendix A provides an at-a-glance summary of the Council's minimum exhibition requirements. The Council will always exhibit a proposal for the mandated minimum timeframe in doing consider the application of the community participation principles set out in section 6.5 of this policy

6.5 Community Participation Principles

Section 2.23 (2) of the EP&A Act sets out the following

- a) The community has a right to be informed about planning matters that affect it.
- b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.



Policy

- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development. (Section 2.23 (2) of the EP&A Act)

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*

7.2 Council policies and guidelines

- Governance Policy (in development)
- Berrigan Shire Social Justice Framework
- Berrigan Shire Development Control Plan
- Risk Management Policy and Framework
- Naming Of Community Facilities, and Open Space Policy
- Legislative Compliance Policy

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:



Policy

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	12.10.2016	Creation of Policy	Director Strategic Planning & Development
2.0	16.02.2022	Major Revision	Director Strategic Planning & Development

APPENDICES



Policy

APPENDIX A – MINIMUM EXHIBITION REQUIREMENTS

Planning and Development Function	Public Exhibition Time Frames – mandatory unless otherwise indicated
Community participation and public exhibition requirements	Refer to Schedule 1 EP&A Act
Council Function: Planning	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans	28 days
Draft contribution plans	28 days
Council Function: Assessment of Development Applications & Other Matters	
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Up to 14 days based on the scale and nature of the proposal
Environmental impact statement obtained under Division 5.1	28 days



Policy

APPENDIX B – CPP AND COUNCIL COMMUNITY ENGAGEMENT FRAMEWORK

CPP	Community Engagement Framework	Indicative Tools for Engagement	Risk Assessment: Impact Local / Whole of Shire	Steps for Community Engagement
We will notify the community (affected parties) of planning activities; development proposals and provide relevant and accurate information.	Inform: Sharing the best available information	Correspondence to adjoining property holders, Briefings, Fact Sheets, Council Website, Media campaigns, Displays in Shop fronts, libraries etc.	Level A: High Impact: Whole of Shire	<ol style="list-style-type: none"> 1. Identify likely stakeholders 2. Plan and gather best available information and resources 3. Share information with stakeholders via newspaper, website, correspondence to affected parties. 4. Work effectively together. 5. Feedback the results of engagement as is appropriate and relevant via Council website, social media platforms, and Council Bulletin published in local newspaper 6. Monitor and evaluate the process
For proposals released as draft on exhibition we will invite community comment.	Consult: Exploring options and preferences	Web based consultation, Interviews, Surveys, Public meetings, Focus Groups	Level B High impact: Local area or specific community / user group	
We will respond to community views by conducting targeted engagement to seek input reflecting the scale, nature and likely impact.	Involve: Inclusion of ideas in the decision making	Workshops 'Community Conversations' Interviews with Stakeholders	Level C Lower Impact: Whole of Shire	
	Collaborate: Sharing responsibility either for decision making or service delivery	Community Advisory Groups Participative Decision-making Forums Inter-agency partnerships / consortiums	Level D Lower Impact: Local area or specific community / user group	
CPP Determination	Council Promise	Indicative Tools for Feedback		
We will notify the community of decisions and Council Reports will outline the consideration given to community feedback	In its decision-making the Council and its Officers will consider the views expressed and ensure that the reasons for the decision and how community views were considered are reported	Updates to website and the publication of Council Reports Mayors Bulletin local papers		

Report:

The Community Engagement and Community Participation Plan Policy was due for review on 17 November, 2021. A review has been undertaken and the Policy is ready for adoption by Council.

Council Meeting

16 February 2022

8.13 Tocumwal Golf and Bowls Club Ltd MOU with Berrigan Shire Council

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

Recommendation: That the Council endorse the Memorandum of Understanding between Berrigan Shire Council and the Tocumwal Golf and Bowls Club Ltd, as presented and direct the Mayor and CEO to sign the document and implement its outcomes.

Report:

Recently Tocumwal Golf and Bowls Club (TGBC) asked that I meet with them to discuss their plans for their facilities and how Council might be able to be involved in those plans.

As Council has asked for a Strategic Partnerships White Paper and, have requested me to develop a Memorandum of Understanding (MOU) with Sporties, I felt given the size and scope of the TGBC plans, an MOU might also be of benefit to Council and the TGBC.

The draft MOU is provided for Council's approval at "**Appendix 8.13-A**".

Paul Gemmill, CEO of the TGBC will be presenting the vision for the site and some exciting projects to Council at this meeting.

I feel this MOU provides Council an opportunity to achieve some of its strategic goals by supporting and advocating for the works being undertaken by the TGBC.

This report seeks Council's endorsement of the draft MOU and Council's direction for the Mayor and I to sign the MOU and for me to commence implementation of the MOU into our business practices.

It should be noted, a policy to address when and why MOUs might be appropriate and the framework in which they can exist as part of Council's business, will be provided as part of the Strategic Partnerships White Paper being developed as part of my KPIs. This document is expected to be presented to the April Ordinary Council meeting.

Council Meeting

16 February 2022

8.14 Cross Border Memorandum of Understanding

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 2. Good government

Strategic Objective: 2.2 Strengthen strategic relationships and partnerships with community, business and government

Recommendation: That the Council:

1. endorse a Memorandum of Understanding with Moira Shire Council, Indigo Shire Council and Federation Council; and
2. direct the CEO and Mayor to sign the document and direct the CEO to commence implementation of the MoU once all Councils are signed to the agreement

Report:

The New South Wales Local Government Areas (LGAs) that constitute Berrigan Shire Council and Federation Council and the Victorian LGAs that constitute Indigo and Moira Shire Councils have unique communities; both within and between them.

We recognise, that at a regional level our communities have many common experiences and interests. There are also townships along our borders that are entirely integrated and interdependent. Therefore, the relationships of the communities within the four LGAs vary depending on geographical and individual circumstances.

While appreciating that jurisdictional lines do need to exist on maps, in the day to day lives of our communities they are usually invisible and frequently crossed. The recent border closures, as a result of COVID 19, was a stark demonstration of just how interwoven our communities are.

Discussions between senior officers of the four LGAs have occurred over recent months. These discussions have acknowledged that it is timely for this reality to be formally reflected in the relationship of the four LGAs. Therefore, as a first step, a Memorandum of Understanding (MoU) has been prepared for endorsement and is attached as "Appendix 8.14-A".

The implementation of the MoU will be driven by an annual workshop at which current and future priorities and opportunities for collaboration will be discussed. Elected representatives and officers from each organisation will be invited to attend.

The MoU is structured as follows:

1. Purpose

As four neighbouring councils, we recognise working together provides opportunities for improved service delivery, access to high quality community infrastructure, and positive social and economic outcomes.

2. Who are we?

Provides a snapshot of the four individual LGAs which therefore combine to represent the region.

3. Principles of Cross-border Collaboration

See below in Policy Implications.

4. Partnership Agreement Objectives

Six key objectives are detailed in the MoU

5. Key Focus Areas

The following key focus areas for collaboration are listed:

- issues of regional and national significance;
- aligning services and sharing information;
- community infrastructure works;
- local transport; and
- regional economic development.

6. Existing collaborations

Existing collaborations between the member LGAs are noted as a platform for future collaborations through the implementation of the MoU.

7. Implementation of the Agreement

Outlines the roles and responsibilities of the various stakeholders and how the MoU will become functional.

8. Status of the MoU

Defines the authority and reach of the MoU.

9. Review of the MoU

10. Dispute resolution

11. Signatures

While there are no financial implications to the Council in endorsing the MoU it does provide opportunity for improved financial outcomes. These may be realised by:

- having a standing demonstration of commitment to regional and cross border initiatives therefore improving potential success in accessing interstate, State and Federal funding (e.g. Cross Border Commissioner grants);
- maximising service delivery opportunities to meet a common community need; and
- reducing costs and eliminating duplication.

Risk and Mitigation

- With a view to minimising risk, the MoU is clear on implementation and the various stakeholder's roles and responsibilities. It is also clear that it is not a legally enforceable agreement.

Legislative / Policy Implications

There are no legislative implications in endorsing the MoU. However, once endorsed the intention would be it becomes the Council's policy the MoU be given due consideration in respect to Council business; both in a strategic and operational sense.

The principles of the MoU will establish the basis for the mutual commitment to, and management of, this agreement. These principles are, where possible, to:

- appreciate each Council's perspective and work towards finding common ground;
- co-operation;
- open information sharing;
- maximizing service delivery opportunities to meet a common community need;
- reduce costs and eliminate duplication; and
- seek to be innovative.

The MoU also lists several Key Focus Areas, which again provides guidance for when the MoU should be referenced.

Also attached as "**Appendix 8.14-B**" is a briefing presentation for the Council.

Council Meeting

16 February 2022

8.15 Code of Meeting Practice

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. not adopt clause 3.1 and adopt clause 3.2;
2. adopt its Strategic & Policy Workshops (SPW) to held on the first Wednesday of each month and its Ordinary Council meetings to be held on the third Wednesday of each month, with all meetings commencing at 9.00am as per the below schedule:

2 March 2022	Strategic & Policy Workshop (SPW)
16 March 2022	Ordinary Council Meeting
6 April 2022	Strategic & Policy Workshop (SPW)
20 April 2022	Ordinary Council Meeting
4 May 2022	Strategic & Policy Workshop (SPW)
18 May 2022	Ordinary Council Meeting
1 June 2022	Strategic & Policy Workshop (SPW)
15 June 2022	Ordinary Council Meeting
6 July 2022	Strategic & Policy Workshop (SPW)
20 July 2022	Ordinary Council Meeting
3 August 2022	Strategic & Policy Workshop (SPW)
17 August 2022	Ordinary Council Meeting
7 September 2022	Strategic & Policy Workshop (SPW)
21 September 2022	Ordinary Council Meeting
5 October 2022	Strategic & Policy Workshop (SPW)
19 October 2022	Ordinary Council Meeting
2 November 2022	Strategic & Policy Workshop (SPW)
16 November 2022	Ordinary Council Meeting
7 December 2022	Strategic & Policy Workshop (SPW)
21 December 2022	Ordinary Council Meeting

noting that all SPW Meetings will be closed to the public as per the provisions of the pre-meeting briefing section of the Code of Meeting Practice.

3. adopt at clause 3.10, that Agendas are provided 7 days prior to each meeting;
4. adopt at clause 3.12, requiring that notices of motion are required to be with the Chief Executive Officer a minimum of 7 days prior to an Ordinary Council meeting;

5. adopt clause 3.13;
6. adopt clauses 3.33 to 3.38;
7. not adopt section 4;
8. adopt clauses 5.14 and 5.15;
9. adopt clauses 5.16 to 5.30 with the exception of clause 5.24 which shall read as follows:

"A decision whether to approve a request by a councillor to attend a meeting of the council or committee of council by audio-visual link must be made by the chair of the meeting."
10. not adopt section 7;
11. adopt clause 8.1 and not adopt clause 8.2;
12. set the order of business to proceed as follows:
 - 01 Opening of Meeting
 - 02 Acknowledgement of Country
 - 03 Apologies and applications for leave of absence or attendance via audio-visual link by Councillors
 - 04 Confirmation of previous minutes
 - 05 Disclosures of Interest
 - 06 Mayoral Minute(s)
 - 07 Reports of Committees
 - 08 Reports to Council
 - 09 Notices of Motion / Questions with Notice
 - 10 Confidential Matters
 - 11 Motions without Notice / Questions without Notice
 - 12 Councillor Reports
 - 13 Conclusion of Meeting
13. adopt clause 9.10;
14. adopt clause 10.9;
15. not adopt clause 11.11;

16. adopt section 13;
17. require applications by the community to address Council under the conditions of clause 14.11 to be received no later than 2 days prior to Council's next Ordinary Council meeting;
18. allow no more than 2 speakers to be permitted to make representations to Council on any one topic;
19. allow no more than 2 speakers to address Council for the purposes of clause 14.16;
20. allow each speaker 3 minutes to make representations to Council;
21. adopt clause 14.20;
22. adopt clause 15.14 and clause 15.15;
23. adopt clause 15.16;
24. adopt clause 15.21 and 15.22;
25. adopt clause 16.2;
26. not adopt clause 17.10;
27. adopt clauses 17.12 to 17.20;
28. not adopt section 18;
29. not adopt clause 20.24;
30. require the investigation of staff as to when Council might commence webcasting Council meetings as per the Guide to Webcasting Council and Committee Meetings, and the budgetary impacts this would have on Council's budget, including the ability of Council's committees to adhere to this requirement; and
31. place on public exhibition, the Draft Code of Meeting Practice with feedback to be presented along with a finalised draft document at the April Ordinary Council meeting for adoption.

Report:

This report was not fully discussed at the February Strategy and Policy Workshop, though 5 Councillors provided their opinion on the adoption or otherwise of various clauses (Crs McNaught, Hannan, Cornwell-McKean, Marriott and Paine) and their opinions have been considered on a majority basis in the recommendations provided.

Under section 360 of the *Local Government Act 1993* (LG Act), Councils must adopt a Code of Meeting practice that incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) prescribed by Part 10 of the *Local Government (General) Regulation 2021* within 12 months of the election.

The Model Meeting Code provides a uniform set of meeting rules for councils across the State to help ensure more accessible, orderly, effective and efficient meetings. The code applies to all meetings of councils and committees of councils of which all members are Councillors (committees of Council). Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless Council determines otherwise.

