



ORDINARY MEETING OF COUNCIL

Wednesday 17 November, 2021

at 11:00am

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 17 November, 2021** 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

Wednesday 17 November, 2021

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. VISITORS

11:00am Brad Bohun (Crowe) – Present Audit Conduct Report

4. CONFIRMATION OF MINUTES

Recommendation: That the Minutes of the meeting held in the Council Chambers on Wednesday 20 October, 2021 be confirmed.

5. MAYORAL MINUTES
6. NOTICES OF MOTION
7. ITEMS FOR RESOLUTION



Council Meeting

17 November 2021

7.1 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

17 November 2021

7.2 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 October 2021,
- b) Confirm the accounts paid as per Warrant No. 10/21 totaling \$1,553,852.69, and
- c) Note the report on investments attached as **"Appendix 7.2-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 October 2021 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 October 2021.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 October 2021, totaling \$1,553,852.69 and will be submitted for confirmation of payment as per Warrant No. 10/21
- 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) October has seen a slight increase in total funds held at the end of September. This is due to the receipt of grant milestones falling due and the ongoing receipt of rate instalments.

Total funds have increased by \$1.63M compared to the same period last year. Council expects total funds to decrease over the financial year as large capital projects continue to progress.



f) Further information regarding Council’s investments is attached to this Agenda as “Appendix 7.2-A”.

Statement of Bank Balances as at 31 OCTOBER 2021

Bank Account Reconciliation

Cash book balance as at 1 OCTOBER 2021	\$13,907,997.82
Receipts for OCTOBER 2021	\$ 1,814,568.35
Term Deposits Credited Back	\$ -
	<u>\$15,722,566.17</u>
<i>Less Payments Statement No 10/21</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 571,970.90
Electronic Funds Transfer (EFT) Creditors E038284-E038426	\$ 915,779.16
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 66,102.63
Total Payments for OCTOBER 2021	<u>\$ 1,553,852.69</u>
Cash Book Balance as at 31 OCTOBER 2021	<u>\$14,168,713.48</u>
<i>Bank Statements as at 31 OCTOBER 2021</i>	
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 OCTOBER 2021	<u>\$14,168,713.48</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	GENERAL	133/17	182	**0.30%	22/11/2021	\$ 1,000,000.00	BBB+
AMP	SEWER	144/19	365	**0.30%	23/03/2022	\$ 2,000,000.00	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	0.55%	18/11/2021	\$ 2,000,000.00	AA-
						<u>\$ 28,025,954.84</u>	

Total Funds Held at 31 OCTOBER 2021

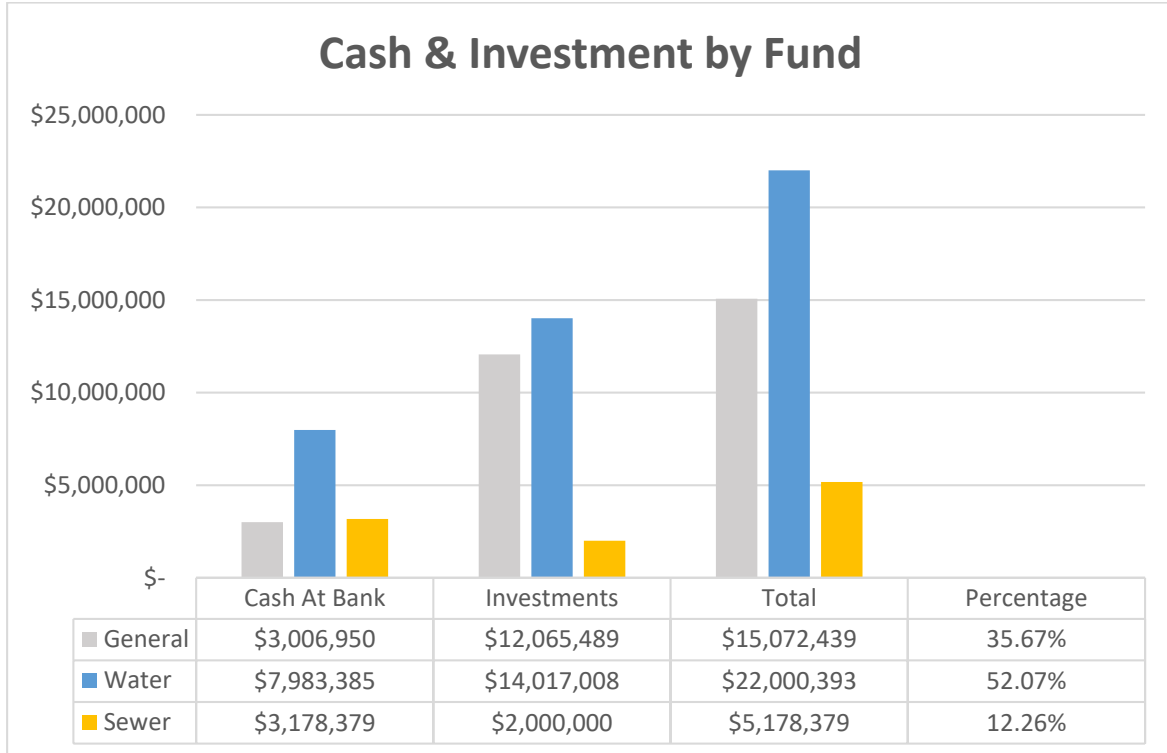
\$42,194,668.32

Tahlia Fry - Finance Manager

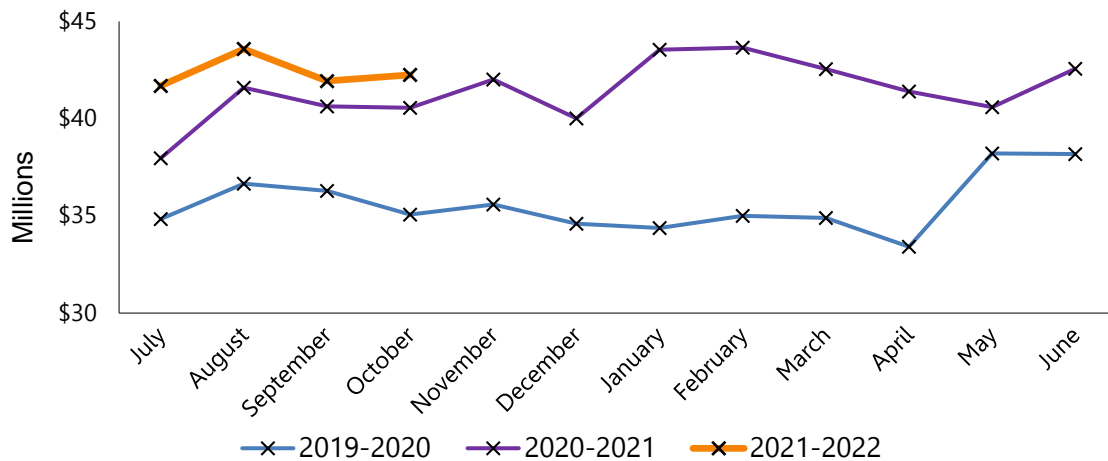
*The Council also receives an additional 0.25% commission

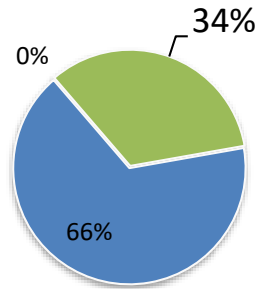
**The Council also receives an additional 0.20% commission

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

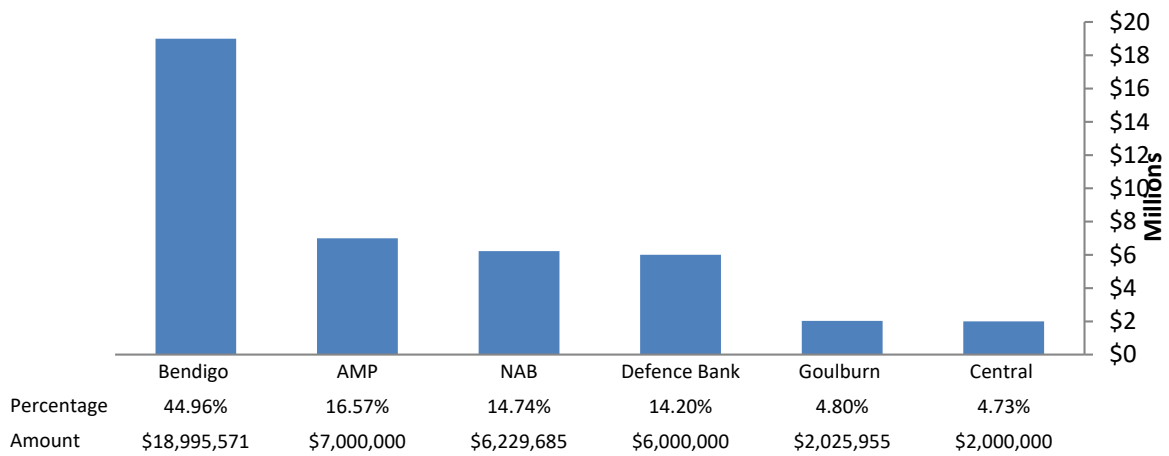


Total Cash and Investments





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



Term Deposits Credited Back

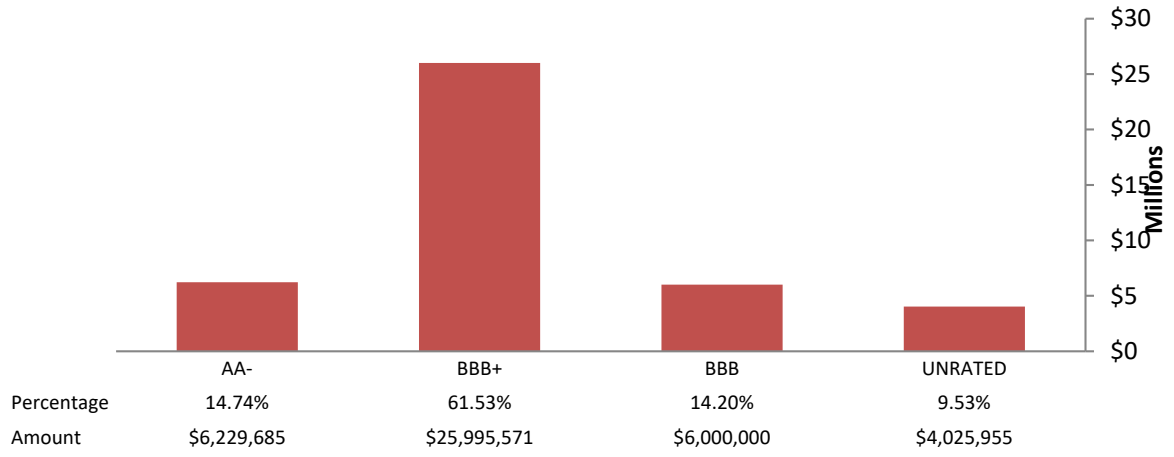
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	365	\$ 2,000,000.00	**0.60%	19/10/2021

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	365	\$ 2,000,000.00	**0.80%	19/10/2022

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission





Council Meeting

17 November 2021

7.3 Vaccination Policy

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 Council adopt the Vaccination Policy as below:



Policy

103

VACCINATIONS

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	17 November 2021	Minute Number:
Date for Review:	20 November 2024	
Responsible Officer:	Chief Executive Officer	
Document Control:	New Policy	
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 and employee 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/>

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*



Policy

10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17/11/2021	New Policy	Karina Ewer

DRAFT

Appendix 1

		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, broad 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
		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
		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
2	<i>Where employees are required to have close contact with people who are particularly vulnerable to the health impacts of coronavirus</i>	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.
	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.

3	Where there is interaction or likely interaction between employees and other people such as customers, other employees or the public in the normal course of employment	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.
		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.

		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	<i>Where employees have minimal face-to-face interaction as part of their normal employment duties</i>	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:

Council has not previously had a Vaccination Policy. There are a number of high risk positions that form part of Council's operations and as such require Council to consider the risk exposure to relevant diseases pose to staff and therefore the requirement for vaccination or otherwise.

It should be noted that under current Public Health Orders there are a number of staff who are prescribed as requiring Covid-19 vaccinations, these include:

- Library staff;
- Cleaning staff;
- Construction staff; and

- Water and sewer staff

Further, the *Workers Compensation Act 1987* was recently updated at section 19B to state that:

19B Presumptions relating to certain employment in relation to COVID-19

(1) If a worker, during a time when the worker is engaged in prescribed employment, contracts the disease COVID-19 (also known as Novel Coronavirus 2019), then for the purposes of this Act, it is presumed (unless the contrary is established)—

(a) that the disease was contracted by the worker in the course of the employment, and

(b) the employment—

(i) in the case of a person to whom clause 25 of Part 19H of Schedule 6 applies— was a substantial contributing factor to contracting the disease, or

(ii) in any other case—was the main contributing factor to contracting the disease.

(2) A worker is taken to have contracted COVID-19 for the purposes of this Act if the result of a medical test—

(a) that complies with requirements prescribed by the regulations in relation to the disease, and

(b) that was carried out for the purpose of determining if the worker has contracted the disease,

is a result prescribed by the regulations in respect of the disease.

(3) A worker is taken to have contracted COVID-19 for the purposes of this Act if the worker is classified by a medical practitioner as having COVID-19, having satisfied the epidemiological or clinical criteria (or both) prescribed by the regulations for the purpose of making that classification.

(4) For the purposes of this Act, the date of the injury in relation to COVID-19 is the date of whichever of the following occurs first—

(a) the worker is diagnosed by a medical practitioner as having COVID-19 following a prescribed test result, as referred to in subsection (2),

(b) the worker is classified by a medical practitioner as having COVID-19, as referred to in subsection (3),

(c) the worker dies as a result of COVID-19.

(5) For the purposes of this Act, it is presumed (unless the contrary is established) that a worker the subject of a presumption under subsection (1) is incapable of work as a

-
- result of COVID-19 for the period starting on the date of the injury and ending (unless sooner ended by the death of the worker)—
- (a) on a date established in accordance with the regulations, or
 - (b) if no regulations are made under paragraph (a)—on a date that is 7 days after the date on which a medical practitioner certifies that the worker no longer has the disease.
- (6) *This section applies to a casual worker in prescribed employment only if the worker has performed casual work in the employment on 1 or more of the 21 days preceding the date of the injury.*
- (7) The regulations may make provision for or with respect to any matter relating to the application of this Act to or in respect of workers who have or are suspected of having COVID-19.
- (8) In particular, the regulations may make provision for or with respect to the following matters—
- (a) the modification of the provisions of this Act in their application to or in respect of workers who have COVID-19,
 - (b) (without limitation) the application of the Act to workers who suffer permanent impairment as a result of COVID-19,
 - (c) the use of employers' claims histories relating to COVID-19-related claims in calculating premiums payable under the Act,
 - (d) the sharing of the financial risk arising out of COVID-19 between all insurers under the Act, including through the imposition and enforcement of risk equalisation arrangements for that purpose,
 - (e) (without limiting clause 1 of Part 20 of Schedule 6) transitional provisions for or with respect to claims relating to confirmed or cases of COVID-19 arising before the commencement of this section.
- (9) In this section—
- prescribed employment** means employment in any of the following—
- (a) the retail industry (other than businesses providing only on-line retail),
 - (b) the health care sector, including ambulance officers *and public health employees*,
 - (c) disability and aged care facilities,
 - (d) educational institutions, including pre-schools, schools and tertiary institutions (other than establishments providing only on-line teaching services),
 - (e) police and emergency services (including fire brigades and rural fire services),
 - (f) refuges, halfway houses and homeless shelters,
-

- (g) passenger transport services,*
- (h) libraries,*
- (i) courts and tribunals,*
- (j) correctional centres and detention centres,*
- (k) restaurants, clubs and hotels,*
- (l) the construction industry,*
- (m) places of public entertainment or instruction (including cinemas, museums, galleries, cultural institutions and casinos),*
- (n) the cleaning industry,*
- (o) any other type of employment prescribed by the regulations for the purposes of this definition.*

Further, under the *Workers Compensation Regulation 2016* in Schedule 1, Anthrax, Brucellosis, Leptospirosis and Q Fever are included in the list of diseases taken to be work-related. It is imperative those working with animals, particularly those working with raw meats (or animal carcasses) should be vaccinated to prevent those diseases for which vaccinations exist.

When considering which vaccinations should be required of Council staff Schedule 1 (Scheduled medical conditions) Schedule 1A (Contract order conditions), Schedule 2 (Notifiable diseases), Schedule 3 (Vaccine preventable diseases) of the *Public Health Act 2010* and Council's roles and responsibilities under that Act have also been considered and attached as "**Appendix 7.3-A**".

Finally, information from the Immunisation Handbook has been accessed to determine various vaccination requirements for relevant job roles.

A risk assessment of all roles undertaken by Council staff have been considered along side legislated requirements and that assessment is included in the overall Policy document.

It should be noted that once mandated that certain roles will require vaccination, Council will be responsible for paying for those booster vaccinations required under current health regulations. Where staff that are not deemed to be at certain risk levels, and are not otherwise legislated to require certain vaccinations, and they choose to have any or all vaccinations, anything extra to their employment conditions would require personal payment.

The policy has been to the Consultative Committee and staff for comment and has been approved by staff.



Council Meeting

17 November 2021

7.4 Customer Request/Suggestion 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 revoke its Customer Request/Suggestion Policy

Report:

A review of the Council's Customer Service framework identified that the Council has in place an outdated Customer Request/Suggestion Policy that has not been reviewed for over 16 years.

This policy is attached as "**Appendix 7.4-A**".

While the Council has had in place alternate customer service guidelines since this policy was adopted, this policy was never formally revoked by the Council. The policy itself is not fit-for-purpose and cannot be revised or modified and as such it should be revoked.

On the direction of the Chief Executive Officer, Council is developing a new Customer Service framework including clear direction on timely responses to customer requests.

Council Meeting

17 November 2021

7.5 Tocumwal Swimming Pool Committee of Management

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:

- a) revoke existing members of the Tocumwal Swimming Pool Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Swimming Pool Committee of Management:

President:	Geoff and Kerren Edwards
Vice President:	Randall Jones
Secretary:	Leanne Waldron
Treasurer:	Doug Perrett
Committee:	

Report:

Advice of committee members has been received and could be endorsed by the Council.

Council Meeting

17 November 2021

7.6 Berrigan Shire Council Energy Strategy

Report by: Engineering Consultant, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That Council adopt the Energy Strategy as set out in **"Appendix 7.6-A"**

Report:

The purpose of this report is to inform Council the results of the Energy Strategy undertaken earlier this year and for Council to consider adopting the energy strategy.

A copy of the final report is attached in **"Appendix 7.6-A"**.

The intent of the Energy Strategy was to focus on Council's internal operations with a focus on reducing electricity usage and ultimately reduce overhead costs in the long term.

A number of projects have been identified in this report which are applicable to other assets in Council's control with favorable payback periods for investment. Council gave indication to approve a budget of \$50-100k per annum at the Corporate Workshop earlier this year.

Staff are currently working on implementing parts of the strategy in two ways:

1. engaging with committees and seeking funding for the implementation of the recommendations set out in the energy strategy for committee run facilities; and
2. prioritising assets in Council control and implementing recommendations.

Electric vehicles and charging stations were not a primary focus of this strategy, however, it is understood that funding via grants is becoming increasingly available from State and Federal government.

At this point in time, with regard Council's fleet, it is not financially viable to purchase electric vehicles.

Charging stations will be required in the LGA, however, Council should consider how it intends to implement charging stations, if it intends to be the owner and operator of the charging stations, and if it intends to maintain charging stations. Council should also consider how it intends to charge should it be the service provider or partner with a service provider.



Council Meeting

17 November 2021

7.7 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

- revoke its Reimbursement of Relocation Expenses Policy adopted on 21 June 2017, and
- Adopt the Reimbursement of Relocation Expenses Policy set out below:



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 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 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/>

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



Policy

56 Chanter Street
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Ph/ 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	Pre 2017	New Policy	Unknown
2.0	21.06.2017	Updated Policy	Matthew Hansen
3.0	17.11.2021	Minor Updates to current format. Insertion of clauses 5.1, 7, 8, 9 and 10	Karina Ewer

DRAFT



Policy

APPENDICES

Nil

DRAFT

Report:



Council staff have reviewed the Reimbursement of Relocation Expenses Policy, last reviewed in 2017.

The policy allows for the Council to reimburse legitimate relocation expenses for staff taking up key positions in the Council

The draft policy has been updated to reflect the Council's recent experience with the relocation of executive and managerial staff.

The major change is to formalise the discretion given to the Chief Executive Officer to negotiate assistance with relocation expenses over and above the \$1,500 cap where relocation is from outside NSW or Victoria.

The Council may adopt this policy as written, adopt the policy with amendments or send back to Council staff to be re-drafted.



Council Meeting

17 November 2021

7.8 Investment Policy

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

- Revoke its Investment Policy adopted on 19 November 2020; and
- Adopt the Investment Policy set out below:



Policy

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INVESTMENT POLICY

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	17 November 2021	Minute Number:	
Date for Review:	16 November 2022		
Responsible Officer:	Finance Manager		
Document Control:	Replaces and revokes the Investment Policy adopted 18 November 2020		
Delivery Program Link:	2.1.3.1 <i>Coordinate Council investments, financial management, financial operations and processing.</i>		

1. POLICY STATEMENT

In order to meet future financial commitments, Berrigan Shire Council retains cash that it has no plans to spend in the immediate future. To make better use of this cash and to retain its future value, the Council will invest these spare funds – in line with legislation and other legal requirements.

This policy is made under section 625 of the *Local Government Act 1993* (the Act) and in accordance with the Ministerial Investment Order published in the Government Gazette of 12 February 2011 and Office of Local Government Circular 17-29.

2. PURPOSE

The purpose of this policy is to provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

The Council's Financial Strategy 2021 commits the Council to the following action:



Policy

Maintain the existing Investment Policy settings prioritising preservation of capital over investment return.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

3. SCOPE

This policy applies to all Council officers with responsibility for the investment of Council's funds in financial instruments.

4. DEFINITIONS

Credit risk	the risk that an institution or a product the Council has invested in fails to pay the interest and/or repay the principal of an investment
Market risk	the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices
Liquidity risk	the risk the Council is unable to redeem the investment at a fair price within a timely period
Maturity risk	the risk relating to the length of term to maturity of the investment – the longer the term, the greater the length of exposure and risk to market volatilities
Reinvestment risk	the risk that future cash flows—either interest or the final return of principal—will need to be reinvested in lower-yielding investments
Preservation of Capital	the requirement for preventing losses in an investment portfolio's total value (considering the time value of money)



Policy

Diversification	setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk
Liquidity	ensuring that funds are available in a timely manner to meet the Council's cash flow requirements without the unanticipated, and potentially disadvantageous, sale of investment products
Financial instrument	any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity

5. POLICY IMPLEMENTATION

5.1 Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1993*.

The Chief Executive Officer may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer, or to other Officers. This is subject to regular review.

Officers' delegated authority to manage Council's investments shall be recorded in line with the Council's standard procedures regarding delegations.

Officers with delegated authority under this policy will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

5.2 Prudent person standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.



Policy

5.3 Ethics and conflicts of interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

Councillors and Officers are obliged to act in accordance with the Council's Code of Conduct and comply with the Council's procedures for declaring gifts and actual or perceived conflicts of interest.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. Dealings between the Council and an independent advisor will be in line with the Council's Statement of Business Ethics.

5.4 Approved investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

5.5 Prohibited investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Collateralised Debt Obligations (CDOs);
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

5.6 Local economic benefit

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

- Institutions that operate a retail branch in the Shire



Policy

- Institutions specifically established for the purpose of investing in the local area including the Berrigan Shire, such as local credit unions.

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

5.7 Risk management

In accordance with the Council's Risk Management Policy and Framework, the Council should minimise risks and encourage and promote transparency and good governance.

Risks will be assessed with resultant investment decisions authorised by the Chief Executive Officer, or in accordance with Delegated Authority.

Controls will be integrated into investment management strategies which recognise these risks:

- Credit risk
- Market risk
- Liquidity risk
- Maturity risk
- Reinvestment risk

When addressing these risks, the Council and its officers will consider the following key principles:

- Preservation of Capital
- Diversification
- Liquidity

In addition to employing controls to reduce counterparty risk, management and operational controls for corruption prevention will be employed, which include:

- Fraud Control measures as identified in the Council's Fraud Control Policy and associated plans.
- Compliance with the Council's Code of Conduct
- The use of the Council's Gift and Conflict of Interest Disclosure procedures
- Reference to the Internal Reporting Policy.



Policy

- Monthly reporting to the Council
- External Auditing

5.8 Investment advice

The Council may, from time to time, appoint a consultant to provide independent advice on the Council's investment strategy or on individual investment products. Independent advisors must be licenced by the Australian Securities and Investment Commission and must be appointed by resolution of the Council.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy. This specifically excludes the appointment of advisors that receive commissions from providers of investment products likely to be reviewed or recommended.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

5.9 Measurement

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting

5.10 Benchmarking

The Council will measure and report on its investments to the Council on a market value basis. The market value is to be assessed at least once a month to coincide with the monthly Investment Report.

For the purpose of the annual financial statements, investments will be valued in line with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting



Policy

5.11 Reporting and reviewing investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Compliance

- [Local Government Act 1993](#)
- Local Government (General) Regulation 2021
- Ministerial Investment Order
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

6.2 Relevant Council documents

- Long Term Financial Plan
- Financial Strategy 2021
- Fraud Control Policy
- Fraud Control Plan
- Risk Management Policy and Framework
- Code of Conduct
- Internal Reporting Policy
- Statement of Business Ethics



Policy

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 Investment Policy will be reviewed by the Council no less than annually. It will also be reviewed as required in the event of legislative changes.

The Investment Policy may also be amended as a result of other events that provide the Council with opportunities that are to the advantage of the Council and in the spirit of this policy.

Any amendment to the Investment Policy must be by way of Council resolution

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/>

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*

10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
10.0	17-11-2021	Annual review, inclusion of CEO	Finance Manager

Report:

The Council in its role as trustee of public monies, has a responsibility to prudently invest its surplus funds. To provide guidance to Council staff when investing Council funds, the Council has an Investment Policy. The policy complies with the Ministerial Investment Order issued in February 2011.

This policy is required to be reviewed annually. It was last reviewed in November 2020.

As well as its Investment Policy, the Council's powers to invest in specific financial instruments are restricted by the Ministerial Investment Order.

The policy sets out the principles that the Council will use when investing surplus funds, lists any restrictions placed on specific types of investments and sets some requirements for reporting on investments to the Council. The policy addresses the risks to the Council as a result of its investments in line with the Council's Risk Management Policy and Framework.

The Council has traditionally taken a very conservative investment position and this is reflected in the proposed policy. The policy states that the Council's principal objective is the preservation of capital with investment return a lower priority.

The proposed policy is nearly identical to the existing policy. It would not require any changes to the Council's current investment portfolio.

A broader review of this policy as part of an overall review of the Financial Strategy will be undertaken when the new Council is appointed in 2022.

Other than cash held for current expenditure, the Council's existing investment portfolio is solely made up of term deposits held with organisations listed as authorised deposit-taking institutions by the Australian Prudential Regulation Authority.

The Council currently has around \$42m under investment at present.

Council Meeting

17 November 2021

7.9 Unsolicited Proposal – Sporties Barooga

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: in the matter of the loan for irrigation infrastructure and related earthworks, Council direction is sought.

That Council provide \$X towards the shortfall for the project to upgrade the BARC pool but only when that funding grant is confirmed as approved.

That the CEO enact the previous 2019 motion (File no 08.094.1, motion 10) and develop a Memorandum of Understanding between Berrigan Shire Council and Sporties in order to develop a more strategic partnership with that group

Report:

On 11 October 2021 Mr Bobby Brooks from Sporties Barooga met with Matt Hansen and me in my office.

At that meeting Council were made aware of a number of grants applied for by Sporties which are all aimed at accelerating recovery post Covid-19 and ensuring Sporties remain one of the largest employers in the Shire. Grant applications include ClubGrants Category 3, Stronger Country Communities, Regional Tourism Acceleration and Regional Event Fund.

Sporties have informally asked Council to consider if there is any way they are able to assist with either or both of the projects as discussed below.

Irrigation Infrastructure and Related Earthworks

At the time of the meeting, Mr Brooks had been notified by the Minister for the Environment, The Hon Sussan Ley MP that the Golf Club had been successful in obtaining \$335,000 through the Building Better Regions Fund to upgrade their irrigation system over a large part of the golf course. Funding under the NSW Regional Sports grant round has also been applied for to supplement the balance of the funding Sporties need to supply (i.e. they are attempting to leverage the funding rounds as Councils sometimes do)

Sporties have requested Council consider loaning them \$335,000 to complete the project should the second round of funding not be successful. That loan would be at current market rates to assist them with funding these works.

Council may also consider in-kind support such as providing earthworks as part of any contribution Council might make to this project.

BARC Pool

Under the Stronger Country Communities Funding funding has been applied for to upgrade the BARC Pool. Sporties have applied for \$500,000 leaving them a shortfall of \$95,951. At the time of writing the outcome of this funding application remains unknown and is expected to be delayed due to changes in Ministerial positions at State Government level.

Council have been asked to provide funding directly for the pool.

In this both cases, particularly in relation to the pool, section 356 of the *Local Government Act 1993* would apply:

356 Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) However, public notice is not required if –*
 - (a) the financial assistance is part of a specific program; and*
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given; and*
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year; and*
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*

Given the Council cannot meet the obligations of section 3(b) above, any decision of Council to directly fund this project will require 28 days of public notification and therefore will be presented to the new Council for actual decision.

Depending on Council's direction there are a number of matters that would require consideration.

- Council is currently in caretaker mode and cannot commit Council to more than \$150,00 in any single project.
- Even if Council do want to do consider one or both of the requests above, the 28 day period would end whilst Council technically has no Elected Body and as such the new

Council would need to consider the outcomes of the 28 public notice at their January meeting.

Council have committed to undertaking significant works at the Burkinshaw intersection, of which Sporties are paying half

Further Consideration

At the January 2019 Ordinary meeting the following motion was passed by Council:

5.9 STRATEGIC RELATIONSHIP WITH THE SPORTIES GROUP

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business
STRATEGIC OBJECTIVE: 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

FILE NO: 08.094.1

- 10 RESOLVED** Crs Morris and Glanville that the Council advise the Sporties Group that it is prepared to develop a strategic partnership with it to advance the local economy and community.

Initial meetings were conducted to commence the development of a Memorandum of Understanding (MOU) however there is no record of any draft or any document being finalised at that time.

Given the increased approaches from Sporties for Council assistance and engagement in their activities, I feel it necessary to ensure an MOU is developed to outline clearly the engagement of Council with Sporties and to develop a strategic partnership with this group into the future.

Council Meeting

17 November 2021

7.10 Unsolicited Proposal – Tocumwal Caravan Park Lease Extension

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 Council defer consideration of this matter to the new Council and request the CEO to notify Ms Clare Allan of the reasons for this decision.

Report:

On 1 July 2021 the lessees of the Tocumwal Caravan Park met with me in my office. At that time they verbally requested an extension of their current lease “**Appendix 7.10-A**” by 5 years as they wanted to be able to sell the lease at premium market price. A claim was made at the time that the previous GM had authorised such an extension before, however I can find no evidence of same. The current lease commenced in 2016 with an expiration time of 20 years (2036). The lease is therefore 5 years into its term and extension would provide the lessees a further 20 years of tenure over the site.

This approach to extend the lease is an unsolicited proposal to Council and a process should therefore be followed. An unsolicited proposal is *an approach to Government from a proponent with a proposal to deal directly with the Government over a commercial proposition, where the Government has not requested the proposal.*

A *Circular to Councils* from 2018 and the subsequent *Unsolicited Proposals Guide for Submission and Assessment* are attached at “**Appendix 7.10-B**” and “**Appendix 7.10-C**” respectively. Council has not adopted a Managing Unsolicited Proposals Guideline however, it is recommended such proposals do at minimum follow the Office of Local Government Guidelines as attached.