Councils' adopted Codes of Meeting Practice must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

Council's adopted codes may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions.

Councils are not required to adopt the non-mandatory provisions of the Model Meeting Code and can adapt them to meet their own needs.

A draft copy of Council's Current Code of Meeting Practice is included as "**Appendix 8.15-A**". Words in **Red** are the not mandatory, and will require Council to consider each one independently, including whether they would like to retain them or alter the wording in any way. Words in **Blue** are clauses relevant only to Joint Organisations, and have been omitted for ease of understanding. Words in **Green** are comments that outline what has previously been adopted. Comments are provided for reference only.

Council must have adopted its own Code of Meeting Practice within 12 months of the election. I however feel it will be difficult going forward if Council have not considered and adopted this document earlier as the previous Code of Meeting Practice otherwise remains in place.

The requirements of the Code of Meeting Practice apply to **all** meeting of the Council and committees of Council, of which all members are Councillors. In the case of Berrigan Shire Council, the Code will apply to Ordinary and Extraordinary meetings of the Council only. Should Council choose to not have pre-briefing sessions, as provided for in clauses 3.32 to 3.37 (below) then Council may choose to resurrect the Corporate Governance and Infrastructure Meetings previously held (also discussed below). If that were the case, then these provisions would also apply to those meetings.

The Code is not required to be applied to the Audit, Risk and Improvement Committee nor the meetings of volunteer committees established under [section 355](#) of the *Local Government Act 1993*.

The purpose of this report is to determine which, if any, of the non-mandatory provisions in the Model Code, the Council wish to incorporate into its own Code. It is not intended to be a report into the operations of the Code nor the implications for Council.

Options

Each non-mandatory section and clause in the Model Code is listed below, along with comment from Council staff.

Section 3 – Before the Meeting

Council must choose one of the following clauses (i.e. either 3.1 or 3.2, but not both).

Comment: Previous Councils have elected to choose 3.2 and set the frequency, dates, times, and place of its ordinary meetings via resolution. This then requires a resolution of Council to alter the setting of those dates etc, should that be required. Setting the required meetings etc. through clause 3.1 would require modification of the Code should dates, times etc. need to be changed, which would then require Council to adopt the change at the meeting in question. The current practice has been working well to date.

The Council must provide a notice period as set out in clause 3.10. This has previously been set at 7 days.

Clauses 3.12 and 3.13 relate to notices of motion and are non-mandatory.

Comment: Council staff would require a minimum of seven business days to get a notice of motion onto the Agenda. This allows for relevant staff to provide sufficient information and advice regarding the motion. Inclusion of clause 3.12 would allow Council to make a decision based on the full picture as provided by staff, including any financial implications. Clause 3.13 is more prescriptive than would generally be required.

Clauses 3.32 to 3.37 relate to pre-meeting briefing sessions and are not mandatory.

Comment: The pre-briefing sessions have been quite useful to Council and staff alike as staff are able to test reports prior to their submission to the ordinary council meeting. The only concern staff have expressed is that some of the debate has been creeping into these sessions and community feedback has been that Council do not appear therefore to be discussing matters of concern sufficiently. It is suggested pre-briefing sessions could be held via Zoom or the like the evening or day prior to Council meetings allowing for the actual meeting to commence at 9.00am and perhaps end earlier. It is hoped the format of online meetings would allow the CEO to control the amount of discussion of each topic more effectively and keep the matters to a briefing style.

Section 4 – Public Forums

The entire section relating to Public Forums (i.e. "Question Time") is non-mandatory. If Council wishes to provide a public forum, it **must** incorporate this section into its Code and follow the provisions.

Should the Council decide to include this section in its code, it needs to include some information about the number of speakers it will permit and the time each speaker will have to address Council.

Comment: There is value in continuing Council's current practice of "Question Time" however, Council staff feel this section is overly prescriptive and makes the sessions almost useless to the public. The Council does need to consider how it wishes to approach receiving feedback from residents / ratepayers about items on Council's agenda. It is anticipated this section will require some discussion.

Section 5 – Coming together

Clauses 5.14 and 5.15 are non-mandatory

Comment: Council has previously included these clauses and they make working with these matters easier than if they were not to be included.

Clauses 5.16 to 5.18 are new clauses added to the Code to allow for Councillors to attend meetings via audio-visual link. The clauses are non-mandatory

Comment: These provisions have been added to allow for issues such as Covid to not interrupt the normal operations of Council as badly as it did without the provisions being in force. It should be noted that a physical venue needs to be provided for the public to attend in person if they wish (such as a gallery that should normally be allowed for at any rate).

Clauses 5.19 to 5.30 have also been added to the Code to allow for one Councillor (or more) to attend a meeting via audio-visual link. Again the clauses are non-mandatory

Comment: It is felt the provisions are not onerous to manage and could be included if Council agree to allow Councillors to attend via audio-visual link should the need arise.

Clauses 5.34 to 5.39 are MANDATORY clauses.

All Councils are required to webcast meetings of the Council and Committees of which all members are Councilors. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on Council's website. Councils are required to retain records of their meetings on their websites for at least 12 months. A guide to webcasting published by the Office of Local Government is included at "**Appendix 8.15-B**".

Comment: Berrigan Shire Council has previously provided only audio recordings of meetings after each Council meeting.

Section 7 – Modes of Address

This section sets out the formal modes of address some Councils prefer to adopt for their meetings.

Comment: Berrigan Shire Council has previously adopted a more collegiate form of address in meetings. This does not detract from the discussion nor debate but the Council may consider the use of first names as less formal. Staff do not feel these clauses are necessary in this setting.

Section 8 – Order of Business

The Council must choose either clause 8.1 or 8.2

Comment: Clause 8.1 gives Council more flexibility in how it proceeds with a meeting without having to review its Code each time it wishes to make a change. Council may wish to include an Acknowledgement of Country going forward. It should be noted staff are implementing a software program called InfoCouncil which can be adapted to allow for the order of business to be changed as per any decisions of Council. Reports will also be adjusted to consider Risk, Budget implications etc.

Section 9 – Consideration of Business at Council meetings

Clause 9.10 is not mandatory.

Comment: The clause is reasonable and may be included if Council wish.

Section 10 – Rules of Debate

Clause 10.9 is not mandatory

Comment: The clause is reasonable and may be included if Council wish.

Section 11 - Voting

Clause 11.11 is not mandatory, however if it is adopted, clauses 11.6-11.9 and clause 11.3 (relating to the recording of votes and divisions) may be omitted as redundant.

Comment: Council has not previously adopted this clause as it has been contrary to the practices of Council. There is scope for Councillors to request their contrary vote be recorded formally in any case. There are also a number of instances where Divisions must be recorded for the purposes of the Act.

Section 13 – Dealing with Items by Exception

The entire section is non-mandatory. If Council wishes to deal with items by exception, it must incorporate this section into its Code and follow the provisions as noted.

Comment: Regardless of the Code, the Council may still resolve to adopt items “as a block” should they choose. Voting as a “block” has generally occurred where a number of like matters are presented for Council adoption, such as the members of a number of section 355 Committees. A Councillor retains the option to speak against a motion should they so wish. With the recording of meetings, Council may not wish to resolve items as a block into the future.

Section 14 – Closure of Council Meetings to the Public

Clauses, 14.11, 14.13, 14.16 and 14.17 require Council to provide times, dates and numbers as highlighted. The clauses relate to representations from the public and whether that part of the meeting should be closed. The Council **may** allow representations from the public on that topic; it is **not** required to do so.

Comment: Meetings may only be closed for specific purposes and it is a test of fact rather than opinion that applies in these cases. In the case of public representation, there is very little in the way of Council business that is dealt with in closed sessions.

Clause 14.20 is non-mandatory and will only require adoption if clauses relating to Councillor attendance via audio-visual link are adopted.

Section 15 – Keeping Order at Meetings

Clauses 15.14 and 15.15 are non-mandatory. Council may choose to adopt one of these clauses, but not both.

Comment: Council has previously adopted clause 15.14 as this allows for expedient management of difficult behaviour. If either of these clauses is adopted then 15.16 requires adoption with the correct reference.

Clauses 15.21 and 15.22 are non-mandatory but will require adoption where clauses related to allowing Councillor attendance via audio-visual link are adopted.

Section 16 – Conflicts of Interest

Clause 16.2 will require inclusion should Council adopt the clauses related to allowing Councillors to attend meetings via audio-visual link.

Section 17 – Decisions of Council

Clause 17.10 is not mandatory.

Comment: The effect of adopting this clause would prevent the Council's administrative arm from implementing any decisions relating to planning decisions for the period set. Council are reminded it is the CEO's role to implement the Council's decisions as soon after a decision is made as is possible. Including the clause has the potential of delaying that effect. Given the number of items likely to be subject to such a notice of motion, staff feel the matter is overly onerous. There is scope in the existing provisions to deal with this situation without making it mandatory.

Clauses 17.12 – 17.14 are also non-mandatory.

Comment: Arguably these clauses are consistent with the legal right of a Councillor regardless of their adoption within the Code.

Clauses 17.15 – 17.20 are also non-mandatory

Comment: These clauses effectively allow Council to clarify its intent should there be any confusion or potential confusion

Section 18 – Time Limits on Council Meetings

This section is non-mandatory.

Comment: It is understood that for night meetings at least, some Councils do prefer to set a time limit on Council meetings. Council staff do worry that active debate may be stymied however if Councillors are more worried about the time taken to discuss matters than getting through the agenda within the time limits set.

Section 20 – Council Committees

It should be noted this section does not apply to section 355 committees of Council; only those that are committees consisting of the entire Council.

Clause 20.24 is non-mandatory.

Comment: Again, there is scope for Councillors to request their contrary vote be recorded formally regardless of adopting this clause.

Next Steps

Before adopting a Code of Meeting Practice, Councils must prepare a draft code and exhibit it for at least 28 days and invite submissions for a period of at least 42 days (section 361 of the

LG Act). Council must adopt a new Code of Meeting Practice within 12 months of election (section 360(3) of the LG Act), however I feel it necessary to decide on meeting practice as early as possible to allow the smooth operation of Council for the entirety of the period.

Councils must consider all submissions received and may, after considering submissions, decide to amend the non-mandatory provisions of its draft code, or to adopt the draft code.

Council Meeting

16 February 2022

8.16 Murray Darling Association Membership

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. withdraw its support of the Murray Darling Association (MDA);
2. notify the MDA of its decision to withdraw its support;
3. note that any allowance for the 2022-2023 financial year will therefore be removed from Council's budget preparations; and
4. no longer nominate a delegate to attend MDA meetings

Report:

At Council's 11 January 2022 Extraordinary Council meeting the following decision was made with regards to the delegation of a Councillor to attend the meetings of external bodies:

4. delegate the following Councillors to attend the meetings of each of the following external bodies:
 - defer the decision of delegating a Council to attend the Murray Darling Association – to the February 2022 meeting;

After that meeting I contacted the Murray Darling Association's (MDA) Communications and Engagement Officer, Tim Phillips and requested an understanding of the value proposition offered by the MDA for Berrigan Shire Council.

The response from Mr Phillips can be found at "**Appendix 8.16-A**". Also attached as "**Appendix 8.16-B**" is an MDA membership brochure for perusal.

The 12 Regions the MDA are representative of (as discussed in the attached email) are included at the below link:

<https://www.mda.asn.au/regions.aspx>

Council has paid the MDA \$2,839 for the 2021-2022 financial for its membership. This is based on a 30.5c per head of population (capped at \$6,681.82) fee which accounts for an 8,462 estimated population for the Berrigan Shire for 2021 at the time of raising the invoice.

This report is intended to assist Council with its decision as to whether to maintain its involvement in the MDA, noting the next meeting will be on 16 February 2022, which is currently the next Council meeting day.

Council Meeting

16 February 2022

8.17 Finley Passionate Community Participants Inc

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. direct the Chief Executive Officer to engage with the Finley PCP with the intention of formalising Council's relationship with the group, including assessing the types of support the Finley PCP are expecting of Council;
2. note that any agreement, or possible considerations impacting Council's budget are to be presented at any relevant future Council Ordinary meeting.

Report:

On 17 January 2022, Cr Taylor sent the correspondence attached as "**Appendix 8.17-A**" to me for consideration.

It should be noted there is no request as such for a donation, rather a suggestion that donations would be gratefully accepted.

The opportunity I see here is more around Council's Strategic Partnerships – a White Paper on this matter is being prepared for Council for the May Ordinary meeting at the latest.

The intent of this report is to gauge Council's thoughts regarding the group and whether Council could engage with the Finley Passionate Community Participants group to possibly assist with the delivery of future projects in the Finley precinct.

Council Meeting

16 February 2022

8.18 December Quarter Review and Delivery Program Progress Report

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

Strategic Outcome: 2. Good government

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

Recommendation: That the Council note and adopt the appended December Quarter Review of the Council’s Annual Operational Plan 2021/22 and 6-monthly Delivery Program Progress Report 2021






Report:

Circulated with this Agenda as “**Appendix 8.18-A**” is the Council’s December Quarter Review of the Council’s *Annual Operational Plan 2021/22* and 6-monthly Delivery Program Progress Report.

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

- Council actions that support and promote *Berrigan Shire 2027* outcomes (these are outcomes which match the Office 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 *Delivery Program*. Also included in this report is a snapshot of the monitoring measures used to report the Council’s progress against its *Delivery Program* objectives.