The Lease

Importantly the relevant lease clauses are as follows:

*20.1 The Lessee may not sublet, assign this Leaser or part with possession of the Premises or any part of them **without the consent of the Lessor.** The Lessor will **not unreasonably withhold its consent.***

20.4 The Lessee is to pay the Lessor’s reasonable legal and other costs relating to considering and giving consent, including any costs which the landlord incurs in making inquiries as to the respectability, solvency, responsibility, stature, experience and

capability of any proposed subtenant or assignee or the person to whom possession is to be transferred.

Schedule 1 does not imply there will be an extension of the term of the lease as there is no first right of renewal offered.

Local Government Act Requirements

For Local Councils, operating caravan parks form part of Council's approval requirements under section 68 Part F(2) of the *Local Government Act 1993* (LG Act)

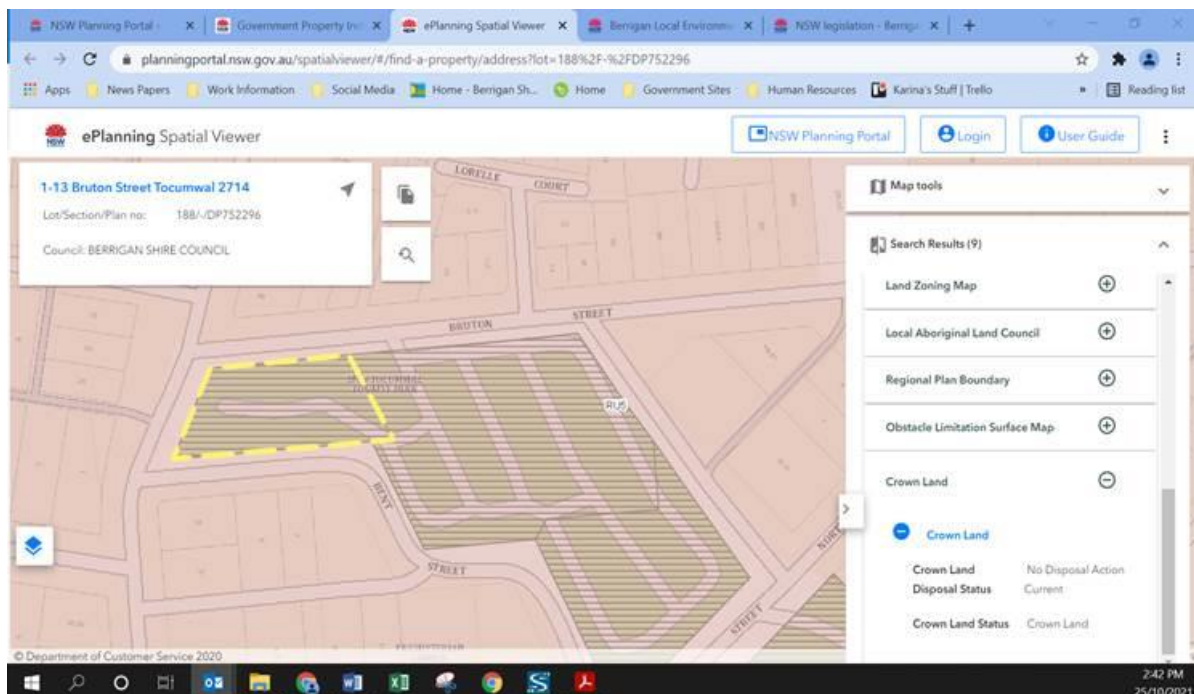
68 What activities, generally, require the approval of the council?

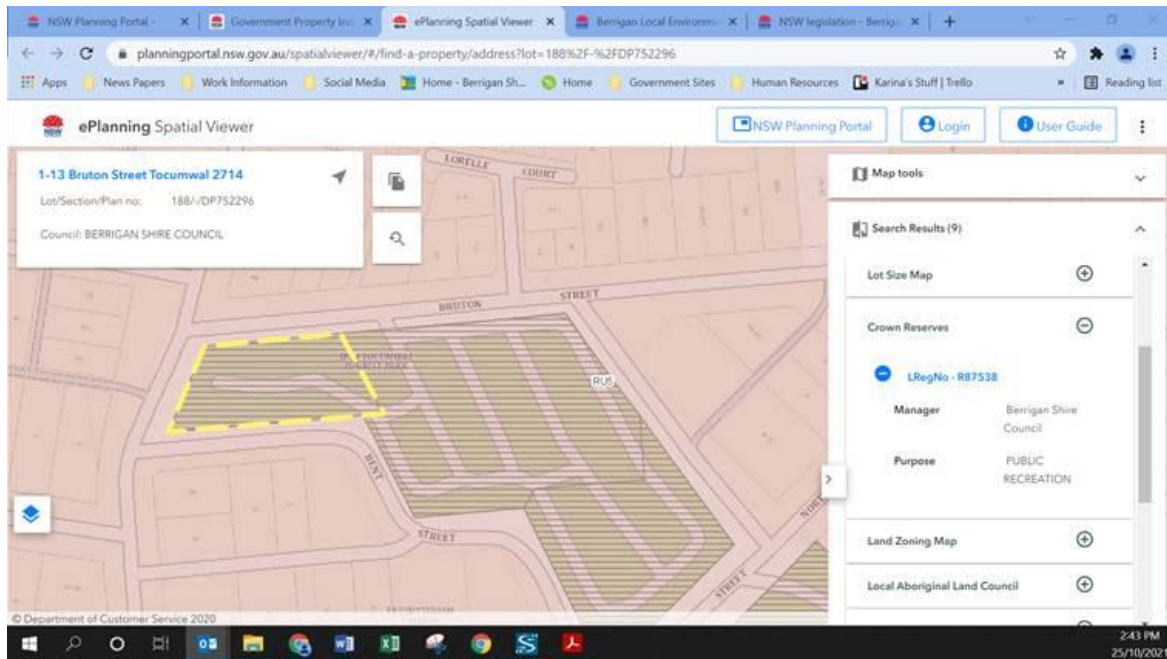
(1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

Part F Other Activities

2 Operate a caravan park or camping ground

Condition 3.1 of the lease requires the lessee to obtain approval under section 68 Part F2 of the LG Act to operate a caravan park. The land in question is designated Crown Land for Public Recreation and Zoned RU5.





Under Council's current Local Environment Plan (LEP) a permitted use for land zoned RU5 includes caravan park. To that end, permission to operate a caravan park on this land has been given.

Provisions for lease management and implementation are provided for in a number of sections of the LG Act and are provided in **"Appendix 7.10-D"**.

Crown Land Management Act 2016

It should be noted the lease refers to the *Crown Land Act 1989* (CL Act). The Crown Land Act was superseded in 2018 when the *Crown Land Management Act 2016* (CLM Act) came into effect.

A Guideline to Leasing Crown Land is included at **"Appendix 7.10-E"**.

Section 3.28 of the CLM Act is provided below and clearly indicates at both (2)(b) and (g) that this proposal would not be seen as a minor change to the lease, therefore requiring Ministerial consent.

3.28 Minor changes to leases or licences do not require Ministerial consent

- (1) A non-council manager may make minor changes to leases or licences that the manager (or a previous manager) has granted over dedicated or reserved Crown land under the manager's management.
- (2) A *minor change* to a lease or licence over dedicated or reserved Crown land is a change that does not result in a change to any of the following—
 - (a) the rent payable for the lease or licence,
 - (b) the term for which the lease or licence will be in force (including any option to renew),
 - (c) provisions relating to insurance,
 - (d) provisions relating to native title rights and interests or claims under the *Aboriginal Land Rights Act 1983*,
 - (e) provisions relating to the holder making good any damage to the land or structures on it,
 - (f) provisions relating to works undertaken by the holder for which consent is required,
 - (g) provisions relating to the termination or revocation of the lease or licence.

As it is not a minor change, extension or otherwise of the lease would require some public consultation to be undertaken by Council.

I would need to seek legal opinion as to whether the sale of this lease is might be allowable under the CLM Act or not.

Preliminary Legal Advice

I have discussed this matter verbally with our solicitors and they are of the opinion that the lease could be surrendered and then a new lease issued for the 20 years. They do not believe extension is an option in this case.

To that end, I would believe Council would then be under obligation to go out to tender for the 20 year lease.

Election Considerations

On 3 November 2021, it was confirmed Ms Clare Marie Allan would be running in the local elections

Candidate name	Candidate ballot name	Locality as enrolled	Affiliation *	Candidate information sheet	Contact details
CARLY JAYNE MARRIOTT	MARRIOTT Carly	BOOMANOOMANA		View PDF	Show ▼
JULIA MARGARET CORNWELL MCKEAN	CORNWELL MCKEAN Julia	BAROOGA		View PDF	Show ▼
ROGER EDWIN REYNOLDSON	REYNOLDSON Roger	BERRIGAN	Independent	View PDF	Show ▼
EDWARD JOHNSTON HATTY	HATTY Edward (Ted)	TOCUMWAL		View PDF	Show ▼
SARAH FRANCES MCNAUGHT	MCNAUGHT Sarah	FINLEY		View PDF	Show ▼
MANDY LEE BONAT	BONAT Mandy	TOCUMWAL		View PDF	Show ▼
MATTHEW JOSEPH HANNAN	HANNAN Matthew	FINLEY		View PDF	Show ▼
MARCUS BERNARD FRY	FRY Marcus	BAROOGA		View PDF	Show ▼
RENEE LEE PAINE	PAINE Renee	BERRIGAN	Independent	View PDF	Show ▼
ROSS WILLIAM BODEY	BODEY Ross	TOCUMWAL		View PDF	Show ▼
JOHN ALEXANDER TAYLOR	TAYLOR John	FINLEY		View PDF	Show ▼
CLARE MARIE ALLAN	ALLAN Clare	TOCUMWAL		View PDF	Show ▼
DARYLL JAMES MORRIS	MORRIS Daryll	FINLEY		View PDF	Show ▼

The following clauses are included in the Code of Conduct which should be considered in relation to Ms Allan's candidature, and in the context of the extension of lease request:

Land use planning, development assessment and other regulatory functions

- 3.13** You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14** In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

These conditions, I believe could give rise to conflicts of interest for Ms Allan were a decision made prior to the election and then Ms Allan was elected, and for all current Councillors regardless of the outcome of the election. Certainly Ms Allan is currently unable to exercise her right to present her case to Council through representation at this time.

It is for this reason I believe any decision regarding the extension of the lease for the Tocumwal Caravan Park be deferred for decision with the new Council. That way any conflicts of interest may be actively managed according to the make up and status of the Council at that time.

Final Considerations

I had thought to include provision of a capital works program in the terms of a longer contract to ensure the park was increased to a 3 Star rating and maintained at minimum at that level. I believe after further consideration however, that this puts onus on any new lessee and not on the current lessee and I can find no benefit to Council, nor any extraordinary circumstance that would allow for this to occur under the legislative guidelines.

Should Council issue a new lease over the caravan park into the future, I would however recommend the above capital improvement project be included in any new lease as I feel it is an important management tool going forward.

A full market appraisal should be done of the site to assess the current rental value at any rate as it forms part of the lease conditions. I am not sure if this has been done tri-annually as outlined in the provisions of the lease.

Way Forward

Depending on Council's direction I would propose the following:

Option 1 – Council defer the decision regarding the extension of the Tocumwal Caravan Park to the incoming Council, therefore after the 11 January 2022 Extraordinary Meeting

Option 1 – Council refuse the extension

Option 2 – begin the process of investigating the request. This would require me to request a formal proposal to be written to me as per the Guidelines and to have that considered by Council. Some legal advice would be required in this scenario and I believe the costs of that advice would be the responsibility of the lessee under the lease requirements. A full Due Diligence Report would be presented to Council for consideration as this is a major decision of Council.

Council Meeting

17 November 2021

7.11 Tocumwal Aerodrome – Regional Airport Program – Anticipated Over Expenditure

Report by: Project Manager, Nathan O'Connell

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation: That the Council:

- proceed with the resealing of runway 09-27 and runway 18-36 and renew line marking throughout the aerodrome, and
- fund any over expenditure from the Aerodrome Reserve

Report:

Council has been successful in obtaining a grant of \$300,000 (excl GST) through the second round of the Regional Airports Program for the resealing of both runways and line marking throughout the Tocumwal Aerodrome.

Unfortunately, final quotations have returned in excess of the grant amount due to increases experienced in materials resourcing and freight costs. The anticipated total cost of the project is \$331,461.74 (incl GST)

Given the opportunity to renew surfacing on both runways and to carry out line marking throughout the Tocumwal Aerodrome, it is recommended that Council fund any cost over and above the grant funding from the Aerodrome Reserve - which was established for this purpose.

The current balance of this reserve is \$381,000.00

Council may wish to revise the scope of works and remove one of the runways from the scope which would bring the total project cost back within budget, however, it is not recommended as:

1. There are significant efficiencies to be gained by carrying out the resealing of both runways in one event and, ultimately, Council will need to fund these works if grant funding is not available.
2. As this is a grant-funded project, permission to alter the scope of works will need to be obtained from the funding body. This will likely delay the project for some time



Current market prices are quite high for materials, fuel and labour. It is unknown how prices will continue to trend.

Council Meeting

17 November 2021

7.12 Mayoral Phone and Vehicle 4 December 2021 – 11 January 2022

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 Council allow the current Mayor to use both the Mayor's phone and vehicle between 4 December 2021 and the swearing in of the new Council on 11 January 2022.

Report:

At the October Ordinary Council meeting, Council resolved that:

- 247 **Resolved** Crs Taylor and Bodey that Council:
- delegate all delegable functions to the Chief Executive Officer position for the period commencing 4 December 2021 and concluding 11 January 2022;
 - authorise the current Mayor to maintain all civic and ceremonial functions normally exercised by the Mayor during this period;
 - set the first meeting of the new Council as an Extraordinary meeting on Tuesday 11 January 2022, commencing at 9.00am and following the Agenda set out in this report; and
 - authorise staff to book an appropriate venue for the Corporate Workshop to take place on 3 and 4 March 2022 with the new Council to review the venue and dates at the Extraordinary meeting on 11 January 2022

The purpose of this report is in response to dot point two. For Mayor Hannan to be able to undertake any civic or ceremonial functions during the period 4 December 2021 to 11 January 2022 (when the new Council is sworn in), the Mayor will require continued access to both the Council provided vehicle and to the Council provided phone. Access to this equipment will allow Mayor Matt to enact the motion made above.

Council may wish to consider what might occur should Mayor Matt not be declared as an elected Councillor as at 21 December 2021, noting that this is close to Christmas and Council will be closed for the period 24 December 2021 to 4 January 2022 (as per motion 242 of the same meeting).



It is important to remember there will be no official Council from 4 December 2021 through to and including 11 January 2022 when the new Council is sworn in.



Council Meeting

17 November 2021

7.13 Berrigan Shire Council Information Guide

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 pursuant to section 21 of the *Government Information (Public Access) Act* the Council adopt the Berrigan Shire Council Information Guide as set out below:



"Making an even better Berrigan Shire"

INFORMATION GUIDE

Government Information (Public Access) Act 2009

Berrigan Shire Council's *Information Guide* describes who we are and what we do.

It also describes how members of the public, community organisations, the media, and government agencies can interact with us, access information held by us and change information believed to be incorrect.

RESPONSIBLE AREA:

Corporate Services: Deputy Chief Executive Officer/Director Corporate Services, Matthew Hansen

COUNCIL REVIEW AND ADOPTION DATES:

Version	Date	Minute
1	17 November 2010	291/2010
2	14 December 2011	284/2011
3	21 November 2012	275/2012
3	20 November 2013	308/2013
5	19 November 2014	282/2014
6	18 November 2015	265/2015
7	16 November 2016	298/2016
8	15 November 2017	221/2017
9	21 November 2018	234/2018
10	20 November 2019	107/2019
11	18 November 2020	272/2020
12	17 November 2021	



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PREFACE

This Information Guide has been produced by Berrigan Shire Council in accordance with [Section 21 of the Government Information \(Public Access\) Act 2009](#) and is reviewed annually. The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Berrigan Shire Council;
- The way in which the functions of Berrigan Shire Council affect members of the public;
- The avenues available to the public to participate in policy development and the exercise Berrigan Shire Council's functions;
- The type of information available from Berrigan Shire Council and how this information is made available.