				
Complete	On Target	Not on Target	Past Due	No Status / Deferred

Additional information in the Delivery Program Progress Report and Operational Plan Performance Review and includes:

1. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target.
2. Comments from the Responsible Council Officer highlighting service achievements and or the challenges relevant to the Council operation and action being reported and its status.

The following actions are past due, not on target, not due to start or deferred.

Included in “**Appendix 8.18-A**” are clarifying comments from the responsible officer.

1.1.3.7	Investigate the development of an active transport strategy
1.2.1.2	Participation in roadside vegetation enhancement projects
1.2.1.3	Undertake tree assessments and establish a tree register
1.2.1.4	Develop an Urban Tree Strategy
2.1.2.4	Develop Community Engagement Strategy and conduct review of Berrigan Shire (CSP) and associated integrated plans
3.1.2.1	Review the Active Ageing and Disability Inclusion Plan
3.1.4.1	Develop an Integrated Water Cycle Management Strategy
4.1.1.2	Develop industry profiles informed by strategic analysis of local conditions and relative competitive advantages

Table 1 is a summary by strategic outcome of Council's progress and performance as of 31 December 2021.

Table 1 Performance by Outcome

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	1	19	-	-	4	24
Good government	-	18	-	-	1	19
Supported and engaged communities	1	14	-	-	2	17
Diverse and resilient business	-	16	-	-	1	18
Total Actions	2	67	-	-	7	78

Council Meeting

16 February 2022

8.19 Finley Recreation Reserve – Netball Court Contribution

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Recommendation: That the Council:

1. convert the Finley Recreation Reserve Committee of Management’s \$70,000 up-front funding commitment to a five year loan, with terms as per the Council’s Request of Donations and Financial Assistance Policy; and
2. delegate preparation and approval of the terms of the loan to the Chief Executive Officer

Report:

The Council is in the process of replacing the netball courts at Finley Recreation Reserve.

As with most Council recreation projects, funding for the works is coming from three sources:

- Council funds
- External grants (Local Roads and Community Infrastructure – Round 2)
- Community and user group contributions – in this case, the Finley Recreation Reserve Committee of Management.

The contribution from the Committee of Management was set at 25% of the estimated cost - \$70,000. The total cost of the project has increased slightly but the Committee of Management contribution was capped.

The Committee of Management had proposed to source the funds for their contribution from Finley Football Netball Club. Finley Football Netball Club have informed the Committee of Management that they are not able to make this payment up-front and have proposed making their contribution over a five year period as per the Council’s [Request for Donations and Financial Assistance Program](#) – i.e. at a subsidised interest rate.

A copy of this request is attached as “**Appendix 8.19-A**”.

Given the circumstances this request is not unreasonable and can be supported.

Council Meeting

16 February 2022

8.20 Tocumwal War Memorial Hall – Air-Conditioning Contribution

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

Recommendation: That the Council allow the Tocumwal War Memorial Hall Committee of Management to pay off its “up-front” contribution for the air-conditioning over time with a payment schedule to be determined by the Chief Executive Officer or delegate.

Report:

In 2020, the Council installed air-conditioning at Tocumwal War Memorial Hall under a “one-third” program as per the Council’s [Request for Donations and Financial Assistance Program](#).

The “one-third” program is designed to fund projects at Council facilities via:

1. One third from the Council
2. One third from the Committee “up front”
3. One third from the committee paid back over a 3 to 5-year term at a subsidized interest rate.

In this instance, the Committee is required to make an up-front contribution of \$9,505 and then annual payments of approximately \$2,200 per year.

The Tocumwal War Memorial Hall Committee of Management has advised Council that while it can make its annual payment, it is not in a financial position to make the up-front contribution. The Committee has requested paying off this contribution at \$300 per month. COVID-19 restrictions have heavily impacted their operating income.

A copy of the Committee’s request is attached as “**Appendix 8.20-A**”.

Given the circumstances this request is not unreasonable and can be supported.

Council Meeting

16 February 2022

8.21 Financial Review – October to December 2021

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. note the second quarterly review of the 2021/22 budget and vote the funds contained therein as shown in **“Appendix 8.21-A”**
2. note the December Quarterly Budget Review Statement attached also as **“Appendix 8.21-B”**

Report:

Circulated with the Agenda as **“Appendix 8.21-A”** is the Quarterly Financial Review for the period 1 October 2021 to 31 December 2021. This report takes into account all known factors and work variations until 31 December 2021 and later where possible, including budget allocations for the 2021/22 financial year.

The report shows distribution of funds allocated to capital works in the original 2021/22 budget allocated to the specific jobs identified in the capital works program.

It also shows any brought-forward amounts as approved in the final review of the 2021/22 budget. The variations showed in the far-right column of the report shows changes to line budgets after the effect of any brought-forward amount has been considered.

The revised budget Surplus is \$405,000.

The revised budget is attributable to a number of factors including but not limited to the deferral of capital works into the 2022/23 budget. This is due to an increase in grant funding projects with completion deadlines putting Council capital works planned behind schedule. The Council’s development of Lewis Crescent, Finley is now finalised with sales revenue now included in this budget, this has proven favourable for Council with the land sales predicted to be approximately \$80,000 to \$95,000 each. Once the net profit on the blocks of land is calculated this money will be put into reserve for future capital works which will reduce the budget surplus.

Significant variations are detailed below. Variances which are unfavourable to the Council’s result are shown with a (U) next to them and variances which are favourable are denoted with a (F).

ACCOUNT DESCRIPTION	AMOUNT	F/U	BUDGET CHANGE REASONING
1001-0346 ADMIN AUDIT FEES	(15,000)	U	Over runs on 2020/2021 Audit
1005-0108 ADMIN SALARIES - GM SALARY PAC	(63,000)	U	Retirement payout of GM not budgeted for
1010-0170 ADMIN COMPUTER MTCE	(30,000)	U	Server Upgrades
1010-0175 ADMIN SOFTWARE LICENCING	(20,000)	U	Additional contractor support due to implementation of Office 365 and additional assistance due to staff absences
1010-0200 ADMIN LEGAL EXPENSES INCL. GST	(18,000)	U	Additional - Tocumwal Foreshore Building
1011-0146 TECH SERVICES - CONSULTANCY	(86,000)	U	Partnear - ESM Consultant
1011-0546 PUBLIC WORKS UTILITY PURCHASE	(72,000)	U	2 x additional vehicles purchased
1200-1500 CORP SUPPORT SUNDRY REVENUE	13,000	F	Refund from NAB, bank fee recalculation of previous years
1200-1953 COVID 19 ASSISTANCE GRANT	90,000	F	Grant Funding Agreement received after last review
1200-2028 INFO TECH TRANSFER TO RESERVE	50,000	U	Additional Software purchased - Pulse, Office 365, InfoCouncil
1320-2026 PLANT SERVICES TRANSFER TO RESERVE	76,000	U	Reduced as additional vehicles required renewal
1410-0120 COUNCIL RENTAL HOUSING EXPENSE	(48,000)	U	3 x Houses council are currently renting
1411-0146 ENV. SERV CONSULTANCY	(39,000)	U	Habitat Planning - Town Planning Consultant
1411-0150 LOCAL ENVIRONMENTAL PLAN REVIEW	(75,000)	U	Compulsory review required every 5 years
1412-0527 BGN - NEW LANDFILL HOLE	65,000	F	Reallocated into 2022/2023
1412-0528 BERRIGAN TIP - FENCE	45,000	F	Reallocated into 2022/2023
1412-0531 CONCRETE CRUSHING	80,000	F	Reallocated into 2022/2023
1412-0535 COMPULSORY AQUISITION CROWN LA	98,000	F	Reallocated into 2022/2023
1510-0870 BGA 1ML FILTER WATER RESERVOIR	800,000	F	Reallocated into 2022/2023 & 2023/2024

1510-0885 BGN - WTP FENCE REPLACEMENT	20,000	F	Reallocated into 2022/2023
1510-0889 FIN - WTP FENCE REPLACEMENT	15,000	F	Reallocated into 2022/2023
1510-0897 AUTOMATION QUALITY CONTROL	446,000	F	Project put on hold until the completion of the Finley WTP Upgrade
1510-0899 BAROOGA REC RES NEW MAINT SHED	(16,000)	U	3 phase power upgrade
1610-0610 AC MAIN RENEWALS	148,000	F	Budget Previously doubled up in Capital Works and Operational Expense
1610-0743 UPGRADE SEWER TELEMTRY	310,000	F	Budget Previously doubled up in Capital Works and Operational Expense
1610-0800 REFURBISH CONCRETE WORK FINLEY	20,000	F	Reallocated into 2022/2023
1610-0801 FIN EFFLUENT RECYCLING FACILITY	20,000	F	Reallocated into 2022/2023
1610-0810 REFURBISH CONCRETE WORK TOCUMWAL	20,000	F	Reallocated into 2022/2023
1610-0883 FIN - GRAVEL POND BANKS	10,000	F	Reallocated into 2022/2023
1610-0899 FIN - DESILTING PONDS	80,000	F	Reallocated into 2022/2023
1610-0912 FIN-ODOR INVESTIGATE/ MITIGATE	50,000	F	Reallocated into 2022/2023
1610-0914 TOC RISING MAIN HUTSONS TO PS9	297,000	F	Reallocated into 2022/2023
1714-0165 INTEREST EXPENSE EXT LOAN 405 LCLI	(20,000)	U	Previously not budgeted for
1717-0105 BAROOGA REC RESERVE MASTERPLAN	(16,000)	U	Project previously only partially budgeted for
1717-0545 FIN NETBALL COURTS LRCIP2	(16,000)	U	Change in scope of LRCIP2
1717-0550 TOC NETBALL COURTS LRCIP2	40,000	F	Change in scope of LRCIP2
1718-0553 TOC WAAAF CREEK WALK - ART	10,000	F	Project completed under budget
1911-0146 RESEAL PINELODGE RD	(42,000)	U	Previously incorrectly budgeted for
1912-0007 RESHEET BACK BAROOGA RD	(40,000)	U	Originally not budgeted in 21/22 works program

1912-0018 RESHEET WILTONS ROAD 2.4-5.7	(10,000)	U	Originally not budgeted in 21/22 works program
1914-0217 LOWER RIVER ROAD PAVEMENT UPGRADE	(23,000)	U	Additional overtime required to complete the project in time
1916-0500 KERB & GUTTER UPLIFT LRCIP2	55,000	F	Change in scope of LRCIP2
1917-0602 BAROOGA TO COBRAM PATH LRCIP	15,000	F	Project completed
1920-0502 TOC AERODROME RUNWAYS RAPII	(254,000)	U	Grant Funding Agreement received after last review
1924-0500 BGN APEX PARK CARPARK LRCIP2	(12,000)	U	Change in scope of LRCIP2
2012-0110 TOC FORESHORE BUILDING OP EXP	(26,000)	U	Accreditation and Operating Expense no building is completed
2012-0131 SUMMER FUND PROGRAM EXPENSE	(14,000)	U	Grant Funding Agreement received after last review
2012-0200 TOURISM EVENTS GRANTS	(10,000)	U	Correction of amount carried forward from last F/Year
2015-0529 FIN SUBDIVISION - LEWIS CR	(105,000)	U	Basin upgrade costings included not originally budgeted
2016-0251 ARIC SALARIES & ALLOWANCES	(13,000)	U	New Function in Council – Internal Audit and Risk Committee
3600-1814 CONSTRUCTION CERTIFICATE FEES	14,000	F	Number of construction certificates increasing
3600-1818 SUBDIV. SUPERVISION FEE - INCL. GST	23,000	F	Number of subdivisions increasing
3660-1950 DWM CHARGES PENSION SUBSIDY	20,000	F	More revenue than originally budgeted for
3670-1000 BUSINESS GARBAGE CHARGES	15,000	F	More revenue than originally budgeted for
3670-1505 DRUMMUSTER REVENUE	20,000	F	More revenue than originally budgeted for
3670-2026 DWM TRANSFER TO RESERVE	(342,000)	U	Fund Balancing in Reserve
4110-1601 SECT. 64 CONT. WATER - BGA	17,000	F	Increase in developer contributions due to large level of construction and subdivisions occurring in the Shire
4110-1926 WATER TRANSFER FROM RESERVE	(1,351,000)	F	Fund Balancing in Reserve
5110-1926 SEWER TRANSFER FROM RESERVE	(1,127,000)	F	Fund Balancing in Reserve

5280-1500 TRUCK WASH (AVDATA) INCOME	14,000	F	Usage of facilities increasing
6100-1951 LIBRARY LOCAL SPECIAL PROJECTS GRANT	(10,000)	U	Grant Funding less than originally budgeted for
6200-1604 TOC WAR MEMORIAL HALL CONTRIBUTION	10,000	F	1/3rd loan scheme for improvements to facility
6320-1951 LOCAL HERITAGE FUND GRANT	(14,000)	U	Missed out for funding in 21/22 and 22/23
6500-1974 FINLEY NETBALL COURTS LRCIP2	40,000	F	Change in scope of LRCIP2
6500-1975 TOCUMWAL NETBALL COURTS LRCIP2	(30,000)	U	Change in scope of LRCIP2
7300-1952 KERB & GUTTER UPLIFT LRCIP2	(56,000)	U	Change in scope of LRCIP2
7700-1926 AERODROME TRANSFER FROM RESERVE	50,000	F	Allowance for RAPII aerodrome runway upgrade expenses
7700-1953 TOC AERODROME RUNWAYS GRANT RAPII	210,000	F	Successful Grant Funding Agreement received after last review
7750-1951 APEX PARK CARPARK LRCIP2	45,000	F	Change in scope of LRCIP2
8300-1953 SUMMER FUND GRANT PROGRAM	15,000	F	Grant Funding Agreement received after last review
8400-1600 JERSEY STREET UPGRADE CONTRIBUTIONS	14,000	F	Contributions now raised as project has been completed
8400-1827 TOC FORESHORE BUILDING RENT	12,000	F	Downstair shops rent for remainder of Financial Year
8710-1200 REAL ESTATE - GAIN ON DISPOSAL	330,000	F	Lewis Crescent blocks for sale
8850-1330 BENDIGO BANK AGENCY COMMISSIONS	26,000	F	Council budgets conservatively for revenue – over and above budget
9400-1842 INTEREST - TERM DEPOSITS	(120,000)	U	Lower interest Rates across the board due to Covid

Quarterly Budget Review Statement

The December Quarterly Budget Review Statement is attached as “**Appendix 8.21-B**”.