The Information Guide is available on the Access to Council Information page on the Council's website (<https://www.berriganshire.nsw.gov.au/index.php/council-governance/access-to-council-information>)



KARINA EWER
CHIEF EXECUTIVE OFFICER



THE COUNCIL, ITS STRUCTURE AND FUNCTIONS

LEGAL IDENTITY

Berrigan Shire Council is constituted and operates under the provisions of the *Local Government Act 1993*. The Council is responsible for providing local government representation and services for the residents of Berrigan Shire.

Along with 134 other Councils, Berrigan Shire was proclaimed by the New South Wales State Government on 6 March 1906. Berrigan Shire Council is one of the few remaining of those initial 134 to still exist within substantially the same boundaries since that date.

Located on the Murray River in the Southern Riverina, the Shire area covers approximately 2,100 square kilometres and is home to more than 8,700 residents.¹ It includes the four distinct communities of Barooga, Berrigan, Finley and Tocumwal.

INTEGRATED PLANNING AND REPORTING

Berrigan Shire's preferred future is established in *Berrigan Shire 2023*, the Shire's Community Strategic Plan. This plan was developed in conjunction with our community under the Integrated Planning and Reporting (IP&R) framework established by the Office of Local Government.

In *Berrigan Shire 2023*, the community set out its vision for the future

In 2023 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.

As well as *Berrigan Shire 2023*, the IP&R framework includes a suite of other plans, strategies and reports that are used by the Council to support the provision of a range of services, programs and initiatives on behalf of residents and others and advances Berrigan Shire as a lifestyle and investment destination of choice.

You can view the Council's suite of plans and strategies under the IP&R framework at the Council Administration Office and on the Council website at:

<https://www.berriganshire.nsw.gov.au/index.php/council-governance/management-plans-codes-reports>

OUR PURPOSE

The aim of the Berrigan Shire Council is to develop our community and assist where we can to help it grow and achieve the community's vision. We work alongside our community and use our skills, our staff and our resources to contribute to the improvement of the entire Shire.

We are one team focused on the one purpose of ***"Making an even better Berrigan Shire"***.

¹ Australian Bureau of Statistics Regional Population 2019-20 (30 March 2021)

CORPORATE STRUCTURE AND FUNCTIONS

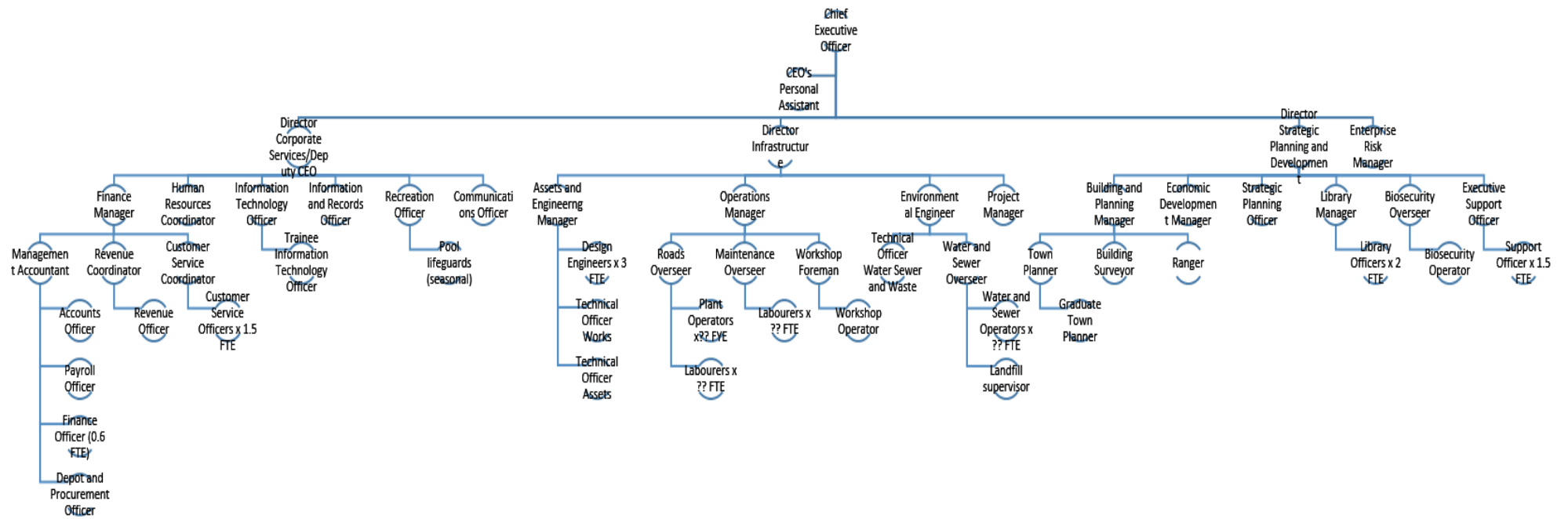
Berrigan Shire Council is led by a Chief Executive Officer who is responsible for the efficient operation of the Council and for ensuring implementation of the Council's decisions. The Chief Executive Officer is appointed by the Council under a standard contract.

The Council is made up three major divisions, each managed by a Director.

- Infrastructure
- Strategic Planning and Development
- Corporate Services

Each department is responsible for the services as shown below:

Infrastructure	Strategic Planning and Development	Corporate Services
Roads, Bridges and Footpaths	Animal control	Administration
Depot	Building control	Human Resources
Stormwater drainage	Town planning	Rates and charges
Parks and Gardens	Social and cultural planning	Finance
Water	Development	Recreation facilities
Environmental Health	Biosecurity	Cemeteries
Waste control	Libraries	Caravan parks
Aerodrome	Council buildings	Community Bank
Sewerage	Tourism	Saleyards



LOCAL GOVERNMENT AND THE PUBLIC

As a service organisation, the majority of the activities of Berrigan Shire Council may have an impact on you. The following is an outline of how the broad functions of the Council may affect you and others.

The Council exercises its functions under the [Local Government Act 1993, Section 21 of this Act](#) confers or imposes the following functions on Council:

- Non-regulatory or service functions (Chapter 6)
 - Regulatory functions (Chapter 7)
 - Ancillary functions (Chapter 8)
 - Revenue functions (Chapter 15)
 - Administrative functions (Chapters 11, 12 and 13)
 - Enforcement functions (Chapters 16 and 17)
-
- **Service functions** involve the Council providing services and facilities to the public. This includes the provision of public infrastructure such as roads, water supply and sewerage systems, waste collection and recycling services, community infrastructure such as libraries, halls and recreation reserves and human services such as Home and Community Care.
 - **Regulatory functions** place restrictions on the use of land and on some other activities in order to mitigate any adverse effect on community amenity and the environment and to protect the life and safety of the public. Members of the public must be aware of, and comply with, such functions.
 - **Ancillary functions** include, for example, the resumption of private land and the power for the Council to enter onto a person's land. In general, these activities will only affect the owners of the property.
 - **Revenue functions** have a direct effect on the public in that the Council can compel landholders in the Shire to pay rates and charges lawfully made by the Council. The Council's revenue functions have an indirect effect on the public in that revenue raised by the Council is used to fund the services and facilities provided to the community.
 - **Administrative functions** do not affect the public directly but the impact of these functions on the efficient and effective provision of services by the Council may affect the public.
 - **Enforcement functions** such as impoundment of wandering stock directly affects those members of the public who are in breach of certain legislation. It has an indirect effect on the wider community through the maintenance of community amenity.
 - **Community support functions** include such matters such as facilitation of community and business activity within the Shire and advocating for the needs of the community with other levels of government.

As well as the *Local Government Act*, the Council has functions conferred or imposed on it by or under other Acts, which include:

<i>Biodiversity Conservation Act 2016</i>	<i>Native Title (New South Wales) Act 1994</i>
<i>Biosecurity Act 2015</i>	<i>Ombudsman Act 1974</i>
<i>Boarding Houses Act 2012</i>	<i>Pesticides Act 1999</i>
<i>Building Professionals Act 2005</i>	<i>Plumbing and Drainage Act 2011</i>
<i>Child Protection (Working with Children) Act 2012</i>	<i>Privacy and Personal Information Protection Act 1998</i>
<i>Children and Young Persons (Care and Protection) Act 1998</i>	<i>Protection of the Environment Operations Act 1997</i>
<i>Children (Education and Care Services National Law Application) Act 2010</i>	<i>Public Health Act 1991</i>
<i>Children's Guardian Act 2019</i>	<i>Public Interest Disclosures Act 1994</i>
<i>Civil Liability Act 2002</i>	<i>Public Works and Procurement Act 1912</i>
<i>Coastal Management Act 2016</i>	<i>Radiocommunications Act 1992 (Cth)</i>
<i>Community Land Development Act 1989</i>	<i>Recreation Vehicles Act 1983</i>
<i>Community Land Management Act 1989</i>	<i>Road Transport Act 2013</i>
<i>Companion Animals Act 1998</i>	<i>Roads Act 1993</i>
<i>Contaminated Land Management Act 1997</i>	<i>Rural Fires Act 1997</i>
<i>Conveyancing Act 1919</i>	<i>Smoke-free Environment Act 2000</i>
<i>Crown Land Management Act 2016</i>	<i>State Emergency & Rescue Management Act 1989</i>
<i>Data Sharing (Government Sector) Act 2015</i>	<i>State Emergency Service Act 1989</i>
<i>Dividing Fences Act 1991</i>	<i>State Records Act 1998</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>Strata Schemes Development Act 2015</i>
<i>Fair Work Act 2009 (Cth)</i>	<i>Strata Schemes Management Act 2015</i>
<i>Fire and Emergency Services Act 2017</i>	<i>Surveillance Devices Act 2007</i>
<i>Fluoridation of Public Water Supplies Act 1957</i>	<i>Swimming Pools Act 1992</i>
<i>Food Act 1989</i>	<i>Transport Administration Act 1988</i>

Government Information (Public Access) Act 2009	Trustee Act 1925
Graffiti Control Act 2008	Unclaimed Money Act 1995
Health Records and Information Privacy Act 2002	Waste Avoidance and Resource Recovery Act 2001
Heritage Act 1977	Water Act 1912
Impounding Act 1993	Water Management Act 2000
Land Development Contribution Management Act 1970	Workers Compensation Act 1987
Library Act 1939	Work Health and Safety Act 2011
Liquor Act 2007	Workplace Injury Management and Workers Compensation Act 1998
Local Land Services Act 2013	Workplace Surveillance Act 2005

PARTICIPATION IN LOCAL GOVERNMENT

REPRESENTATION

Local government in New South Wales is based on the principle of representative democracy. This means that eligible voters elect representatives to their local Council to make decisions on their behalf. In New South Wales, elections are held every four years.

Berrigan Shire Council is represented by a publicly elected Council that is responsible for providing leadership in the development and implementation of a program of actions that contribute to the Shire community's vision.

Berrigan Shire Council is represented by eight councillors, headed by a Mayor. Berrigan Shire Council is a unitary body and is not divided into wards. Each Councillor is elected by, and represents, the Shire as a whole.

Councillors serve a four-year term; the current Council was elected in September 2016 with Cr Roger Reynoldson elected in a by-election in July 2018. Cr Denis Gianville resigned in August 2021 and will be replaced at the upcoming election.

Berrigan Shire is not divided into wards and councillors are elected at large. The next election is scheduled for December 2021.²

The Mayor is elected by the Councillors from among their number and serves for a 2-year term. The current Mayor was elected in September 2020.

The role of the Council is to:

² The scheduled 2020 NSW local government elections were initially deferred for 12 months, and again deferred for a further three months as a result of the COVID-19 pandemic. The next Council term will be two years and nine months.



1. Represent the community and advocate its viewpoint
2. Formulate policy and strategic direction and make decisions that will benefit the community as a whole
3. Oversee the implementation of policy and key strategic plans and review the performance of the organisation
4. Set and approve the Council budget

MAKING REPRESENTATIONS TO COUNCILLORS

Residents are able to raise issues with the elected Councillors. The Councillors, if they agree with the issue, may pursue the matter on the behalf of the resident which allows members of the public to influence the development of policy.

Residents may contact Councillors by phone or email via the following contact details:

Cr Matthew Hannan (Mayor) M: 0409 893 142 E: mhannan@berriganshire.nsw.gov.au	Cr Daryll Morris (Deputy Mayor) M: 0448 130 292 E: daryll@berriganshire.nsw.gov.au
Cr John Bruce M: 0427 906 531 E: johnb@berriganshire.nsw.gov.au	Cr Roger Reynoldson M: 0428 852 063 E: rogerr@berriganshire.nsw.gov.au
Cr Colin Jones M: 0428 839 228 E: colinj@berriganshire.nsw.gov.au	Cr Ross Bodey M: 0400 499 146 E: rossb@berriganshire.nsw.gov.au
Cr John Taylor M: 0409 414 936 E: johnt@berriganshire.nsw.gov.au	

MEETINGS

Berrigan Shire Council holds an ordinary meeting of the Council on a monthly basis. This is ordinarily scheduled for the third Wednesday of the month, commencing at 11.00am. The venue for the meeting is the Berrigan Shire Council Chambers, 56 Chanter Street, Berrigan. The Council may choose to vary the time, date or venue of meetings or hold an extraordinary meeting.

Council meeting times are shown on the Council website and are also advertised in the Southern Riverina News and the Cobram Courier.

Ordinary meetings of the Council are open to the public, except as allowed for in the *Local Government Act 1993*. An audio recording of each Council meeting is also available on the Council website.



PUBLIC PARTICIPATION

Council's Community Engagement Framework (2016) strengthens Council's commitment to supporting the participation of individuals, groups and communities in Council planning and decision making. It guides the development of Council's Community Strategic Planning engagement strategies and consultation on local issues.

Opportunities exist for you and other members of the community to participate in all facets of the governance of the Council. There is participation through the formal decision-making structures and through the many support units and groups that contribute to the Council's affairs.

Outside the formal structures of decision-making, Council has a procedure for receiving and responding to complaints and suggestions from the public about the Council and its functions.

You are also encouraged to contact Councillors to put forward your views regarding issues relating to the Council.

Many Council plans, codes and policies are placed on display for public comment before final adoption by the Council. Notification of requests for public comment is made on the Council website (<http://www.berriganshire.nsw.gov.au>) and in the Southern Riverina News and the Cobram Courier.

These draft plans and codes also available on the Council website and the Council administration office. They also are available for perusal at and the Barooga, Berrigan, Finley and Tocumwal branches of the Berrigan Shire Library Service.

You, and other members of the public, are invited to join the various committees of management that operate facilities such as recreation reserves, public halls and parks and gardens. Other committees open to the public include various advisory and support groups on issues such as youth, public libraries and community assistance.

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public.

Some of these special committees or bodies are:

- Australia Day
- Barooga Advancement Group
- Barooga Community Botanical Gardens
- Barooga Recreation Reserve
- Berrigan Conservation & Tidy Towns
- Berrigan Shire Heritage Advisory
- Berrigan Sportsground
- Berrigan War Memorial Hall
- Berrigan War Memorial Swimming Pool
- Boomanoomana Landcare
- Finley Log Cabin Museum and Mary Lawson Memorial Wayside Rest
- Finley Recreation Reserve
- Finley School of Arts
- Finley Showground Sporting Complex
- Finley War Memorial Hall
- Finley War Memorial Swimming Pool
- Native Dog Landcare Group
- Retreat Public Hall
- Tocumwal Foreshore
- Tocumwal Friends of the Library Group
- Tocumwal Historic Aerodrome Museum
- Tocumwal Rail Preservation
- Tocumwal Recreation Reserve
- Tocumwal Swimming Pool
- Tocumwal War Memorial Hall

COUNCIL INFORMATION AND ACCESS TO INFORMATION

LIST OF COUNCIL DOCUMENTS AVAILABLE TO THE PUBLIC

The *Government Information Public Access Act 2009* (GIPA Act) and associated regulation provides you with a general right of access to information held by the Council as long as it does not infringe privacy, other laws, or there are public interest considerations against disclosure.

A range of information about the Council and its operations is available on the Council's website and/or the Council administration office in Berrigan.

You are entitled to inspect these documents held by the Council on the Council's website – unless there is an unreasonable additional cost to the Council to publish these documents on the website – or at the offices of the Council during ordinary office hours or at any other place as determined by the Council.

Any current or previous document of this type may be inspected by you free of charge. Copies can be supplied for reasonable copying charges.

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal Access Application under this Act:

- Council's Agency Information Guide ([available on Council's website](#))
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament;
- Council's policy documents ([available on Council's website](#))
- Council's Disclosure Log of Formal Access Applications ([available on Council's website](#));
- Council's Register of Government Contracts ([available on Council's website](#));
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the GIPA regulations as open access information

Schedule 1 of the GIPA Act also stipulates that the following additional documents are to be provided as open access information by Council:

1. Information about Council and Council meetings
 - a. Code of meeting practice
 - b. Agendas, minutes and business papers for any meeting of the Council or any committee of the Council
 - c. Councillors expenses and facilities policy
2. Council Administration
 - a. Berrigan Shire Council Code of Conduct
 - b. Annual Report, Financial Statements and Auditor's Report
 - c. Equal Employment Opportunity Management Plan
 - d. Land Register

- e. Investment Register
 - f. Delegations Register
 - g. Register of voting on planning matters
 - h. Register of graffiti removal work
3. Plans and policies
- a. A range of Council policies are available [on the Council's website](#)
 - b. Other Council plans, strategies and reports can be found at: ([available on the Council's website](#))
4. Development and Planning
- a. Environmental planning instruments and development control plans
 - b. Development Applications and associated documents
5. Other documents
- a. Leases and licences for use of public land classified as community land
 - b. Register of contracts
 - c. Register of gifts
 - d. Returns of the interests of Councillors, designated persons and delegates
 - e. Register of current declarations of disclosures of political donations

HOW TO ACCESS INFORMATION THE COUNCIL HOLDS

Under the GIPA Act the Council has an obligation to provide greater accessibility to government information for the public.

Documents available for free can be found on the Council's website (<http://www.berriganshire.nsw.gov.au>) or collected in person at the Council's office in Berrigan during office hours.

You may come to the Council's office at 56 Chanter Street, Berrigan, and view the Council's open access information during office hours (8.00am to 5.00pm Monday to Friday excluding public holidays).

ACCESS TO AND AMENDMENT OF COUNCIL RECORDS

Any person can request to view his/her own personal record and can request the alteration of certain information that is held by the Council in connection with its administrative functions and if the information is, in the person's opinion, incomplete, incorrect, out of date or misleading. Any records of a legal or accounting nature cannot be altered without proper approval or advice.

The Deputy Chief Executive Officer has been appointed as the Council's Public Officer and Right to Information Officer. Among other duties, the Deputy Chief Executive Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Deputy Chief Executive Officer is also responsible for determining applications for access to documents or for the amendment of records.

Council has in place a Privacy Management Plan for dealing with private or personal information.

The Council endeavours to make as much information as possible available proactively or upon request, unless there is an overriding public interest against disclosure. In some cases, it may be necessary to lodge a formal access application. Access forms are available on the Council's website or by contacting the Council's Public Officer.

Requests for amendment of a document of the Council which you feel is incorrect will require you to make written application to the Director Corporate Services in the first instance.

Matthew Hansen
Deputy Chief Executive Officer
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Telephone: (03) 5888 5100
Email: mail@berriganshire.nsw.gov.au

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

The Office of the Information and Privacy Commissioner (OIPC) has been established to oversee the GIPA Act. The OIPC provides information about the right to access information held by NSW government agencies, including Councils.

You can contact the OIPC via:

Level 11, 1 Castlereagh Street
SYDNEY NSW 2001
GPO Box 7011
SYDNEY NSW 2001
T: 1800 472 679
E: ipcinfo@ipc.nsw.gov.au



Report:

The [Government Information \(Public Access\) Act 2009](#) (GIPA Act) provides a range of obligations on the Council – and all NSW Government instrumentalities – regarding the provision of information to the public.

One of the obligations the Council is required to meet is to “adopt” an Agency Information Guide. The Agency Information Guide must be published on the Council’s website.

[Section 20 of the GIPA Act](#) states:

(1) An agency (other than a Minister) must have a guide (its "agency information guide") that:

(a) describes the structure and functions of the agency, and

(b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and

(c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the exercise of the agency’s functions, and

(d) identifies the various kinds of government information held by the agency, and

(e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and

(f) specifies the manner in which the agency makes (or will make) government information publicly available, and

(g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

(2) An agency must make government information publicly available as provided by its agency information guide.

Further information on the Agency Information Guide is available on the Information and Privacy Commission website

[Section 21 of the Act](#) requires that the Agency Information Guide be adopted at periods of no less than 12 months (i.e. at least annually).

While the Act uses the term “adopt” this does not mean “adopt” in the sense of “pass by voting” as most of the bodies covered under the Act cannot make resolutions. Instead, it means to “take on for use”. However, it would be more straightforward and transparent to demonstrate compliance with the Act by adopting it by resolution of the Council.

The Agency Information Guide was last adopted by the Council in November 2020.

Changes made to the proposed Guide this year are

1. The appointment of a Chief Executive Officer
2. The creation of a three-directorate corporate structure
3. The resignation of Cr Glanville

Council Meeting

17 November 2021

7.14 Development Application 31/22/DA/DM – Temporary Occupation of Land

Report by: Acting Development 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 31/22/DA/DM for Temporary Occupation of Land, subject to the following conditions of consent:

1. Approval

The subject development is to be carried out in accordance with the conditions of consent. The subject approval allows the temporary occupation of the land for a maximum of 6 months from the date of issue. The site is then to be vacated after the lapse date.

2. Recording of waste disposal

The proponent must prepare and produce documentation to the Council's Development Manager monthly that the site has been kept in a clean and healthy condition and the waste has been disposed in accordance with the Regulations.

3. Waste Material

All waste and garbage shall be recycled and separated wherever possible. Any waste material must be disposed of in an approved landfill in accordance with Environment Protection Agency (EPA) guidelines and Berrigan Shire Council requirements.

4. Hours of Noise

Musical instruments and electrically amplified sound equipment (e.g. radios, TVs, tape recorders, CD and DVD players, and home theatre systems) are not to be heard from any adjoining property's habitable room: before 8am and / or after midnight on any Friday, Saturday or the day immediately before a public holiday; or before 8am and after 10pm on any other day. Operations on the site must comply with relevant environmental legislation (including *Protection of the Environment (Noise Control) Regulation 2017*).

5. Connection of Services

All water, sewer and stormwater services shall be adequately disposed to the town's reticulation system and sealed so as not to create future damage to the Council's services. A NSW Licensed Plumber and Drainer shall provide a written statement and compliance certificate to certify the proper connection of the services has been installed.

6. All Weather Access

An all-weather access road way is to be constructed from the front property boundary to the location of the caravan, prior to the site being occupied. This is to ensure safe vehicular movements can be achieved to and from the site.

7. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. The below facilities are to be provided on the site:

- Laundry tub;
- Shower;
- Basin;
- Toilet; and
- Kitchen sink.

to ensure adequate services are in place to accommodate healthy living conditions.

8. Toilet facilities

a) Toilet facilities are to be provided at the site.

b) Each toilet provided:

- i. must be a standard flushing toilet, and
- ii. must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
 - if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

9. Occupation

Prior to the caravan being occupied an inspection from a Council Authorised Officer is to be undertaken to ensure the Development consent conditions have been completed and the site is fit for purpose

10. Landscaping

Landscaping is to be installed in accordance with Council's Development Control Plan Part 2.3 to help screen the caravan from public view and enhance the natural environment. Native plant species are to be utilised in the landscaping design.

11. Section 68

Prior to the occupation of the lot 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 the development contains matters which do not allow determination under delegated authority. The application has been referred to Council for determination because it is for the temporary occupation of vacant land in a residential area.

Executive Summary

The subject application seeks consent for the temporary occupation of the subject site of 11 Barooga Road, Tocumwal (Lot 11 DP 1265195). The site has a recent residential storage shed constructed and the occupation certificate issued for storage purposes only. At the time of writing this report, a Development application (DA) and a Construction certificate (CC) was lodged at Council for a dwelling.

The proposal seeks to use the land for temporary occupation in a caravan adjacent to the storage shed for a period whilst the dwelling is being constructed. The caravan is currently placed on the site, it is located in the southern portion of the block, and is partially screened by the shed from the road frontage.

Given the current lack of available rental properties, as mentioned in the justification letter, it would be a reasonable outcome to have the site be occupied to alleviate housing pressure in the short term. Given we have received a DA/CC for a dwelling and the applicant is actively pursuing the constructions of a permanent dwelling, the occupation is justifiable if the conditions of consent are met. The site has been kept in a neat and tidy condition, and inspection was undertaken on the 28 October 2021.

The availability of caravan parks in the township of Tocumwal is ample and can be utilised as an alternative occupation option if the applicant cannot achieve successful compliance with the consent conditions. The conditions will ensure compliance and with Local Government Regulation, and the National Construction Code of Australia for minimum required facilities for residential accommodation purposes.

The justification letter stated the applicants were proposing to use the Tocumwal Town Beach dump point. This is unreasonable as they are not a paying user of the campground. A gravity fed, sealed onsite method drainage system will therefore need to be constructed and disposed

to the existing sewer junction. Provisions will need to be made so required facilities can be installed.

The requested timeframe of a 6-month temporary stay is justifiable as it will allow the construction of a dwelling to be fully constructed. With the current average built time of 16 weeks, the 6 month period gives the applicant time to arrange for the site be brought back to its original form without construction being held up in the process. Also worth noting is that the construction of the dwelling will be undertaken by a licenced builder. Construction will therefore be more efficient than an owner builder scenario, who may take a considerably longer time to complete construction.

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. Where there are inconsistencies with any controls or standards, they have been suitably justified by the applicant and have been considered as part of the assessment of the application.

Conclusion

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 provided as **"Appendix 7.14-A"**.

A copy of the Justification letter is provided at **"Appendix 7.14-B"**.

Council Meeting

17 November 2021

7.15 Development Application 38/22/DA/D5 - Proposed Residential Storage Shed - 118 Deniliquin Street, Tocumwal

Report by: Consultant Town Planner

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:

- (a) Receives the contents of this report (and attachments);
- (b) Refuses to grant development consent to DA38/22/DA/DM for a 'residential storage shed' at 118 Deniliquin Street, Tocumwal for the following reasons;
 1. The proposed development does not comply with Part 2.2 (Streetscape), 2.5 (Building Setback) and 2.11 (Outbuildings) of the Berrigan Development Control Plan 2014. (Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*)
 2. The proposed development application contains insufficient information to determine compliance and the impact of the overall development against Part 2.1 (Neighbourhood character), 2.3 (Landscaping), 2.4 (Private Open Space), and 2.6 (Car parking & access) of the Berrigan Development Control Plan 2014. (Section 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979*)
 3. The development is not suitable for the site as it will not provide a satisfactory relationship between the built form and adjoining properties. (Section 4.15(1)(c) and (d) of the *Environmental Planning and Assessment Act 1979*)
 4. The development is considered not to be in the public interest as it contravenes and is not consistent with the relevant DCP standards. (Section 4.15(e) of the *Environmental Planning and Assessment Act 1979*)
 5. The proposed development does not comply with the National Construction Code 2019, Volume Two, Amendment 1, Section 3.7.2.5(a)
 6. The proposed development will result in an unacceptable outcome and provides insufficient information to enable Council to be satisfied with the proposed development with regard to context and setting, access, stormwater, vegetation and cumulative impacts.

(Section 4.15(1)(c) and (d) of the *Environmental Planning and Assessment Act 1979*)

7. The approval of the subject application will set an undesirable precedent that is not desired or considered to align with the relevant planning instruments applying to the land or align with the public interest.
(Section 4.15(1)(a)(i) and (iii) of the *Environmental Planning and Assessment Act 1979*)

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 the recommendation for this application is refusal.

Proposal

The subject application is for a proposed detached garage to the secondary frontage (Barker Street).

The proposed garage proposes 7m width, 7.4m depth and approximately 4.5m in height. No details on the proposed colours and finishes were received.

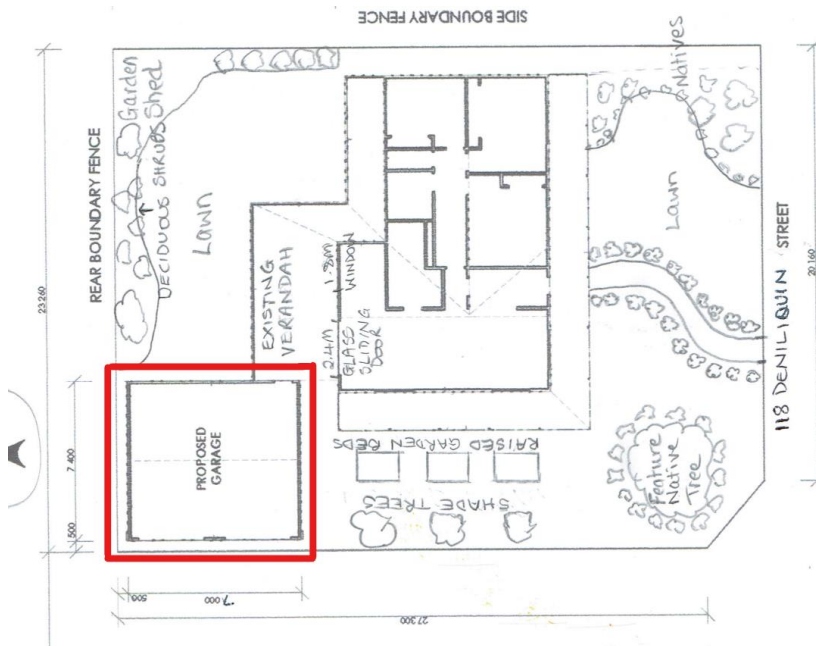


Figure 1 - Proposed garage (denoted by red outline)

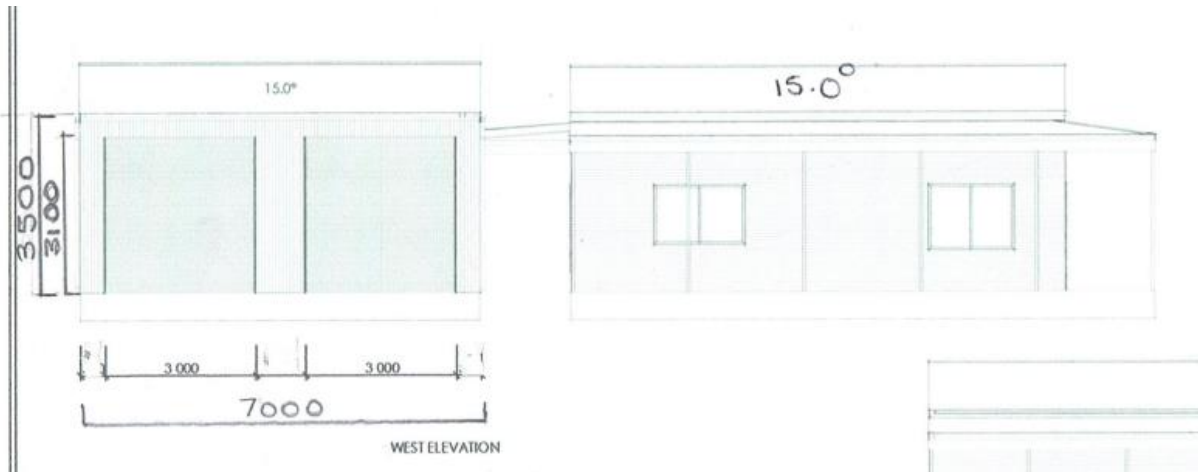


Figure 2 - Western elevation

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 unsatisfactory.

A copy of the full Development Assessment Report is provided at “**Appendix 7.15-A**”. A detailed assessment of the development against the Berrigan Development Control Plan can be located on pages 9-12 in the attached assessment report.

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.

Based on the assessment of the application and this report it is recommended that Council resolves to refuse the subject application (option 3).