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.

- 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 2020/21 and other internal adjustments.
- The Revised Budget column shows the Council's budgeted result prior the changes adopted by the Council in the September 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 **surplus** before capital items for the 2021/22 year of \$333,000; a decrease from the Original estimate of a \$681,000 operating surplus.

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.

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.

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.

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 has 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.

The Debt Service Ratio is higher than previous years, reflecting the Council’s borrowings for recent capital projects including Tocumwal Foreshore and upgrades of Water Treatment Plants.

The Rates and Annual Charges Coverage ratio is on par with last financial year, reflecting the increased grant revenue received by the Council over the past two years.

The third indicator shows that the Council’s projected asset renewal ratio is 454%. This is well above the Fit for the Future benchmark of 100% for this ratio.

6. **Contracts and Other Expenses Budget Review Statement** – This statement is an attempt to provide the Council with some detail about the Council’s new contractual arrangement and expenditure on consultancies and legal expenses

Council Meeting

16 February 2022

8.22 Request for financial assistance – Berrigan Retirement Village Inc.

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council inform Berrigan Retirement Village Inc. that:

1. the Council is not in a position to provide direct financial support for its project, either through its Local Roads and Community Infrastructure funding or its own funds, and
2. the Council will work with them to identify alternate sources of funding and assist with funding applications

Report:

Berrigan Retirement Village Inc. – trading as “Noonameena” – is a not-for-profit incorporated association providing low-cost rental accommodation for elderly people in Berrigan.

Noonameena operate and maintain 12 units, constructed in the 1970s, with most of the maintenance undertaken by volunteers – including maintenance of the gardens and surrounds.

Noonameena wishes to install an automated watering system at their facility and is seeking Council assistance with the cost – approximately \$12,000. A copy of the request is attached as “**Appendix 8.22-A**”.

This project merits support. It would improve the maintenance of the facility, save water, and therefore cost, and ease the burden on the volunteers.

However, from a Council perspective, the project does not fit the Council’s [Requests for Donations and Financial Assistance Policy](#) (which focuses on supporting facilities on Council land) nor does it address any of the Council’s own strategic priorities. Funding for aged care facilities is a Federal Government responsibility and the Council should be wary of taking responsibility for services outside its core responsibilities like health, education, policing and aged care.

In their request, Noonameena have specifically requested that the Council fund this project from its \$1.7m allocation under the Federal Government’s Local Roads and Community Infrastructure (LRCI) program. That is an option noting that the Council has already fully allocated these funds to other projects – projects that address Council’s current strategic priorities.

If the Council is of a mind to consider this request, it should be aware that there are many other local projects equally as deserving. The Council may wish to give some thought into how it will determine which projects it should support and how much of its budget it wishes to allocate to support these types of projects.

Options available to the Council:

1. Not to provide direct financial support for the project and work with Noonameena on alternative funding options (recommended)
2. Provide support from the Council's LRCI funds (and reduce the scope of a currently funded project)
3. Provide support (in full or part) from the Council's own funds.

Over and above this request, there is scope for the Council to consider a partnership with Noonameena on the broader strategic issue of housing. Noonameena provide an important option for the elderly who don't have the financial capacity to buy into an Independent Living Unit development such as those at Berrigan (Amaroo) and Finley (Alumuna). This could be fleshed out as part of the broader housing strategy.

Considerations

Risks

The main risk to Council is **Reputational**.

As per the Council's [Risk Management Framework](#), I assess the risk as Likelihood: B, Consequence: 1 - **Risk: Medium**.

Mitigation of this risk is possible through the maintenance of a firm criteria for providing financial support.

Finance

Funding the project would require the Council to find approximately \$12,000 up front. There is no recurrent expenditure involved.

Council Meeting

16 February 2022

8.23 Development Application 20/22/DA/D5 - Proposed Residential Storage Shed – 11 Riley Court, Tocumwal

Report by: Building and Planning Manger Matthew Miller

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council approve Development Application 20/22/DA/D5 subject to the following conditions:

Approved Plans

The development shall be implemented substantially in accordance with the details set out on the plan/drawing Best Sheds Job No: 1015012735 Sheet 1-7 , Oz Building design Job No: 008 Shadow Plans sheet 2, Site Plan and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

Use

This approval is granted for the shed to be used for Residential storage purposes normally associated with a residence. No other use is permitted for the shed unless prior approval is obtained from Council.

Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a “Construction Certificate” (Section 6.7 *Environmental Planning and Assessment Act 1979* (EP&A Act)). The Construction Certificate is not to be issued until a Development Application or Complying Development Certificate has been lodged for a dwelling to Council or an accredited certifier.

Appointment of PCA and Notice of Commencement

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

- a) obtained a Construction Certificate for each structure;
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY;
- c) notified the Council of the appointment;
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building is involved; and
- e) given the Council at least 2 days notice of the intention to commence erection of the building.” (Section 6.7 EP&A Act).

Critical State Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 6.5 EP&A Act)

Concrete Footings

With reinforcement steel in position, before concrete is poured.

Occupation

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

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 6.3 and 6.18 EP&A Act)

Compliance with Building Code

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

Permitted hours for building work

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

Stormwater

Roofwater runoff from any structure is to be retained on site and should be collected and stored for recycling and reuse. An adequate water supply must be maintained for domestic use. Over flow from the onsite water storage use is to be drained to the Riley Court Kerb.

Excavations and Backfilling

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

Signs Erected on Building and Demolition Sites

- (a) A Sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited, and

- (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

(b) Any such sign is to be removed when the work has been completed. (Clause 78H of the Regulation).

Landscaping Screening

Prior to the issuance of the Construction Certificate, a landscaping plan is to be supplied to the Council to show the type and variety of the plan that will be planted to help reduce the visual impact of the Northern shed wall. This will need to be to the satisfaction of the Council's Development Manager and be of a non-deciduous plant type to ensure screening is in place all year round.

Contamination discovered during works

(1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the [Contaminated Land Management Act 1997](#)—

- (a) all works must stop immediately, and
- (b) the Environment Protection Authority and the council must be notified of the contamination.

(2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

Rainwater tank

All costs are to borne by the landowner if any nuisance or damage is caused by the rainwater tank by seepage of water to any adjoining property.

Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note—

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the [National Parks and Wildlife Act 1974](#)) of the discovery in accordance with section 89A of that Act.

Note—

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the [National Parks and Wildlife Act 1974](#).

Section 68

Prior to the issue of the construction certificate an application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be lodged with Council. The approval under Section 68 of the Local Government Act, 1993 is to be obtained prior to any works commencing on site.

Division:

In Favour:

Against:

Report:

Purpose of Report

This report is provided to Council for the determination of a Development Application (DA) as Council Officers do not have delegation to determine the application as having received a submission on the proposal.

Proposal

The subject application is for a proposed Residential Storage Shed.

This business item was presented to the November Council meeting with the resolution to defer a decision for the new Council's consideration.

The applicant has further provided proposed plans for a dwelling and a future swimming pool.

The proposed garage proposes 9m width, 10.5m depth and approximately 3.8m in height and a 3m gutter/eave height. The proposed colours and finishes received were Slate Grey for the roof and walls and Smooth Cream for the trims. There are 3x roller doors facing the street frontage, each being 2.5m high by 2.6m wide, x1 PA door on the eastern wall and 2x windows on the back wall.

The proposed is setback 3 metres from the side, northwest boundary and 1.5m from the rear boundary. The current site is vacant.

Figure 1 – Site Plan

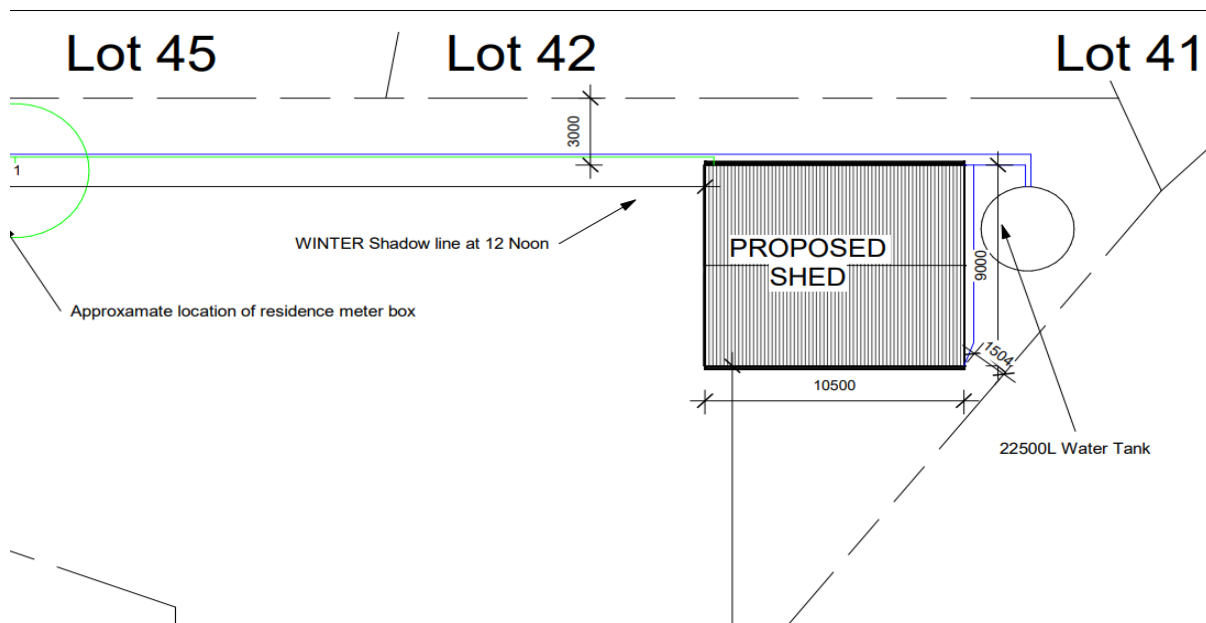
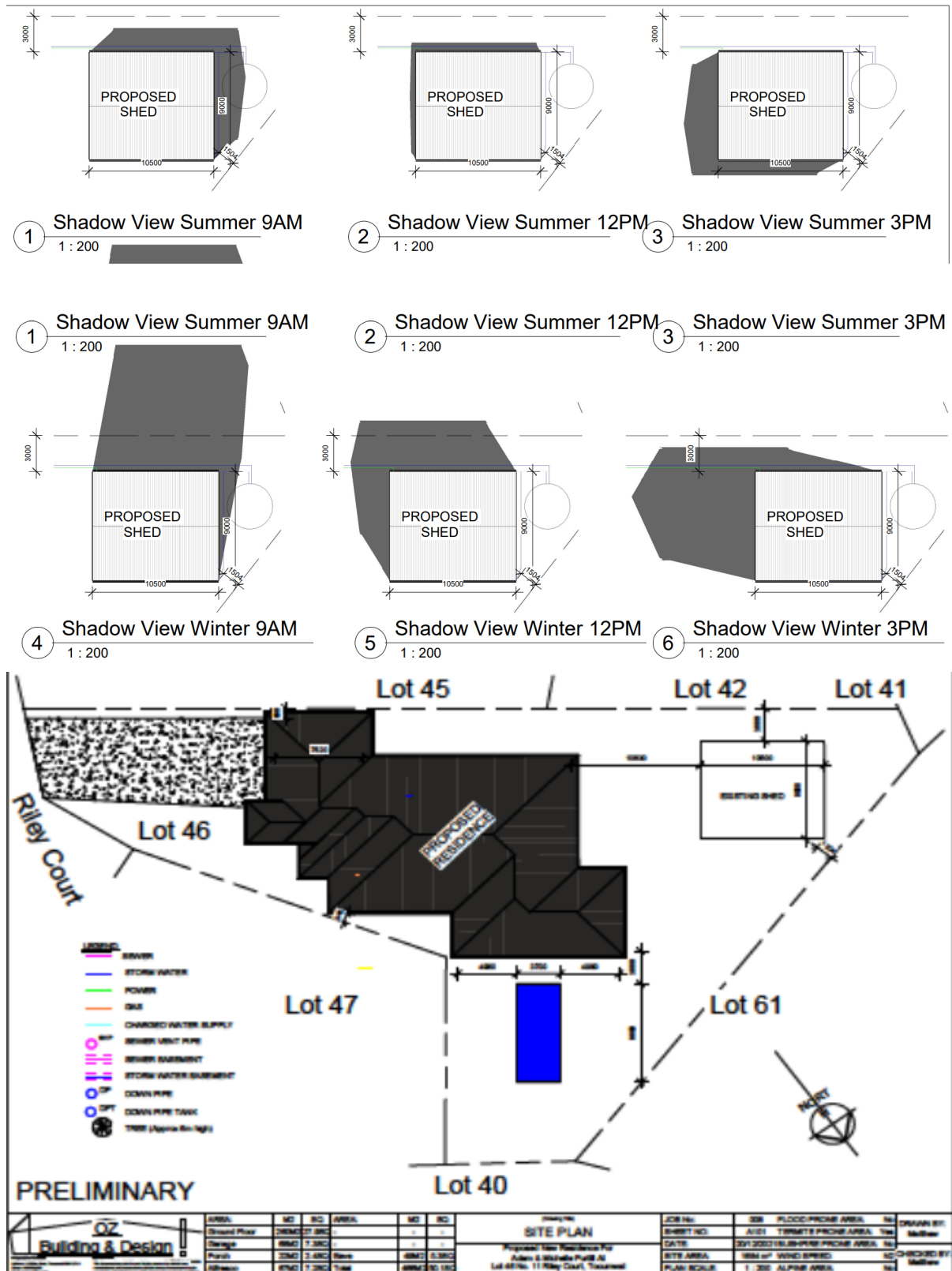


Figure 1 – Over shadowing Diagram



Executive Summary

The proposed development was advertised to the adjoining properties owners on the 7 September, 2021. The owners of adjoining properties were given 14 days to comment on the proposal.