Recommendation

That the Council:

- (a) Receives the contents of this report (and attachments);
- (b) Refuses to grant development consent to DA38/22/DA/DM for a ‘residential storage shed’ at 118 Deniliquin Street, Tocumwal for the following reasons;

1. The proposed development does not comply with Part 2.2 (Streetscape), 2.5 (Building Setback) and 2.11 (Outbuildings) of the Berrigan Development Control Plan 2014.
(Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*)
2. The proposed development application contains insufficient information to determine compliance and the impact of the overall development against Part 2.1 (Neighbourhood character), 2.3 (Landscaping), 2.4 (Private Open Space), and 2.6 (Car parking & access) of the Berrigan Development Control Plan 2014.
(Section 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979*)
3. The development is not suitable for the site as it will not provide a satisfactory relationship between the built form and adjoining properties.
(Section 4.15(1)(c) and (d) of the *Environmental Planning and Assessment Act 1979*)
4. The development is considered not to be in the public interest as it contravenes and is not consistent with the relevant DCP standards.
(Section 4.15(e) of the *Environmental Planning and Assessment Act 1979*)
5. The proposed development does not comply with the National Construction Code 2019, Volume Two, Amendment 1, Section 3.7.2.5(a)
6. The proposed development will result in an unacceptable outcome and provides insufficient information to enable Council to be satisfied with the proposed development with regard to context and setting, access, stormwater, vegetation and cumulative impacts.
(Section 4.15(1)(c) and (d) of the *Environmental Planning and Assessment Act 1979*)
7. The approval of the subject application will set an undesirable precedent that is not desired or considered to align with the relevant planning instruments applying to the land or align with the public interest.
(Section 4.15(1)(a)(i) and (iii) of the *Environmental Planning and Assessment Act 1979*)

Council Meeting

17 November 2021

7.16 Burkinshaw St Precinct - Landscape Plan

Report by: Deputy Chief Executive Officer, Matthew Hansen

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 adopt the Burkinshaw St Precinct Landscape Plan attached as **"Appendix 7.16-A"** and refer the project for consideration in its future capital works program and budget.

Report:

Barooga Sports Club (Sporties) approached Council in June 2021 seeking Council support for landscape improvements in the Burkinshaw St/Golf Course Road precinct. The land in question is road reserve owned and managed by the Council.

With the development of the new Mini Golf course on that corner, Sporties expressed a concern that the area - especially the raised bank on the western side of Burkinshaw St, which is difficult to maintain.

While Council could not commit to undertaking any works at the precinct immediately, it did agree to jointly fund with Sporties the development of a landscape plan.

A copy of this landscape plan and opinion of probable cost is attached as **"Appendix 7.16-A"**. This plan is now at a stage where it could be endorsed by the Council.

Note that in adopting this plan, the Council is not committing to funding these works. It would only be adopting the plans as a concept for consideration in future budget and capital works planning. Sporties have indicated that, subject to coming to a suitable agreement, they would be willing to maintain the gardens, trees and lawns once installed and may be able to provide some installation works in kind.

The Council may also wish to consider funding these works from its Local Roads and Community Infrastructure (LRCI) Phase 3 allocation.

Council Meeting

17 November 2021

7.17 Barooga Regional Multi-Sport Facility Masterplan

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 note:

- The draft Barooga Regional Multi-Sport Facility masterplan placed on public exhibition - attached as **"Appendix 7.17-A"**
- The responses elicited from user groups and the public regarding the draft masterplan – attached as **"Appendix 7.17-B"**

Report:

At its ordinary meeting held on 19 May 2021, the Council made the following resolution:

***Resolved** Crs Bruce and Taylor that the Council write to Barooga Recreation Reserve Committee of Management and Barooga Netball Club to inform both organisations on the process for renewal of the Barooga netball courts including:*

- *the development of a precinct masterplan for the entire reserve, to be prepared as soon as practicable.*
- *the Council's commitment to use funding available to the Council under Round 3 of the Local Roads and Community Infrastructure Program to undertake these works.*

Council commissioned Fiona Slade Landscape Architects (now Yonder) to develop a masterplan for Barooga Recreation Reserve (to be known as the Barooga Regional Multi-Sport Facility). The basic brief given to Yonder was to consider options for the layout of the various facilities on the reserve while addressing known concerns around traffic management and pedestrian safety and tying in the facilities on the reserve with the broader Barooga Sports precinct – including golf, bowls, and indoor sports.

The masterplan is an aspirational document to be used to guide future development on the reserve. Adopting the masterplan does not mean the Council has committed to delivering the plan in its entirety and all at once. The masterplan does allow the Council to undertake future works at the reserve in an integrated manner and provides support for future grant applications.

Following extensive consultation with user groups and the Council, Yonder prepared a draft masterplan – attached as “**Appendix 7.17-A**”. This plan was circulated to all user groups for the facility and then placed on public exhibition for 14 days, closing on 29 October 2021.

All user groups made submissions regarding the draft plans – these submissions are attached as “**Appendix 7.17-B**”. The cooperation and assistance shown by all user groups to date has been very helpful.

Council staff have reviewed the submissions and have provided the following advice to Yonder for consider – however Yonder have been provided full copies of all submissions made.

Required changes

- The playground should go back to its original position – no one is in favor of the move
- Remove the toilet in the triangle and convert to parking – consensus is that it is not needed
- A brick solo practice wall to be built into the Tennis Courts fencing
- Include a fourth tennis court in phase 1 (pink shading)

Changes to consider:

- A lift for the Ray Nye Stand
- Move the gatehouse further into the reserve
- Remove the half-court warm up area and possibly relocate closer to the Gym and Pool
- Move the Tennis Club rooms to the hill
- The light tower issue as raised by the Tennis Club
- Orientation of the Equestrian facilities and access to the second oval for competitions
- Relocation of Equestrian Grounds access without pedestrian interaction with vehicles?
- Check position of long jump lanes for horse access to the second oval
- One covered work area, more parking and grass warm up area as requested in the Equestrian club feedback
- Accommodation of a three-lane long jump pit be accommodated
- Alter angle of the shot put and discus
- Three lane athletics track around the perimeter of the 2nd oval with 100, 200 and 400 markers

Council staff will liaise with Yonder on these changes with the aim of finalizing the masterplan for consideration by the Council in January. This is an opportunity for the Council to consider the submissions made by the community for incorporation into the final plan.

Council Meeting

17 November 2021

7.18 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 adopt the Councillor and Staff Interaction Policy as set out below:



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COUNCILLOR AND STAFF INTERACTION POLICY

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	17 November 2021	Minute Number:	
Date for Review:	20 November 2024		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Version 3.0		
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:

Principle	Achieved by
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.



Policy

Councillors can contact staff listed at Appendix A 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 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



Policy

- 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
- 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



Policy

- d) subject to conflict of interest considerations, staff refusing to give information that is available to other Councillors to a particular Councillor
- 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.

*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
0.1		Draft policy	Unknown



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

Report:

Earlier this year, the Office of Local Government issued a consultation draft of a Model Councillor and Staff Interaction Policy and sought the views of Councils and other stakeholders on its content

The draft Model Policy has two main goals:

- to establish a framework by which Councillors can access the information they need to perform their civic functions, and
- to promote positive and respectful interactions between Councillors and staff.

The draft Model Policy establishes a formal Councillor Requests system. The system described in the policy is quite prescriptive but would provide a solid background for all parties to understand their rights and obligations.

At present, the Council does not have a formal Councillor and Staff Interaction Policy, instead relying on the provisions of the *Local Government Act 1993* and the Code of Conduct. The intention was to wait until the final draft of the Model Policy was released before placing a policy in front of the Council for consideration.

Given the upcoming election however, it may be useful to have a working Councillors and Staff Interaction Policy in place so that incoming Councillors have a set framework for interaction with Council staff from the beginning.

On this basis, a draft policy has been prepared for consideration. While the policy has been reformatted to be consistent with the Council's policy template, its content is identical to the OLG Model Policy

Appendix A to the policy sets out the list of staff that Councillors may contact directly without prior permission of the Chief Executive Officer.

Council Meeting

17 November 2021

7.19 Event Funding – Berrigan Show and Shine

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council allocate \$6286 to the Berrigan Community Golf and Bowling Club to assist in the marketing of the 2022 Berrigan Show and Shine.

Report:

The Berrigan Show and Shine has not been held since 2018 however it was a very successful event in the three years' prior with attendance growing rapidly over 2500. The event is held at a time of year when locals and visitors to the region are looking for activities and the Show and Shine format proved exceedingly popular.

The event attracts a broad cross section of people being a family friendly event that appeals to car enthusiasts as well as those who may just have a passing interest but are happy to wander around the exhibits and be entertained.

I have worked with the organisers to build an appropriate advertising schedule with local radio being the main target in the immediate lead up to the event. We have also selected a small amount of TV exposure as the event is suited to visual promotion and there is historic footage of the event available. The organizing committee has already commenced a social media campaign that will take advantage of paid posts closer to the event.

This event is reliant on good weather to achieve high attendance and it has been lucky in the past to avoid extreme heat. It is not possible for this event to consider insurance against extreme weather events.

The following assessment has been made of the event's impact on the local economy using the Councils Event Impact calculator as supplied by Economy ID. Whilst the input output modelling can be seen as overly simplified it still offers a snapshot of the return that the Council can expect into the economy from the investment that is made.

Event Impact Summary			
Berrigan Shire - Modelling the effect of \$75,000 from a Sports and Recreation Activities event with Region significance			
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)
Direct impact	64,470	25,285	0.5
Industrial impact	20,984	6,323	0.1
Consumption impact	5,171	2,020	0.0
Total impact on Berrigan Shire economy	90,625	33,628	1
Source: National Institute of Economic and Industry Research (NIEIR)©2021. Compiled and presented in economy.id by.id (informed decisions).			

Impact on Output

The total visitor spend of \$75k attributed to staging the Berrigan Show and Shine 2022 event would lead to a direct impact on output of \$64k. This additional direct output from the economy would also lead to an increase in indirect demand for intermediate goods and services across related industry sectors. These indirect industrial impacts (Type 1) are estimated to be an additional \$21k in Output.

There would be an additional contribution to Berrigan Shire economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in Output of \$5,170.72.

The combination of all direct, industrial and consumption effects would result in total estimated rise in Output of \$91k in Berrigan Shire economy.

Impact on value added and GRP

The impact of an additional of \$75k spend to the local economy as a result of running the Berrigan Show and Shine 2022 event in Berrigan Shire would lead to a corresponding direct increase in value added of \$25k. A further \$6k in value added would be generated from related intermediate industries.

There would be an additional contribution to Berrigan Shire economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in value added of \$2,019.63.

The combination of all direct, industrial and consumption effects would result in an estimated addition in value added of \$34k in Berrigan Shire economy.

Value added by industry represents the industry component of Gross Regional Product (GRP). The impact on Berrigan Shire's GRP as a result of staging this event is directly equivalent to the change in value added outlined above.

In summary, GRP in Berrigan Shire is estimated to increase by \$34k.

Attached to this report as "**Appendix 7.19-A**" is a copy of the major event funding application form and "**Appendix 7.19-B**" marketing quotes.

Council Meeting

17 November 2021

7.20 2020-21 Annual Financial Statements

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, not having received any submissions in relation to its 2020/21 Annual Financial Statements and having considered the reports presented by the Audit Office of New South Wales, adopt the 2020/21 Annual Statements and the Report on the conduct of the Audit

Report:

The Council adopted the draft Financial Statements for public exhibition and referred them to the Auditor General of New South Wales for audit, at its ordinary meeting held on Wednesday 20 October 2021.

On 28 October 2021, the Audit Office of New South Wales provided to the Council:

- audit opinions for the General Purpose and Special Purpose Financial Statements.
- the Report on the Conduct of the Audit is included in an attachment to a later report "**Appendix 8.3-A**" page 89-207, and
- the Engagement Closing Report "**Appendix 7.20-A**"

The report on the conduct of the audit summarises the Council's financial results, makes comparisons to previous years and identifies and explains variations. It also comments on the Council's financial performance and key balance sheet items.

In the opinion of the Auditors, all ratios remain satisfactory with the exception of the Own Source Operating Revenue ratio. This ratio demonstrates that the Council is reliant on external funding sources such as grants.

The Auditors noted that the Council's unrestricted working capital remains relatively stable.

In particular the Report on the Conduct of the Audit also contains General Purpose Audit Report and the Special Purpose Audit report. These are statutory reports and importantly both have been issued without any qualification. The General Purpose report relates to the consolidated financial accounts while the Special Purpose report relates to the Council's designated business units being water supplies and sewerage services.

The Engagement Closing Report details findings relevant to Councillors in their role as one of those charged with governance. It includes a list of items that will be raised in the Final Management Letter – which will be presented to the Council formally at a later date.

The Council submitted its audited financial statements to the Office of Local Government within statutory timeframes. The Council remains in a sound financial position and now has only one high risk management letter point being the recognition of Rural Fire Fighting Asset, which is across the board in NSW Local Government.

Mr. Bradley Bohun, Principal for Crowe – the contractor conducting the audit on behalf of the Auditor General of NSW – will attend the Council's pre-meeting briefing session.

The public exhibition period closed at 12:00am Wednesday 17 November 2021. At the time of issuing this report, no submissions were received. The Council can now complete the statutory process for finalising the accounts by adopting the above recommendation.

Council Meeting

17 November 2021

7.21 Local Roads and Community Infrastructure

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: The direction of the Council is sought:

Report:

The Department of Infrastructure, Transport, Regional Development and Communications has released the guidelines for Phase 3 of the Local Roads and Community Infrastructure (LRCI) Program and is now accepting project nominations.

The purpose of the LRCI Program is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Berrigan Shire Council has been allocated \$1,755,054 in Phase 3 of LRCI. Funding under this program will be available from 1 January 2022 with projects to be complete by 30 June 2023.

Unlike the NSW Government's Stronger Country Communities Program, this funding is allocated to Berrigan Shire Council specifically rather than to Berrigan Shire as a local government area.

Berrigan Shire Council does not need to apply to receive these funds but it does need to nominate projects for approval

As with Phases 1 and 2, there are two main activities that will be funded:

- **Local Roads** — projects that involve the construction or maintenance of roads managed by local government with encouragement given to road safety projects.
- **Community Infrastructure** — projects that involve the construction, maintenance and/or improvements to council-owned assets that are generally accessible to the public.

All Community Infrastructure projects whether carried out on council owned land, or another type of public land, must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety.

Council can nominate projects immediately but cannot start on delivery until 1 January 2022 and the projects are approved.

Based on earlier direction from the Council regarding its priority projects, the following projects are put forward for consideration

- 1. Construction of 2 new netball courts at Barooga Recreation Reserve - \$600,000**

This is an identified Council priority. The design and layout of the courts would be based on the draft Barooga Regional Multi-Sport Facility masterplan and would include realignment of the facility entrance and internal roadways
- 2. Construction of 4 tennis courts at Barooga Recreation Reserve - \$400,000**

This is also identified on the draft Barooga Regional Multi-Sport Facility masterplan. The siting of the new netball courts would require the loss of three tennis courts. This would upgrade the remaining courts and construct another.
- 3. Refurbishment of Finley War Memorial Hall - \$195,000**

This project would refurbish the Finley War Memorial Hall by replacing all the doors and windows, refurbishing the timber floor, painting the interior, installing a new switchboard and lighting and replacing the basketball backboards. There is a current application for funding for this project submitted under Stronger Country Communities Fund - Round 4.
- 4. Amphitheatre and fishing stations, Tocumwal Foreshore - \$563,000**

This is the remaining project left to complete from the Tocumwal Foreshore masterplan and has been identified as a Council priority. An application for funding for this project under the Building Better Regions Fund was unsuccessful.
- 5. Reconstruction of Smithers Road - \$225,000**

Council has received multiple requests for the reconstruction of this road. An application for funding for this project under the Fixing Local Roads program was unsuccessful.
- 6. Burkinshaw St Precinct landscaping - \$206,000**

This project is a partnership between the Sporties Group and the Council to landscape the road reserve along Burkinshaw St and Golf Course Road adjacent to the Sporties complex. Council has already partnered with Sporties on the development of a landscape plan for the area and plans to enter into a maintenance agreement with Sporties on completion.

The Council should note that shortages of materials and contractors has seen cost increases on many capital projects and this will need to be factored into project budgets.

Council Meeting

17 November 2021

7.22 Event Funding – Murray River Festival of Golf

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council allocate \$10,000 to the Sporties Group in event sponsorship for the Murray River Festival of Golf.

Report:

The Murray River Festival of Golf (Cobram Barooga) will commence on the 15 February 2022 and will be held over 9 days. The Sporties Group has been successful in securing a PGA Players Series event as the headline event in a celebration of golf that will also include the Australian Mini-Golf Championships and an indoor event for the Longest Drive that will utilize the recently installed simulators at Barooga Sporties. Please see full program attached as “**Appendix 7.22-A**”.