Council received a submission on the 15 September 2021 from the property owner of 7 Riley Court, Tocumwal.

Council's Building and Planning Manager attended the site on 16 September 2021 to consult with the owner in relation to their raised concern. From this, the applicant was then sent a request for further information and to revise the original plan with updated plans that were taking into account the issues that were raised.

Following this, Council received a revised plan with new overshadowing diagrams on the 29 September 2021 and the new plan was forwarded to the adjoining property owner for comment. Council received further comment from the owner of 7 Riley Court, Tocumwal requesting the shed be considered in an alternate position, which was marked on a draft plan as attached as **"Appendix 8.23-A"**.

The applicant considered the plan and responded with the following:

"In the Berrigan Shire Development Control Plan 2014, under section 2.10 Energy efficiency it states " Buildings shall be designed to ensure living areas and private open space of adjoining residences maintain at least three hours direct sunlight between 9am and 3pm at the Winter Solstice. Overshadowing diagrams may need to be provided to demonstrate this development control can be achieved". The detailed Shadow diagrams provided clearly shows that between 12PM and 3PM there will be no overshadowing of the adjoining property living areas or private open space and the boundary fence will stop any intrusion at 12pm as shown on the diagram as the shed is now 3 Metres off the side boundary and any shadowing will not hit the fence not the adjoining property within this time frame.

Because of the odd shape of the block moving the shed to different location isn't an option as the shed won't fit on the eastern side and the suggested move to an angle won't work as I need to be able to back a boat trailer into the shed and this would make this impossible.

Please submit this to council for approval. Could you provide a time frame for a decision."

As the applicant has stated above, the preferred location of the shed is in its revised position

The application also seeks a variation to the Development Control Plan (DCP) from chapter 2 Residential Development Part 2.5 Building setbacks. *within the RU5 (>1500m²) zone, a minimum 1.5 meters form the secondary boundary and 5 meters form the rear boundary.*"

The justification sent through is considered satisfactory, as this will allow for a better building design and provide the flexibility for use of solar energy in the future. This is expanded on in the Development Assessment Report attached as "**Appendix 8.23.B**" on page 6-8, also in the updated site plan attached as "**Appendix 8.23-C**"

The proposed 22,500L rainwater tank will be for collection of the stormwater and a backup water supply for a future sprinkler system. The tank is a similar colour to the existing site fences and the location and height of the rainwater tank is as appropriate, given it is located behind the shed wall and partially screened by the shed itself. There is a condition imposed to ensure all costs to be borne by the landowner if the tank is to cause any nuisance or damage to any adjoining property.

The over shadowing that will still impact the adjoining property shown in the diagrams is between the morning hours of 9am -12 pm in the winter solstice. The existing property has an 1,800 mm high boundary fence swimming pool and patio that will have an impact. The impact will be only between the early morning hours and for a small period. As stated in the justification, the property will still have access to a minimum of 3 hours direct sunlight as per the (DCP) part 2.10.

Given there is an 1,800mm high fence already installed and the sheds gutter/eave height of 3 metres and the side setback at 3 metres from the North, the impact is considered justifiable on the basis it meets the criteria for *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP) Part 3D Inland Code. The required criteria is a State Planning Principal that allows Complying Development Certificates (CDC) to be approved by any Principal Certifying Authority (Building Certifier) without the need for Development Consent.

The proposed development could have been constructed with a (CDC) if it met the following clauses in the SEPP:

- A dwelling house be constructed or a consent issued for a dwelling
- Rear setback expectation required:

Lot Size	Height	Setback
- >1,500m ²	- 0m-4.5m	- 10m

If the above had been complied with, the application would have fallen under the criteria for Complying Development and been issued without any notification or the chance for the adjoining property owners to make a submission

The side setback required for the Complying development is below. The lot has frontage of 9m therefore could have been constructed within 900mm from the boundary if the above clauses where meet.

Lot width at the building line	Minimum required setback from each side boundary
6m–18m	900mm
>18m–24m	1.5m
>24m	2.5m

The over shadowing is justifiable, in that the new setback has exceeded the Complying Development clause by 2,100mm. If the applicant decided in a future application to meet the Complying Development criteria, the proposal could be approved with greater detrimental effects to the property of 7 Riley Court than what is proposed now with the building in its current location including some minor overshadowing.

The views or potential decrease in the value of the property if the shed is to be constructed has been assessed as appropriate with regard to the construction of existing residential storage sheds, which are all in close proximity to the area. The views lost to any scenery in the area is minimal and there is no privacy issue as no windows are facing the north side. The construction of storage sheds in the rear of the property is a common theme in the area. A condition will be placed on the Development Consent that the Northern wall be screened by vegetation to lessen the appearance and give an aesthetically pleasing outlook from the adjoining property.

As the property is yet to have a DA lodged for a dwelling and the lot is vacant, the applicant was requested to justify the use of the shed. The intention is that the shed will be used to store a ski boat and motor vehicle. There is a proposed toilet and shower room which will be for an ancillary use to a future swimming pool. It is not part of this application and will require further Development Consent. That application will only be considered once a dwelling is constructed.

As the applicant has applied for consent prior to a dwelling being lodged, a condition will be placed on the consent that a Construction Certificate not be issued until a DA has been formally lodged for a dwelling. This is consistent with *the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Planning Framework

The Development Application has been assessed against the Heads of Consideration under Section 4.15 of the EP&A Act, Local Environmental Plan 2013 and Development Control Plan 2014 and is considered satisfactory. As the impacts from the proposal have been considered and addressed.

Draft consideration of shed location is provided at “**Appendix 8.23-A**”

A copy of the Development Assessment Report is provided at **"Appendix 8.23-B"**.

A copy of the submission is provided at **"Appendix 8.23-C"**

A copy of the construction plans at **"Appendix 8.23-D"**

Photos of the site and adjoining property is provided at **"Appendix 8.23-E"**

A copy of the future house plans at **"Appendix 8.23-F"**

Options:

The Council has the following options in relation to this report:

1. Approve the application; or
2. Approve the application, subject to conditions; or
3. Refuse the application.

Council Meeting

16 February 2022

8.24 Development Application 60/22/DA/D6 –Additions to Dwelling 18 Dawe Avenue, Finley

Report by: Building & Planning Manager, Matthew Miller

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council approve Development Application 60/22/DA/D6, subject to the following conditions:

Approved Plans

The development shall be implemented substantially in accordance with the details set out on the plan/drawing Oz Building Design Job No: 002 sheet A101-A116, Basix Certificate NO: A429274, EDM Group Planning Report Statement of Environmental Effects 18 Dawe Avenue Finley, EDM Group Site Context Plan 18 Dawe Avenue Finley, EDM Group Design response 18 Dawe Avenue Finley and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate"(Section 81A EP&A Act 179).The Construction Certificate is not be issued a Development application or Complying Development Certificate has been lodged at Council.

Appointment of PCA and Notice of Commencement

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

- f) obtained a Construction Certificate for each structure
- g) appointed a PRINCIPAL CERTIFYING AUTHORITY
- h) notified the Council of the appointment
- i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building is involved.
- j) given the Council at least 2 days notice of the intention to commence erection of the building. "(Section 81A EP&A Act 179).

Critical State Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 6.5 EP&A Act 1979)

Concrete Footings

With reinforcement steel in position, before concrete is poured.

Occupation

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

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 6.3 and 6.18 EP&A Act 1979)

Compliance with Building Code

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

Permitted hours for building work

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

Stormwater

Roofwater from the building must be piped underground to the Donaldson street kerb in accordance with the Building Code of Australia and Relevant Australian Standards.

Demolition

The demolition shall be conducted and the site maintained in a safe condition during the process of the demolition in accordance with Australian Standard 2601-2001 the Demolition of Structures, WorkCover guidelines and Occupational Health and Safety Regulations.

Road Reserve

Demolition waste, recycled materials or the like is not permitted to be stored on the road reserve. The road reserve is to be kept clean, tidy and in a safe condition while the demolition is being carried out

Comply with Noise Control Act

Operations on the site must comply with relevant environmental legislation (including Noise Control Act).

Asbestos Material

Work involving the removal of more than ten (10) square metres of asbestos containing material must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulation 2011.

Prior to commencement of any work, the Principal Certifying Authority must be provided with:

- (a) a copy of a signed contract with a person licensed to remove asbestos
- (b) the contract must specify the landfill site to which the asbestos containing material is to be delivered.

Excavations and Backfilling

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

Signs Erected on Building and Demolition Sites

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

BASIX

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

Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must—

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
- (c) be a temporary chemical closet approved under the [Local Government Act 1993](#).

Garbage receptacle

(1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and

- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (5) At the completion of the works, the work site must be left clear of waste and debris.\

Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the [Protection of the Environment Operations Act 1997](#), and

(d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the [Protection of the Environment Operations \(Waste\) Regulation 2005](#).

(2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

Drainage connections

(1) If the work is the erection of, or an alteration or addition to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.

(2) Any approval that is required for connection to the drainage system under the [Local Government Act 1993](#) must be held before the connection is carried out.

Contamination discovered during works

(1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the [Contaminated Land Management Act 1997](#)—

(a) all works must stop immediately, and

(b) the Environment Protection Authority and the council must be notified of the contamination.

(2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

(a) all work must stop immediately in that area, and

(b) the Office of Environment and Heritage must be advised of the discovery.

Note—

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the [National Parks and Wildlife Act 1974](#)) of the discovery in accordance with section 89A of that Act.

Note—

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the [National Parks and Wildlife Act 1974](#).

Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Landscape Plan

Prior to the issuance of a construction certificate, a landscape plan is required to be submitted for Council's approval that includes the following;

- Include landscaping of appropriate height and density to the secondary street frontage at a minimum of 1m in width.
- Include details of plant species, quantities and maintenance details for the selected landscaping
- Include measures/recommendations to ensure maximum life of proposed plants (i.e. watering system etc.)
- Be designed to ensure low maintenance
- Where possible native plant species are to be utilised in landscaping with the preference given to drought tolerant species
- A range of plant species of various heights are to be used in the landscaping to create interest, improve visual amenity and to help screen the development.
- Provide irrigation where required for the maintenance and establishment of the landscaping

This condition has been included to improve the visual quality and amenity of the development through the provision of effective, low maintenance landscaping. To ensure

appropriate screening of outdoor areas from adjoining properties and from public places (including roads) and provide an attractive streetscape.

Landscaping Completion

Landscaping must be established (i.e. planted) prior to the issuance of an occupation certificate.

Maintenance of landscaping

Landscaping must be maintained at all times throughout the life of the development.

Division:

In Favour:

Against:

Report:

Purpose of Report

This report is provided to Council for the determination of a Development Application (DA) as Council Officers do not have delegation to determine the application.

Proposal

The Development Application seeks consent for alterations and additions to an existing dwelling house. The subject land is located at 18 Dawe Avenue, Finley and currently contains a single storey dwelling house with an attached, single width, open carport. A larger freestanding shed is located in the rear yard.

The subject land is a rectangular shaped, corner Lot that is situated on the southern side of Dawe Avenue. The allotment has a secondary street frontage to Donaldson Avenue. The property is described as Lot 17 DP247524 and has an approximate total area of 708m².

The development proposal seeks to keep the existing floor plan layout of the dwelling and construct additions to both the eastern and western sides, and to the rear to increase the overall footprint of the dwelling house.

The 2 bedroom house will be adapted to provide an ensuite bathroom and walk in robe to Bedroom 1, double the size of Bedroom 2, and add on to the rear an open study area, larger family room and a family bathroom and toilet.

The open, single width carport attached to the eastern side of the dwelling will be replaced, with a double garage with built in storage, roller door to the front and pedestrian door access to the front verandah. Driveway access will continue to be provided to the garage via the

existing crossover, which is proposed to be widened to 6 metres to accommodate the double garage.