The PGA event has been in the planning stages for some time, however the whole concept has been dependent on securing major event funding from Destination NSW and this has just been confirmed. It is a major achievement to have secured \$250,000 in funding although full event delivery will cost \$500,000. This will be the largest and most high profile golf tournament held in the region in over two decades and the State government has recognized this in providing such vital financial support.

The following assessment has been made of the event’s impact on the local economy using the Councils Event Impact calculator as supplied by Economy ID. Whilst input/output modelling can be seen as overly simplified the figures below indicate a major economic outcome for the community from this event.

Event Impact Summary			
Berrigan Shire - Modelling the effect of \$3,375,000 from a Sports and Recreation Activities event with State significance			
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)
Direct impact	2,700,000	1,121,491	21.6
Industrial impact	877,093	263,604	2.4

Consumption impact	212,233	82,898	1.3
Total impact on Berrigan Shire economy	3,789,326	1,467,993	25
Source: National Institute of Economic and Industry Research (NIEIR)©2021. Compiled and presented in economy.id by.id (informed decisions).			

This event will satisfy most of the goals of the Berrigan Shire Event Funding Program including:

- Extended length of stay
- It is a new event
- It is consistent with the Berrigan Shire Tourism Strategy focus on Sport Tourism
- The event is designed as an attractor and not catering to visitors already here.
- It is not being held in peak season

Beyond the obvious immediate and on-going economic return, it is expected that the event will create a new regional awareness among golfers, Australia wide, enhancing the reputation of the Murray as a high quality golfing destination and a family friendly holiday base. The PGA has made a three-year commitment to Cobram Barooga, which will further enhance the golfing reputation of the region. The PGA event is televised through Fox Sports and includes not only tournament coverage but also detailed course analysis by Geoff Ogilvie and various destination promotion vignettes.

There has been less than 24 hours available between the DNSW funding being confirmed and this report having to be written. As such, the official funding application form has not been completed however more than sufficient information has been provided in the documents that have been submitted as **“Appendix 7.22-B”** and **“Appendix 7.22-C”**.

Council Meeting

17 November 2021

7.23 Financial Review – July - September 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 first quarterly review of the 2021/22 budget and vote the funds contained therein as shown in **“Appendix 7.23-A”**
2. Note the Quarterly Budget Review Statement attached also as **“Appendix 7.23-B”**

Report:

Circulated with the Agenda as **“Appendix 7.23-A”** is the Quarterly Financial Review for the period 1 July 2021 to 30 September 2021. This report takes into account all known factors and work variations until 30 September 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 2020/21 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 \$555,000.

The revised budget is attributable to the increase in salaries due to a Council restructure and the allocation of new positions created within Council inclusive of a new Directorate. The revised budget has also taken a conservative view towards Council revenue with likely increases in planning and building revenue as a result of increased development not included in this budget.

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
1010-0105 ADMIN SALARIES - CUSTOMER SERV	(84,000)	U	Position Changes - Recreation Officer, Information & Records Officer
1010-0106 ADMIN SALARIES - INFO. TECHNOL	(37,000)	U	Position Changes - Information Technology Trainee
1010-0107 ADMIN SALARIES - COMMUNICATION	(21,000)	U	Position changed from Part Time to Full Time
1010-0175 ADMIN SOFTWARE LICENCING	(54,455)	U	Additional Software Purchased
1011-0142 TECH SERVICES EXP - ADVERTISING	(14,895)	U	Advertising Vacant Positions
1011-0146 TECH SERVICES - CONSULTANCY	(24,940)	U	Vacant Position Consultants
1011-0152 WORK HEALTH & SAFETY E	(10,679)	U	Skin Cancer checks for staff
1011-0546 PUBLIC WORKS UTILITY PURCHASE	(13,257)	U	Vehicle Price increase
1110-0110 CONTRIBUTION RURAL FIRE FUND	(12,334)	U	Increase in Contribution Amount
1411-0110 ENV. SERV SALARIES & ALLOWANCE	(75,000)	U	Position Changes - Strategic Planning & Development
1411-0146 ENV. SERV CONSULTANCY	(20,377)	U	Vacant Position Consultants
1412-0140 COLLECTION EXPENSES - CONTRACT	(108,818)	U	Increase in Waste Contractors
1417-0932 JERSEY ST PRECINCT - DRAINAGE	(107,781)	U	Project Completed
1418-0932 JERSEY ST PRECINCT - LEVEE BBRF3	149,707	F	Project Completed
1510-0665 TOC-CHLORINE DOSING SYSTEM	20,000	F	Project Completed
1510-0669 WATER METER REPLACEMENT	(155,560)	U	Over Budget
1510-0899 BAROOGA REC RES NEW MAINT SHED	(17,517)	U	3 Phase Power
1610-0932 JERSEY ST PRECINCT - Sewer BBRF3	163,947	F	Project Completed
1610-0933 TOC SEWER MAIN RELINING	(186,140)	U	Sewer Augmentation
1611-0300 TRADE WASTE MANAGMENT	(36,368)	U	Project didn't have Original Budget
1717-0105 BAROOGA REC RESERVE MASTERPLAN	(21,436)	U	Project didn't have Original Budget
1717-0545 FIN NETBALL COURTS LRCIP2	(24,266)	U	Over Budget – Applying to reallocate LRCIP2 funding
1718-0502 RAILWAY PARK UPGRADE	162,522	F	Remaining Budget transferred to Lewis Crescent Subdivision Finley

1718-0503 TOC CWA LIBRARY PARK UPGRADE	(133,905)	U	Over Budget - Project didn't have Original Budget
1718-0554 MURRAY ST FIN OPEN SPACE PARK	(57,498)	U	Over Budget
1905-0807 COREE STREET UPGRADE DSPF	(14,083)	U	Project Completed
1913-0932 JERSEY ST - CHANTER - TUPPAL BBRF3	(43,754)	U	Project Completed
1914-0217 LOWER RIVER ROAD PAVEMENT UPGRADE	(815,000)	U	Project didn't have Original Budget
1917-0602 BAROOGA TO COBRAM PATH LRCIP	33,014	F	Project Completed
1917-0664 MURRAY ST HEADFORD TO OSBOURNE	24,000	F	Project Completed
1924-0500 BGN APEX PARK CARPARK LRCIP2	(33,046)	U	Over Budget – Applying to reallocate LRCIP2 funding
2015-0529 FIN SUBDIVISION - LEWIS CR	(491,135)	U	Project didn't have Original Budget
4110-1000-0002 WATER CHARGES - BGN	(28,654)	U	Adjusted to Actuals
4110-1000-0004 WATER CHARGES - TOC	(27,518)	U	Adjusted to Actuals
4110-1604 SECT. 64 CONT. WATER - TOC	31,739	F	Adjusted to Actuals
5110-1000-0006 SEWER CHARGES - LOW PRESSURE SEWER CHG	(18,000)	U	Adjusted to Actuals
6600-1954 EVERYONE CAN PLAY GRANT - TOC CWA PARK	(15,000)	U	Full Allocation of Grant Funds Already Received

Quarterly Budget Review Statement

The September Quarterly Budget Review Statement is attached as “Appendix 7.23-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 September QBRS shows the Council is estimating to return an operating **surplus** before capital items for the 2021/22 year of \$25,000; a decrease from the Original estimate of a \$452,000 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.

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

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.

The Rates and Annual Charges Coverage ratio is lower than previous years, reflecting the increased grant revenue received by the Council.

The third indicator shows that the Council’s projected asset renewal ratio is 346%. 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

17 November 2021

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

Report by: Acting Development 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 the application, 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 81A *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 at Council.

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 81A 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.

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 we have received a submission on the proposal.

Proposal

The subject application is for a proposed Residential Storage Shed.

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 were received Slate Grey for roof and walls and Smooth Cream for the trims. There are 3 roller doors facing the street frontage each being 2.5m high by 2.6m wide I PA door eastern wall and 2 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

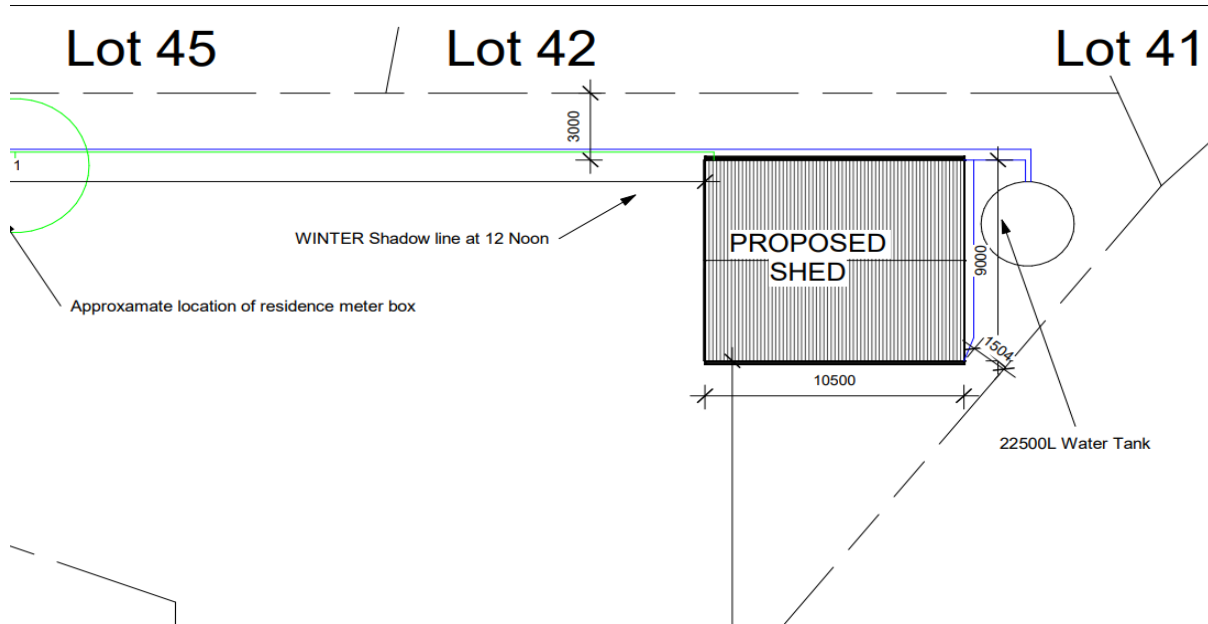
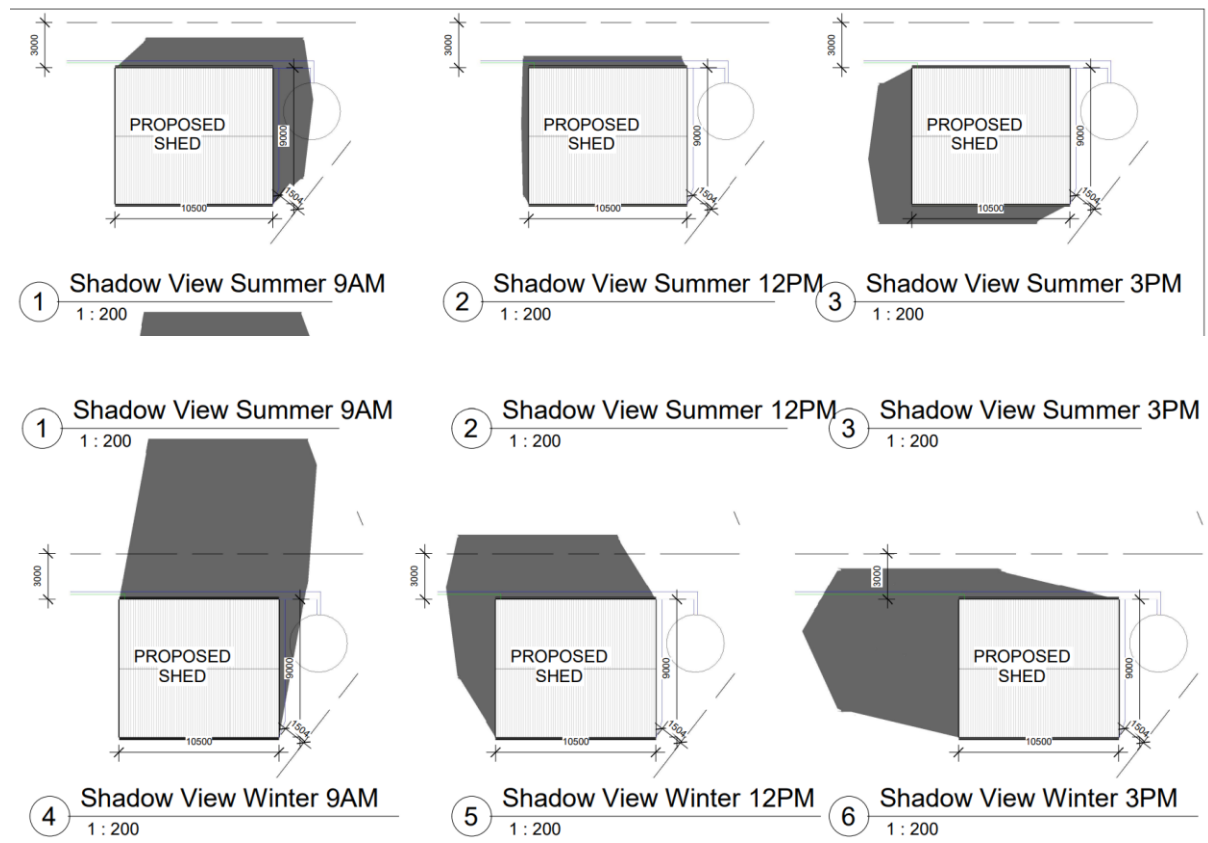


Figure 3 – Over shadowing Diagram



Executive Summary

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

Council received a submission on the 15 September from the property owner of 7 Riley Court Tocumwal. Council's Development Manager attended the site on the 16th of September to consult with the owner in relation to the concerns raised. From this the applicant was then sent a request for further information and to revise the original plan with updated plans that took into account issues that were raised through notification process.

Council then received a revised plan with new overshadowing diagrams on the 29 September 2021. The New Plan was then sent on for comment to the adjoining property owner. Council received further comment from the owner of 7 Riley Court requesting the shed be moved to an alternate position, which was marked on draft plan see "**Appendix 7.25-E** "

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 or 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 on 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 from the secondary boundary and 5 meters from 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 7.24-A**" on page 6-8.

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.

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 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.

A copy of the Development Assessment Report is provided at **"Appendix 7.24-A"**.

A copy of the submission is provided at **"Appendix 7.24-B"**

A copy of the construction plans at **"Appendix 7.24-C"**

Photos of the site and adjoining property is provided at **"Appendix 7.24-D"**

Draft consideration of shed location is provided at **"Appendix 7.24-E"**

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

17 November 2021

7.25 Senior Staff Salary Review Report

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 note the 2020-21 Senior Staff salary review report prepared by RSD Audit attached as **"Appendix 7.25-A"**

Report:

As per the Council's Staff Remuneration Package Review Policy, RSD Audit have prepared a Senior Staff salary review report and issued an audit opinion.

The Audit Opinion makes the following note

Council may be overpaying its Superannuation Guarantee Contributions obligation by paying SGC on the car element of the salary package. SGC is payable on Ordinary Time Earnings (OTE), vehicle benefits fall outside of this definition, where the employee is expected to spend the equivalent of their allowance. It is noted however that SGC is paid in accordance with terms of the respective employee contracts and is consistent with the practice applied in the prior year.

Following from this report the Finance Manager will review the above note and make adjustments where necessary.

This will be the final Senior Staff Salary Review completed by an external auditor, going forward the Senior Staff Salary Review will be completed by the internal Audit, Risk and Improvement Committee.

Council Meeting

17 November 2021

7.27 Operational Plan 2021/22 September Quarter 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 September Quarter Review of the Council’s Annual Operational Plan 2021/22






Report:

Circulated with this Agenda as “**Appendix 7.27-A**” is the Council’s September Quarter Review of the Council’s *Annual Operational Plan 2021/22*.