Planning Framework

The Development Application has been assessed against the heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2013 and Development Control Plan 2014 and is considered satisfactory.

- A copy of the Development Assessment Report is included as **“Appendix 8.24-A”**
- A copy of the Statement of environmental effects submitted by EDM Group is included as **“Appendix 8.24-B”**
- A copy of the architectural plans prepared by OZ Building Design is included as **“Appendix 8.24-C”**

Options:

The Council has the following options in relation to this report:

1. Approve the application;
2. Approve the application, subject to conditions; or
3. Refuse the application

Recommendation:

That the Council approve Development Application 60/22/DA/D6 subject to the conditions listed above.

Council Meeting

16 February 2022

8.25 Development Application No. 67/22/DA/D1 – Single Dwelling,
Inground Swimming Pool and Detached Shed

Report by: Town Planner, Noureen Wajid

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built
landscapes

Recommendation: That the Council approve Development Application 67/22/DA/D1 – Single Dwelling, Inground Swimming Pool and Detached Shed subject to the following conditions”:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the plan/drawing no: UCS Drafting Services Job 0050 sheet 1-3 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Appointment of PCA and Notice of Commencement

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

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

(Section 81A EP&A Act 1979)

3. Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a “Construction Certificate” [Section 81A EP&A Act 1979].

4. Occupation

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

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

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

5. BASIX

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

6. Critical Stage Inspections

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

(Section 109E EP&A Act 1979)

7. Stormwater

Roofwater from the structure is to be retained on site and should be collected and stored for recycling and reuse.

8. Hours of Operation

The hours of operation for the Construction works on the site shall be limited to the daylight hours, between 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.

9. Compliance with Building Code of Australia

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

10. Signs to be erected on building Site

a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (i) stating that unauthorised entry to the work site is prohibited, and
- (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

11. Smoke Alarms

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993 and the National Construction Code 2019. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly.

- a) Smoke alarms must be connected to the consumer's main power where the consumer power is supplied to the building
- b) and be interconnected where there is more than one alarm.

12. Protection of public places

- a. If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed.

13. Waste

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

14. Rural Address Signs

An application for "Works, Structures and Activities on a Council Road" must be submitted to the Council for the provision of a Rural Address Sign, which is to be located adjacent to the access driveway associated with each new (lot created / dwelling). The appropriate fee is to be paid for the supply and installation of each required rural address sign must be paid upon lodgement of the application form and before release of a (Subdivision Certificate / Final Occupation Certificate). The purpose of the sign is to standardise the identification of rural properties for the benefit of utility service providers and emergency service vehicles.

15. All Weather Access

All weather access driveways must be provided to each allotment and must include 4 metre x 375mm diameter concrete culverts with associated headwalls prior to the issue of a Construction Certificate.

16. Works in Road Reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

Division

In Favour:

Against:

Report:

Site Location and Context

The subject site is addressed as 3550 Barooga-Tocumwal Road, Barooga and is formally identified as Lot 1 in DP849528. The site is zoned RU1 Primary Production under the Berrigan Local Environmental Plan 2013 and is surrounded by existing rural, agricultural land uses. The site has access to an established road network with connectivity to the regionally significant Barooga-Tocumwal Road and transport corridor.

The land, highlighted in Figure 1 below is 71.74 hectares in size and is a nonconventional 'L' shaped parcel having approximate boundary dimensions of 210m across the road frontage to the south and an overall depth of 1,378m on the northern linear alignment. The land extends approximately 772m across the rear boundary forming an 'L' shape to the east with a depth extending to 1,015m.

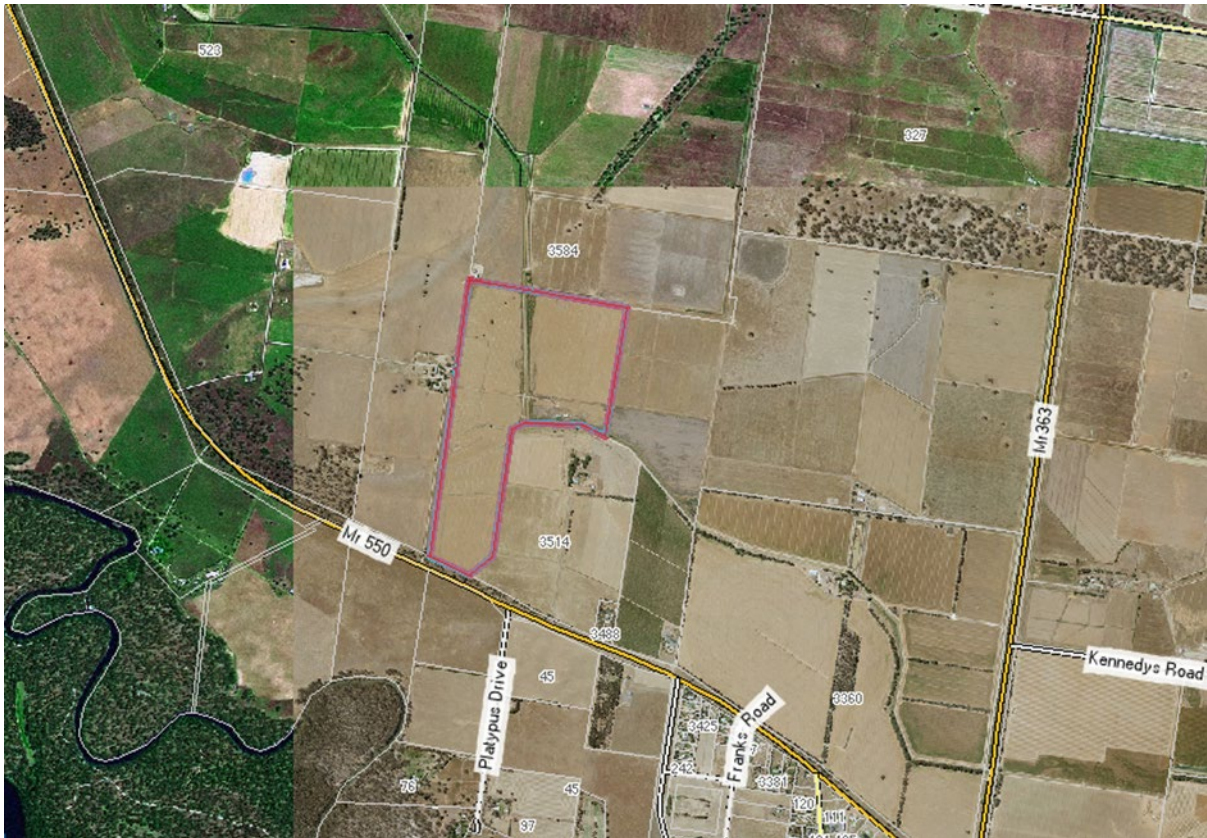


Figure 1: Subject Site and Location

Proposal

The subject application is for construction of a new Single Dwelling, Swimming pool and detached Shed under the application number 67/22/DA/D1.

REPORT

Background

The subject land was created by the subdivision of Lot 2224 in DP 620928 (and Portion 224) in 1994 total of approximately 112.14hecters before subdivision. 40.40hecters was consolidated with portion 224 and 71.74eacters was consolidated with Lot 1 DP 849528 in 1994 Local Approval No. 63/94/L Dated 28/03/1994 in accordance with the Berrigan Local Environmental Plan 1992.

The subdivision was approved with the following conditions:

1. That the proposed allotment be consolidated with existing portion 224, Parish of Barooga.

2. The proposed allotment is intended to be used for agriculture purpose, and as such no building right is granted for this allotment.

The Proposal

As mentioned above the proponent wishes to get the development approval to erect the new dwelling at 3550 Barooga Tocumwal Road, Barooga the total land size is approximately 71.74ha.

The development will involve with 4 bedrooms, 2 bathrooms, internal and external living areas, 1 office, one kitchen and family meals area. A double garage has proposed and will be attached to the dwelling and will allow direct internal access whilst an outdoor deck has proposed which will be directly accessible from the dinning living area.

The development application is seeking consent to construct a detached shed with the proposed dwelling. The proposed shed will be 15.20m long, 12m wide and will cover an area of 182.40msq.

The development includes and 20m x 4m outdoor swimming pool with a total capacity of 96 kilolitres.

The proponent has also provided a site plan indicating the possible location of a dwelling, Swimming Pool and proposed Shed attached as **"Appendix 8.25-A"** as well a Statement of Environmental Effect attached as **"Appendix 8.25-B"**.

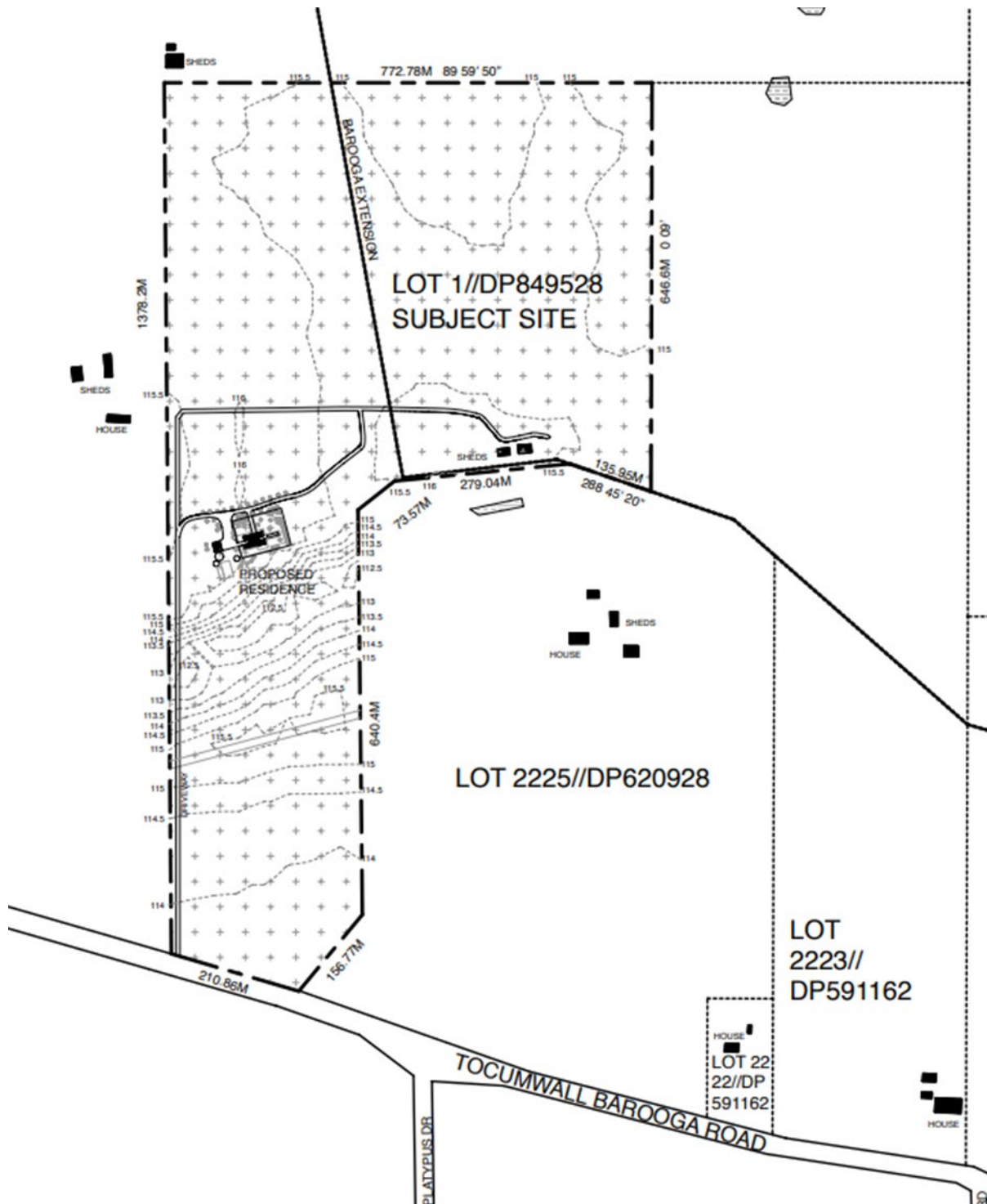


Figure 2: Proposed Site Plan

Assessment

The Development Application has been assessed against the relevant heads of consideration under the following statutory requirements:

- Section 4.15 of the Environmental Planning and Assessment Act, 1979
- Berrigan Local Environmental Plan 2013
- Berrigan Development Control Plan 2014

Environmental Planning and Assessment Act, 1979

4.15 Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan,
 - (iv) (iii a) and any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (vi) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Comments:

The development application does not comply with section 4.15(c) the proposed development is proposed on the rural land which is associated with agricultural use only. In

relation with previous subdivision consent the condition was imposed that the proposed allotment is intended to be used for agriculture purpose, and as such no building right is granted for this allotment.

Berrigan Local Environmental Plan 2013

The Berrigan Local Environmental Plan 2013 (BLEP) is the principal planning instrument that applies within the Berrigan Shire and the development application been assessed against the relevant heads of consideration

The subject land zoned RU1 Primary Production and the objectives of RU1 zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit development that enhances the agricultural and horticultural production potential of land in the locality.
- To permit low-key tourist and visitor accommodation that is compatible with the scenic amenity, and promotes the character, of the area.
- To enable function centres to be developed in conjunction with agricultural uses.

Comments:

The proposed dwelling may be consistent with the objectives of the RU1 zone, however the provision does not comply with the minimum lot size requirement which is 120 hectares and is not permissible in this instance as a condition of consent is in place that the land will be used for agriculture purpose only.

4.2A Erection of dwelling houses on land in certain rural and environment protection zones

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural and environment protection zones.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management.

(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—

- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
- (b) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
- (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) is an existing holding, or
- (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

Comments:

The subject Lot (1) was created by the subdivision of land comprising Lot 2224 in DP 620928 and Portion 224. The Deposited Plan numbered 849528 creating the subject Lot was registered on 26 April 1994 and when the Berrigan Local Environmental Plan 1992 was the governing Environmental Planning Instrument (EPI), which replaced with Berrigan Local Environmental Plan (BLEP) 2013 and an active instrument. Under Berrigan Local Environmental Plan (BLEP) 2013 minimum lot size requirement for RU1 Primary Production is 120 hectares, no dwelling is permissible if does not comply with minimum lot size requirement.

If given the consideration under the Environmental Planning Instrument (EPI) 1992 the land was zoned 'No 1(a) (General Rural Zone) and dwelling houses were permissible but then again the proposed dwelling cannot be permissible because the condition of subdivision consent was imposed that the land will be used for agriculture purpose only besides the clause was "Repealed" (not effective) and Berrigan Local Environmental Plan (BLEP) 2013 is the governing instrument at this time.

Moreover, if Council resolved this development application in its favour that would have future implication such as, there will be more possibilities to receive similar applications to encourage such development within the precinct, and given the approval repetitively the Clause 4.6 of Berrigan Local Environmental Plan 2013 variation is to be reported to the DPIE quarterly.

Council Meeting

16 February 2022

8.26 Development Application 117/20/DA/D2-M-M – Indoor Recreation Facility (Gym) – Modification to Hours of Operation

Report by: Building & Planning Manager, Matthew Miller

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council approve Modification Application 117/20/DA/D2-M-M subject to the following conditions:

- **AMEND CONDITION ONE (1) AS FOLLOWS:**

1. APPROVED PLANS

The development shall be implemented in accordance with the details set out on the approved plans BSC 001 – 002, Drawing A dated 10/02/22 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

- **AMEND CONDITION THREE (3) AS FOLLOWS:**

3. HOURS OF OPERATION

The standard hours of operation for the business shall be limited to:

- 5:00am to 9:00pm Monday to Friday
- 8:00am to 3:00pm Saturday and Sunday.

With the exception of the areas shown on the floor plan dated 10 February 2022, stamped and approved with this consent which may operate 24 hours per day, 7 days per week.

Noise from the development is to be kept to reasonable levels within residential neighbourhoods in accordance with the Protection of the Environment Operations (Noise Control) Regulations 2017. This is to protect the neighbouring commercial and residential amenity.

- **INSERT NEW CONDITIONS**

6. PLAN OF MANAGEMENT

The use and operation of the site must be carried out in accordance with the endorsed plan of management approved as part of this consent. The plan of management may at Council's

discretion be modified or updated where appropriate to the operation and management of the subject property.

7. SOUND LEVEL OUTPUT

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour’s boundary.

8. NOISE TO THE SURROUNDING AREA

There shall be no amplified music or speakers external to the building.

9. OFFENSIVE NOISE - ACOUSTIC REPORT

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an accredited Acoustic Engineer), and an acoustic report is to be submitted to Council for review of the report’s recommendations. Any noise attenuation recommendations must be implemented.

10. USE OF LAND

The approved use is to only be undertaken and occur from within the subject property boundaries. The use of the public lane way to the rear is prohibited.

Division:

In Favour:

Against:

Report:

Purpose of Report

This report is provided to Council for the determination of a Development Application (DA) as Council Officers do not have delegation to determine the application. Two submissions were received during the notification period. Due to the public interest of the application, it has been referred to Council for determination.

Proposal

The subject application proposes to modify Condition Three (3) “hours of operation” contained in development consent 117-20-DA-M. The application is sought under s4.55(1A) of the Environmental Planning & Assessment Act 1979.

The approved development consent currently allows the following:

- 5:00am to 9:00pm Monday to Friday
- 8:00am to 3:00pm Saturday and Sunday. No opening on public holidays without the prior written consent of the Council.

The subject modification application proposes 24/7 operation to the front portion of the existing building/operation.

The application was referred to Transport for NSW as per the requirements of *State Environmental Planning Policy (Infrastructure)*, no objection was raised.

The subject application was notified to the surrounding properties due to the potential impacts associated with the proposal. Two submissions were received and raised issues with parking and acoustic impact. The submissions have been addressed and responded to in the assessment report attached.

The full assessment report is included as **"Appendix 8.26-A"**.

Planning Framework

The Development Application has been assessed against the heads of consideration under Section 4.15 and Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2013 and Development Control Plan 2014 and is considered satisfactory.

- A copy of the Development Assessment Report is included as **"Appendix 8.26-A"**
- A copy of the Floor Plan Layout is included as **"Appendix 8.26-B"**
- A copy of the Builder Report is included as **"Appendix 8.26-C"**
- A copy of the Plan of Management is included as **"Appendix 8.26-D"**

Options:

The Council has the following options in relation to this report:

1. Approve the application;
2. Approve the application, subject to conditions; or
3. Refuse the application

Recommendation:

That the Council approve Development Application 117/20/DA/D2-M-M subject to the imposition and amendment of the conditions listed above.

Council Meeting

16 February 2022

8.27 Submission: A New Approach Toward Rezoning

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Recommendation: That the Council endorse “**Appendix 8.27-A**” as its submission to the NSW Department of Planning, Industry and Environment Discussion Paper: A new approach toward rezoning

Report:

The NSW Department of Planning, industry and environment is seeking comment on its Discussion Paper: A new approach toward rezoning. At the Council’s January Ordinary Council meeting held on 19 January 2022, the Council resolved Minute No. 22 to prepare a submission.

Attached as “**Appendix 8.27-A**” is a copy of a draft submission prepared after the Council’s consideration of the Discussion Paper at its Strategy and Policy Workshop held 2 February 2022.

9. ITEMS FOR NOTING

Recommendation: that Items for Noting numbered 9.1 to 9.3 inclusive be received and noted.

Council Meeting

16 February 2022

9.1 Organisational Structure

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Report:

At Council's Ordinary Meeting in August 2021 Council made the following determination:

7.15 Organisational Structure Review

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Resolved Crs Taylor and Morris that the Council:

1. Adopt the suggested Organisational Structure as presented under Section 333 of the Local Government Act;
2. Determine the position of Deputy Chief Executive Officer to not be a Senior Staff position;
3. Adopt the Position Description for the position of Deputy Chief Executive Officer as presented;
4. Determine the position of Director, Infrastructure Services to not be a Senior Staff position;
5. Adopt the Position Description for the position of Director, Infrastructure Services so the recruitment to that position may commence immediately; and
6. Create the role of Director, Strategic Planning and Development within the organisation structure with the Position Description for that role to be presented to Council for consideration at the September Council meeting.

Since that presentation all roles noted have been filled in line with my realigned Organisational Structure plan.

Section 333 of the *Local Government Act 1993* (LG ACT), Council must review the organisation structure to ensure it remains fit for purpose.

333 Re-determination and review of structure

The organisation structure may be re-determined under this Part from time to time.

The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.

When reviewing the organisation structure, Council may re-determine the structure but are not required to do so.

In determining the organisation structure, the Council must, after consulting with the Chief Executive Officer, determine:

- whether they choose to have senior staff positions for the purposes of the Act (see below for more information)
- the roles and reporting lines of holders of senior staff positions; and
- the resources to be allocated towards the employment of staff.

A Council cannot determine a position to be a “senior staff” position unless:

- the responsibility, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the [Local Government \(State\) Award](#); and
- the total remuneration package payable to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*) – as of 2020-2021 this is \$192,600

The Chief Executive Officer must, after consulting with Council, determine the positions (other than the senior staff positions) within the organisation structure of the Council.

The positions within the organisation structure of a Council must be determined to give effect to the priorities set out in the community strategic plan and the Council’s delivery program.

Senior Staff Positions

Senior Staff positions are discussed at sections 337 and 338 of the LG Act.

337 Council to be consulted as to appointment and dismissal of senior staff

The general manager may appoint or dismiss senior staff only after consultation with the council.

338 Nature of contracts for senior staff

- (1) The general manager and other senior staff of a council are to be employed under contracts that are performance-based.
- (2) The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years.
- (3) Contracts may be renewed from time to time.
- (4) The Departmental Chief Executive may, by order in writing, approve one or more standard forms of contract for the employment of the general manager or other senior staff of a council.
- (5) A standard form of contract approved by the Departmental Chief Executive is not to include provisions relating to the level of remuneration or salary (including employment benefits) of the general manager or other senior staff of a council, performance-based requirements or the duration of the contract.
- (6) A council is not to employ a person to a position to which one or more standard forms of contract approved for the time being under this section applies or apply except under such a standard form of contract.
- (7) The council may include in an employment contract for the general manager or another member of the senior staff additional provisions to those contained in the standard form of contract but only if those provisions relate to any of the following—
 - (a) the level of remuneration or salary (including employment benefits) of the person employed under the contract,
 - (b) subject to subsections (1) and (2), performance-based requirements or the duration of the contract.
- (8) Despite subsection (6), the approval, amendment or substitution of a standard form of contract under this section does not affect any employment contract between a council and the general manager of the council or another member of the senior staff of the council if the employment contract was entered into before the approval, amendment or substitution of the standard form of contract.
- (9) However, subsection (6) does apply to the renewal of any such employment contract occurring after the standard form of contract is approved, amended or substituted and to all new contracts entered into after the standard form of contract is approved, amended or substituted.

It should be noted that LGNSW are currently advocating for the removal of reference to Senior Staff positions in the LG Act. Providing conditions above Award does not require provision of a contract and may be set out in a fairly simple document that outlines what the salary and any other conditions (such as access to a vehicle). As long as that offer is accepted in writing by

the person, and meets the Better of Overall Test, then the conditions are made between me as the CEO and the Director in question.

Previous Council

The previous Council felt strongly that employment of staff should be my responsibility and they determined they did not want to be involved in the employment conditions and performance review of the Deputy CEO nor Directors as that would hamper my ability to manage them should that need arise.

Current Structure

Since Council's determination in August 2021, I have filled the Deputy CEO Role, and the two Director roles. From there a number of Management positions have also been filled. The filling of these management positions has allowed those managers to decide how they will manage the vacancies in their areas and what skill sets they need. This has proved very effective in ensuring Council has been able to realign its requirements according to the current climate and matters we can see coming as we prepare to delivery our longer term strategic goals.

The current Organisational Structure to Management level is included at "**Appendix 9.1-A**" for your information. A full Organisational Structure will be presented as soon as the positions reporting to each manager are fully bedded in and any outstanding vacancies at completion of that process are assessed. The development of our Organisational Structure, in this way, remains a "work in progress" other than the fact all positions will align within their relevant directorate.

Council Meeting

16 February 2022

9.2 State Significant Agricultural Land Submission

Report by: Director Strategic Development & Planning, Joanne Ruffin

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.1 Support sustainable use of our natural resources and built landscapes

Report:

The NSW Department of Primary Industries is undertaking a mapping program to identify State Significant Agricultural Land (SSAL). A map of SSAL is an essential component of agricultural land use planning, enabling clearer local planning with informed prioritisation of future land uses.

At the Council's January Ordinary Council meeting held 19 January 2022, the Council resolved Minute No. 22 that a submission responding to the Department of Primary Industries Draft State Significant Agricultural Land Map due 28 January be circulated by the Director Strategic Planning and Development to Councillors via email to ensure Council response is sufficient.

Attached as "**Appendix 9.2-A**" is a copy of the submission forwarded to the Department of Primary Industries.

Council Meeting

16 February 2022

9.3 Development Determinations for Month of January 2022

Report by: Executive Support Officer, Melissa Kennedy

Strategic Outcome: 2. Good government

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

Report:

APPLICATIONS DETERMINED FOR JANUARY 2022

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
45/20/DA/D2-M	MODIFICATION TO CHILDRENS PLAY AREA - FRONT FENCE	17-19 STEWART STREET, BERRIGAN NSW 2712 (Lot2//DP531450)	BERRIGAN CHILDRENS CENTRE	BERRIGAN CHILDREN'S CENTRE ASSOCIATION	Approved 25-01-2022	\$ 6280.00	Active 11	Total 11
163/21/DA/DM-M	MODIFICATION GOOD TIMES IN TOCUMWAL - STREET FESTIVAL	DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot11//DP523802)	STRAWBERRY MUSIC GROUP PTY LTD	BERRIGAN SHIRE COUNCIL	Approved 19-01-2022	\$ 0.00	Active 7	Total 7
224/21/DA/D3	WATER TREATMENT PLANT	13 TUPPAL STREET, FINLEY NSW 2713 (Lot7008//DP1001696)	WATER TREATMENT AUSTRALIA PTY LTD	BERRIGAN SHIRE COUNCIL	Approved 31-01-2022	\$ 300000.00	Active 0	Total 153
17/22/CD/M4	PERGOLA	90 BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP1250358)	CHELSEE MANKS	MR SL MANKS AND MRS CA MANKS	Approved 11-01-2022	\$ 2000.00	Active 48	Total 48
73/22/DA/D5	RESIDENTIAL STORAGE SHED	105 WOLLAMAI STREET, FINLEY NSW 2713 (Lot1//SP21769)	MS JACQUI O'BRYAN	MS JL O'BRYAN	Approved 10-01-2022	\$ 8120.00	Active 1	Total 33
74/22/DA/DM	SCHOOL BASED CHILD CARE FACILITY	28-30 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot6/21//DP758981)	MS CONSTRUCTIONS PTY LTD	THE STATE OF NEW SOUTH WALES	Approved 25-01-2022	\$ 998860.00	Active 43	Total 43
77/22/DA/D5	RESIDENTIAL STORAGE SHED	68 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot26//DP1250358)	TREVOR EWERT	MR TJ EWERT	Approved 18-01-2022	\$ 18934.00	Active 0	Total 37
80/22/DA/D9	4 LOT SUBDIVISION	29-35 KELLY STREET, TOCUMWAL NSW 2714 (Lot136//DP752296)	BRIAN MITSCH & ASSOCIATES	MRS S ROUND	Approved 17-01-2022	\$ 0.00	Active 30	Total 30
82/22/DA/D5	RESIDENTIAL STORAGE SHED	44 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot38//DP1250358)	KAYDEN SHARP	MR KO SHARP	Approved 04-01-2022	\$ 10000.00	Active 0	Total 21
83/22/DA/D5	CARPORT	90 WOLLAMAI STREET, FINLEY NSW 2713 (Lot6//DP23948)	TIM PATCH	MR TFG PATCH AND MS IMA FATHERS	Approved 17-01-2022	\$ 4000.00	Active 29	Total 29
21/22/CD/M4	PERGOLA	47-48 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot46//DP1118257)	REKLAW CONSTRUCTIONS PTY LTD	MR DA CHAPMAN AND MRS HMT CHAPMAN	Approved 04-01-2022	\$ 25750.00	Active 19	Total 19
84/22/DA/D5	RESIDENTIAL STORAGE SHED	31-32 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot38//DP1118257)	CAMERON DICKINS	MR CJ DICKINS AND MRS MA DICKINS	Approved 06-01-2022	\$ 9000.00	Active 21	Total 21

89/22/DA/DO	RURAL SHED	OLD ADCOCKS ROAD, TOCUMWAL NSW 2714 (LotE//DP108419)	LEE DIXON	MS LD DIXON	Approved 11-01-2022	\$ 50000.00	Active 20	Total 20
88/22/DA/D5	RESIDENTIAL STORAGE SHED	4 BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot541//DP1107605)	JENNA ROSS	MR CL ROSS AND MS JL BALDWIN	Approved 14-01-2022	\$ 24000.00	Active 23	Total 23
92/22/DA/D5	RESIDENTIAL STORAGE SHED	4 BARKER STREET, TOCUMWAL NSW 2714 (Lot1/30/DP758981)	MARK RYAN	MR MS RYAN AND MRS NJ RYAN	Approved 05-01-2022	\$ 25000.00	Active 10	Total 10
94/22/DA/D5	RESIDENTIAL STORAGE SHED	48 CALAWAY STREET, TOCUMWAL NSW 2714 (Lot14//DP577805)	MARY CORKERY	MR PJ CORKERY AND MRS MM CORKERY	Approved 25-01-2022	\$ 25000.00	Active 13	Total 23
96/22/DA/D5	RESIDENTIAL STORAGE SHED	9 MOORE STREET, TOCUMWAL NSW 2714 (LotB//DP370310)	MARK HENDY	MR MD HENDY AND MS LA BROWNING	Approved 31-01-2022	\$ 9500.00	Active 7	Total 17
97/22/DA/D5	RESIDENTIAL STORAGE SHED	31 MOORE STREET, TOCUMWAL NSW 2714 (Lot3/3/DP6464)	CAMERON DICKINS	MR RW HIPWELL AND MRS TA HIPWELL	Approved 25-01-2022	\$ 9500.00	Active 13	Total 13
98/22/DA/DO	RURAL SHED	QUICKS ROAD, TOCUMWAL NSW 2714 (Lot11//DP1088371)	PETER LETCHER	MR PJ LETCHER AND MRS DL LETCHER	Approved 31-01-2022	\$ 58983.00	Active 16	Total 16
27/22/CD/PC	BV DWELLING & ATTACHED GARAGE	63 HUGHES STREET, BAROOGA NSW 3644 (Lot 6//DP1257753)	BUILDING PERMITS INSPECTIONS VICTORIA & NSW	MR SW MUDGE	Approved 27-01-2022	\$ 364024.00	Active 0	Total 0
19/22/CD/M1	BV DWELLING & ATTACHED GARAGE	24 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot58//DP1131677)	STONEWAY CONSTRUCTIONS	MR DA ANSWERTH AND MRS MD ANSWERTH	Approved 04-01-2022	\$ 366117.00	Active 9	Total 9

APPLICATIONS PENDING DETERMINATION AS AT 31/01/2022

APPLICATION NO.	DATE LODGED	DESCRIPTION	PROPERTY LOCATION
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7002//DP1019579)
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
225/21/DA/D3	30-06-2021	WATER TREATMENT PLANT - BAROOGA	27-29 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot322//DP626847)
17/22/DA/D3	29-08-2021	STORAGE SHED	12 HARLEY COURT, FINLEY NSW 2713 (Lot23//DP713898)
20/22/DA/D5	01-09-2021	RESIDENTIAL STORAGE SHED	11 RILEY COURT, TOCUMWAL NSW 2714 (Lot46//DP1054776)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
51/22/DA/D2	13-10-2021	ADDITIONS TO EXISTING SERVICE STATION	37 VERMONT STREET, BAROOGA NSW 3644 (Lot1//SP41416)
54/22/DA/D5	19-10-2021	RESIDENTIAL STORAGE SHED	55 HAMPDEN STREET, FINLEY NSW 2713 (Lot15//DP238395)
60/22/DA/D6	01-11-2021	ADDITIONS TO DWELLING	18 DAWE AVENUE, FINLEY NSW 2713 (Lot17//DP247524)

62/22/DA/D2	05-11-2021	REPLACEMENT SIGNAGE AT EXISTING SERVICE STATION	54-56 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot11//DP1161562)
64/22/DA/D5	11-11-2021	RESIDENTIAL STORAGE SHED	126 DENISON STREET, FINLEY NSW 2713 (Lot5//DP29248)
67/22/DA/D1	11-11-2021	BV DWELLING & ATTACHED GARAGE RURAL SHED & INGROUND FIBREGLASS POOL	BAROOGA-TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot1//DP849528)
76/22/DA/D5	26-11-2021	RESIDENTIAL STORAGE SHED	66 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot3//DP1250417)
85/22/DA/DO	09-12-2021	3 x SHADE SHELTERS	895 WOOLSHED ROAD, FINLEY NSW 2713 (Lot65//DP752285)
90/22/DA/D2	17-12-2021	STORAGE SHEDS	41-43 DEAN STREET, TOCUMWAL NSW 2714 (Lot1/3//DP6464)
93/22/DA/D1	22-12-2021	BV DWELLING & ATTACHED GARAGE	143-155 HAMILTON STREET, FINLEY NSW 2713 (Lot4//DP535621)
100/22/DA/D5	11-01-2022	RESIDENTIAL STORAGE SHED	29-35 KELLY STREET, TOCUMWAL NSW 2714 (Lot136//DP752296)
99/22/DA/D9	18-01-2022	2 LOT SUBDIVISION	110-112 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7/29//DP758981)
26/22/CD/M8	18-01-2022	RURAL SHED	444 CROSBIES ROAD, FINLEY NSW 2713 (Lot38//DP752283)
101/22/DA/DM	18-01-2022	CHEESE PROCESSING FACILITY	26 CROSBIES ROAD, FINLEY NSW 2713 (Lot11//DP801250)
102/22/DA/D5	25-01-2022	CARPORT	35 SUGDEN STREET, TOCUMWAL NSW 2714 (Lot2//DP836555)
103/22/DA/D1	25-01-2022	BV DWELLING & ATTACHED GARAGE	28 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot2//DP1263147)
104/22/DA/D1	25-01-2022	BV DWELLING & ATTACHED GARAGE	28 HADLEY STREET, TOCUMWAL NSW 2714 (Lot22//DP1250358)

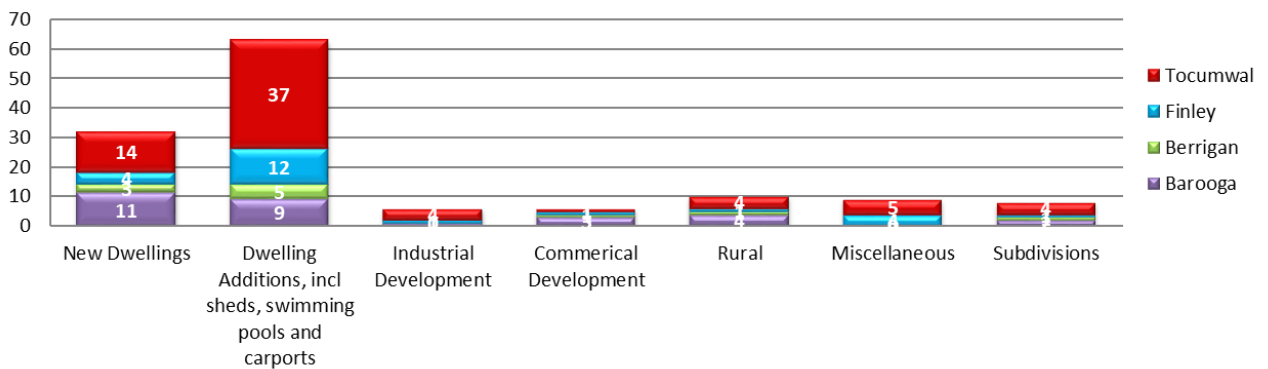
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Jan)	Year to Date	This Month's Value (Jan)	Year to Date Value
Development Applications (DA)	17	107	\$1,557,177	\$17,781,687
Construction Certificates (CC)	8	82	\$477,393	\$12,633,943
Complying Development Certificates (CDC)	4	27	\$757,891	\$3,520,979
Local Activity (s.68)	8	57	0	0

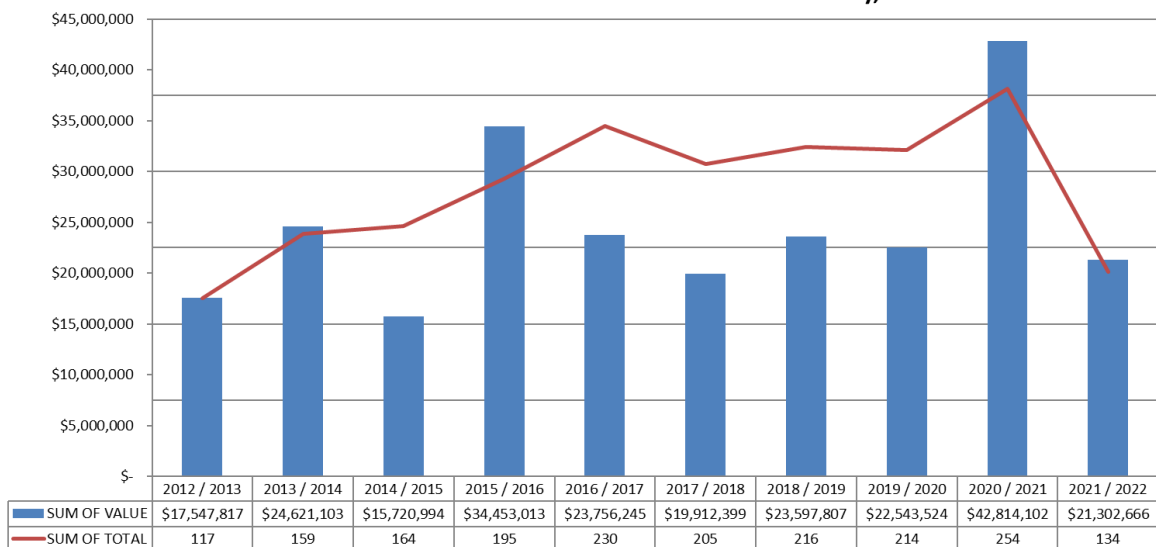
OTHER CERTIFICATES ISSUED FOR JANUARY 2022

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	JAN	Year Total	JAN	Year Total	JAN	Year Total	JAN	Year Total	JAN	Year Total	JAN	Year Total
BAROOGA	8	44	0	1	0	4	0	1	0	1	1	9
BERRIGAN	1	33	0	2	0	7	0	2	0	1	0	0
FINLEY	9	61	0	1	0	3	0	2	0	1	0	0
TOCUMWAL	6	78	0	3	1	3	0	0	0	1	0	6
TOTAL	24	216	0	7	1	17	0	5	0	4	1	15

DEVELOPMENT ACTIVITY 2021/2022 as at 31 January, 2022



DEVELOPMENT ACTIVITY as at 31 January, 2022



10. 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.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

10.1 Tocumwal Town Beach

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

- (e) information that would, if disclosed, prejudice the maintenance of law

It is not in the public interest to reveal the information provided by within this report.

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*.

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

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:

11. COMMITTEES

Nil

12. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.



13. DELEGATES REPORTS



14. BUSINESS ARISING

15. CLOSE OF MEETING