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*. It should be read in accordance with the following key:

				
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 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
- 1.2.1.4 Develop an Urban Tree Strategy
- 1.2.1.5 Monitor and undertake as required the control and management of pests
- 1.3.2.1 Implement the Berrigan Shire Council Waste Plan
- 2.1.2.3 Strengthen revenue base and increase discretionary spending
- 2.1.2.4 Develop Community Engagement Strategy and conduct review of Berrigan Shire (CSP) and associated integrated plans
- 2.1.3.1 Coordinate Council investments, financial management, financial operations and processing
- 2.1.3.3 Deliver responsive customer service
- 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 at 30 June 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	4	15	1	2	2	24
Good government	-	15	-	3	1	19
Supported and engaged communities	-	15	-	-	2	17
Diverse and resilient business	--	16	-		1	17
Total Actions	4	61	1	5	6	77

Council Meeting

17 November 2021

7.28 Christmas Function

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:

- Hold an information Christmas function at the Barooga Bowls Club on Saturday 11 December, 2021 for Councillors, Council Staff and their families;
- Pursuant to the provisions of the Drug and Alcohol Free Workplace Policy designate the following event as an “approved event” at which alcohol may be provided and consumed in accordance with the Policy.

Report:

The Council’s past practice has been to hold an annual Christmas event for Councillors, Council staff and their partners.

These events have ranged from formal sit down dinners, stand up catered informal functions, marquee at Berrigan Gold Cup or family BBQ’s/

Unfortunately last year the restrictions around social gatherings made it difficult to plan a Christmas function and opted to gift vouchers to all staff. The year prior to this the Christmas function was held at the Barooga Bowls Club and was very well received by all who attended.

On that note it was agreed by staff to again hold this annual event at the Barooga Bowls Club.

Finger food and alcohol will be provided to those attending.

8. ITEMS FOR NOTING

Recommendation: that Items for Noting numbered 8.1 to 8.4 inclusive be received and noted.

Council Meeting

17 November 2021

8.1 Code of Conduct Complaints Report

Report by: Director Corporate Services, 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

Report:

Clause 11.1 of the Procedures for the Administration of the Model Code of Conduct for Local Government in NSW (the procedures) states:

The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)*
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period*
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints*
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period*
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period*
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and*
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.*



A copy of this report for the year ending 31 August 2021 is attached as “**Appendix 8.1-A**”.

Council Meeting**17 November 2021****8.2 Draft Integrated Planning and Reporting Timetable**

Report by: Director Strategic Planning and Development., 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

Report:

Each year NSW Councils must progress and finalise for the upcoming financial year a statutory review of their Integrated Plans. The draft timetable presented will ensure that Council's Officers are aware of the timetable for the development and review of the Council's Integrated Plans.

The following draft timetable sets out the milestones that must be met so that the incoming Council can complete its review and development of its suite of Integrated Plans for implementation in the 2022 - 2023 financial year:

- 1) Ordinary Council meeting January 2022 the Council sets the date for its Capital Works inspection tour.
- 2) 1 November 2021 Council Officers commence a review of the base case for the Long Term Financial Plan, which will include a working draft of the Capital Works Program.
- 3) 16 February 2022 the Council to adopt a draft of its Annual Capital Works Program.
- 4) 3 - 4 March 2022 a two-day Corporate Workshop to be confirmed by the incoming Council.

Purpose of the Corporate Workshop will be to confirm the Council's requirements for the review of the Community Strategic Plan and to provide its input to:

- a) the review of the Community Strategic Plan
 - b) development of the Annual Operational Plan 2022 – 2023 and
 - c) the development and review Resourcing Strategy (Long-term Financial Plan, reviewed Asset Management Strategy, and Workforce Development Plan).
- 5) 16 March 2022 Ordinary Council Meeting:
 - a) Reviewed Community Strategic Plan is placed on public exhibition for 28 days prior to being endorsed by the Council at a subsequent meeting
 - b) A draft of the Delivery Program 2022 – 2026 based on the Council reviewed and draft CSP is presented to the Council for initial comment.

- 6) 20 April 2022 Council to:
 - a) Endorse Community Strategic Plan after consideration of community submissions or alternate date the Council could also choose to endorse the draft Community Strategic Plan at 18 May 2022 Ordinary Council Meeting
 - b) Review Draft Rating and Revenue Policy 2022 – 2023; and
 - c) Review Draft Fees and Charges 2022 – 2023.
- 7) 18 May 2022 endorse for public exhibition and comment the reviewed:
 - a) Resourcing Strategy 2022 – 2032 inclusive of:
 - Long Term Financial Plan 2022 – 2032;
 - Workforce Development Plan 2022 – 2026; and
 - Asset Management Strategy 2022 – 2032.
 - b) Draft Delivery Program 2022 – 2026.
 - c) Draft Annual Operational Plan 2022 – 2023.
 - d) Draft Rating and Revenue Policy 2022 – 2023.
 - e) Draft Fees and Charges 2022 – 2023.
- 8) 22 June, 2022 at an Extraordinary Meeting (needed for full 28-days public exhibition of Draft suite of IP) adopt all of the above as:
 - a) Its final suite of Integrated Plans; and
 - b) Set 2022 – 2023 rates and charges by resolution.

Council Meeting**17 November 2021****8.3 Annual Report and End of Term Report**

Report by: Director Strategic Planning and Development, Joanne Ruffin

Strategic Outcome: 2. Good government

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

Report:

Each year the Council produces an Annual Report to review its performance and achievements for the past financial year. This document provides insight into the Council's operations and financial position and indicates how the Council has achieved the activities it set itself during the year. Attached, as **"Appendix 8.3-A"** is the 2020 - 2021 Annual Report.

The appended report reflects the requirement of the Department of Local Government's Integrated Planning and Reporting Framework. As, the last Annual Report of an outgoing Council it also includes the Council's End of Term Report.

The format and presentation of this report recognises that this is not a report to the Office of Local Government or the New South Wales Government; it is a report to the community.

As such, this draft report can be read as one complete document or seven separate reports, allowing readers to focus only on the areas of interest to the reader.

1. Introduction
2. Planning Framework and Performance
3. Statutory Requirements
4. State of our Assets Report
5. Financial Summary (Brief)
6. Audited Financial Statements
7. End of Term Report inclusive of State of the Environment Report

The Annual Report attached as **"Appendix 8.3-A"** includes an introduction that provides the reader with a brief overview of the Shire, its vision for the future, in addition to comments from the Mayor and General Manager. The Shire Profile introduces Councillors and includes information on Council meeting attendance and training.

Information on the Council's Planning Framework and operational plan's performance follows with report highlights capturing the diversity of Council's operations and engagement with the local community. Also included in this section are summary tables reporting organisational

performance against the objectives set out in the Council's Annual Operational Plan. Key performance indicators of the Council's Delivery Program progress are also included in the performance reporting section of the Annual Report.

Each year NSW Councils must also report on several statutory requirements. Council activities that must be reported, for example, include the Council's progress in implementing its Disability Access and Inclusion Plan, Councillor Expenses, public information requests, and the remuneration of senior staff etc.

The State of Assets report provides a snapshot of Council expenditure and maintenance of its transport, water, and sewer network. This section also includes information about the financial performance of the Council's water and sewer businesses.

A plain English summary of the Council's Financial Statements follows the State of Assets Report. Also included in this section is an overview of the Council's performance against its Financial Strategy 2020 – Financial Sustainability Benchmarks.

The last section of the draft Annual Report includes a copy of the Council's Audited Financial Statements. This section meets the requirement that a Council's Annual Report 'must contain a copy of the Council's audited financial reports prepared per the Local Government Code of Accounting Practice and Financial Reporting (Local Government Act s 428(4)(a)).

Attached as an appendix to the draft Annual Report is a copy of the Council's End of Term Report. This report meets the requirement that 'the annual report of the year in which an ordinary election of councillors is held, must contain council's achievements in implementing the community strategic plan over the previous four years' (Local Government Act s 428(2)). The End of Term Report appended is a report to the community on the Council's actions against Berrigan Shire 2027 CSP outcomes in the past five years. Also included in the End of Term Report is the Council's State of the Environment Report.

Council Meeting

17 November 2021

8.4 Development Determinations for Month of October 2021

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 OCTOBER 2021

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
14/22/DA/D5	CARPORT	28 SHORT STREET, TOCUMWAL NSW 2714 (Lot39//DP604022)	PETER WRIGHT	MR P WRIGHT AND MS J L WATERS	Approved 12-10-2021	\$ 7500.00	Active	Total 0 33
19/22/DA/D1	BV DWELLING & ATTACHED GARAGE, SHED & INGROUND SWIMMING POOL	76 BRUTON STREET, TOCUMWAL NSW 2714 (Lot8//DP1250358)	CHRIS STEWART	MR CM STEWART AND MRS LW STEWART	Approved 05-10-2021	\$ 500000.00	Active	Total 24 24
21/22/DA/D1	BV DWELLING & ATTACHED GARAGE & SHED	78 BRUTON STREET, TOCUMWAL NSW 2714 (Lot7//DP1250358)	BRENDAN STEWART	MR BD STEWART AND MRS S STEWART	Approved 05-10-2021	\$ 380000.00	Active	Total 24 24
28/22/DA/D1	MODULAR SECONDARY DWELLING	16 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot21//DP248812)	TURNING POINT PROPERTY AND PROJECTS	MS HM WHITEFORD	Approved 28-10-2021	\$ 164000.00	Active	Total 36 36
29/22/DA/D2	2 X STORAGE SHED	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)	O'HALLORAN PROPERTY SERVICES	BAROOGA SPORTS CLUB LIMITED	Approved 21-10-2021	\$ 141112.00	Active	Total 31 31
32/22/DA/D1	BV DWELLING & ATTACHED GARAGE	221 HUGHES STREET, BAROOGA NSW 3644 (Lot93//DP1128142)	REKLAW CONSTRUCTIONS PTY LTD	MRS KL AND MR SJ WATTS	Approved 07-10-2021	\$ 379760.00	Active	Total 12 12
33/22/DA/D7	INGROUND FIBREGLASS SWIMMING POOL	2577 WARMATTA ROAD, SAVERNAKE NSW 2646 (Lot21//DP809089)	BREANNE FARR	WARMATTA PTY LTD	Approved 07-10-2021	\$ 32000.00	Active	Total 11 11
34/22/DA/D5	RESIDENTIAL STORAGE SHED	47 TONGS STREET, FINLEY NSW 2713 (LotB//DP443883)	MATTHEW JACKSON	MR MJ JACKSON	Approved 13-10-2021	\$ 9900.00	Active	Total 15 15
35/22/DA/D5	RESIDENTIAL STORAGE SHED	100 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot8//DP1077318)	CARDILLO CONSTRUCTIONS	MR R CARDILLO AND MRS D CARDILLO	Approved 01-10-2021	\$ 17000.00	Active	Total 6 6
37/22/DA/D5	RESIDENTIAL STORAGE SHED	25 BOYD STREET, TOCUMWAL NSW 2714 (Lot202//DP1156694)	MR DAVID PEARSON	MR DA AND MRS LM PEARSON	Approved 20-10-2021	\$ 25000.00	Active	Total 19 19
40/22/DA/D1	BV DWELLING &	11 BAROOGA ROAD,	SESSIONS	MR V STAHL	Approved	\$ 375000.00	Active	Total

	ATTACHED GARAGE	TOCUMWAL NSW 2714 (Lot11//DP1265195)	BUILDERS	AND MRS HH STAHL	14-10-2021		10	10
41/22/DA/D3	AIRCRAFT HANGAR	15 WIRRAWAY COURT, TOCUMWAL NSW 2714 (Lot40//DP1233177)	KATTY EAST ENGINEERING	MR DJ CLARKE AND MRS V CLARKE	Approved 12-10-2021	\$ 233000.00	Active 8	Total 8
43/22/DA/D1	BV DWELLING & ATTACHED GARAGE	104 HAMILTON STREET, FINLEY NSW 2713 (Lot//DP1236476)	HABITAT PLANNING	FINLEY REGIONAL CARE LIMITED	Approved 14-10-2021	\$ 280087.00	Active 9	Total 9
45/22/DA/D5	RESIDENTIAL STORAGE SHED	7 ISABEL AVENUE, BAROOGA NSW 3644 (Lot19//DP1071667)	MR PETER O'KANE	MR PJ O'KANE AND MS LE NYE	Approved 21-10-2021	\$ 8000.00	Active 9	Total 14
48/22/DA/DO	RURAL SHED	28 RACECOURSE ROAD, BERRIGAN NSW 2712 (Lot913//DP776119)	JUDITH LAWRENCE	MR AJ LAWRENCE AND MRS JM LAWRENCE	Approved 22-10-2021	\$ 30000.00	Active 8	Total 8
49/22/DA/D6	ADDITIONS TO DWELLING	48 COLLIE STREET, BAROOGA NSW 3644 (Lot92//DP545868)	AIMEE WALLIS	MR JJ KIRK AND MS AR WALLIS	Approved 27-10-2021	\$ 100000.00	Active 10	Total 10
15/22/CD/PC	BV DWELLING & ATTACHED GARAGE	52 MURRAY STREET, FINLEY NSW 2713 (Lot25/A/DP3407)	F & S MICCIO P/L	MR AJ FORDER	Approved 14-10-2021	\$ 233600.00	Active 0	Total 0

APPLICATIONS PENDING DETERMINATION AS AT 31/10/2021

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)
224/21/DA/D3	30-06-2021	WATER TREATMENT PLANT	13 TUPPAL STREET, FINLEY NSW 2713 (Lot7008//DP1001696)
225/21/DA/D3	30-06-2021	WATER TREATMENT PLANT - BAROOGA	27-29 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot322//DP626847)
10/22/DA/DM	12-08-2021	BATTERY STORAGE FACILITY	BROUGHANS ROAD, FINLEY NSW 2713 (Lot126//DP752299)
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)
8/22/CD/M5	03-09-2021	INGROUND FIBREGLASS SWIMMING POOL	3381 BAROOGA-TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot1//DP880366)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
27/22/DA/D5	08-09-2021	RESIDENTIAL STORAGE SHED	39 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot11/A/DP2425)
31/22/DA/DM	16-09-2021	TEMPORARY OCCUPATION OF LAND	11 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot11//DP1265195)

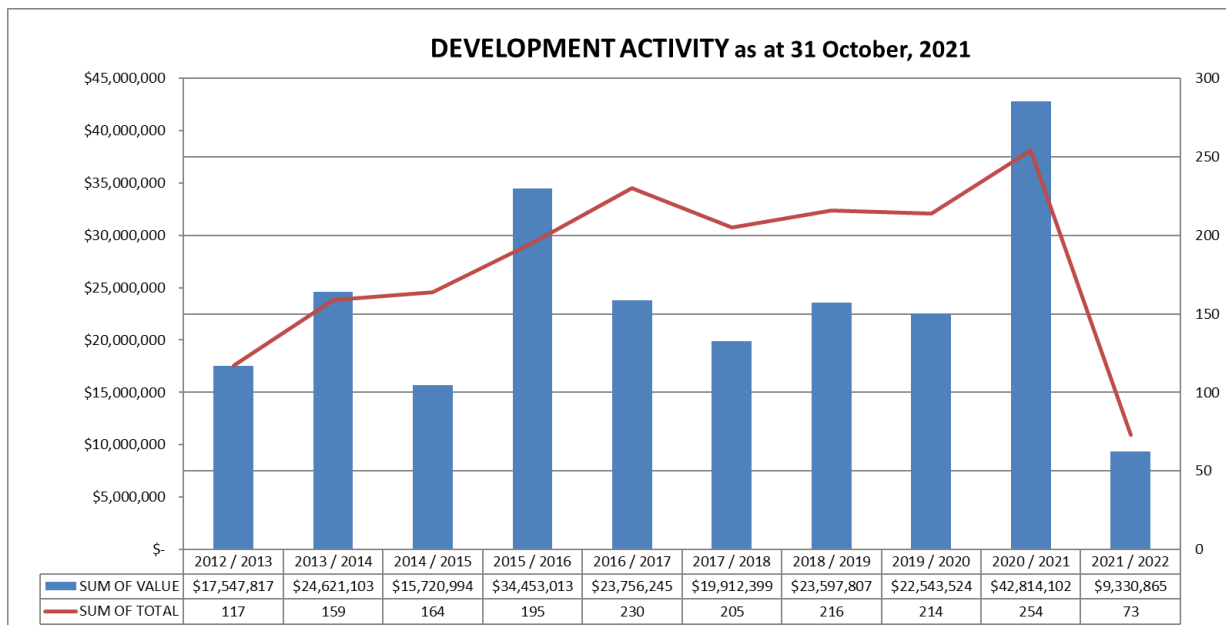
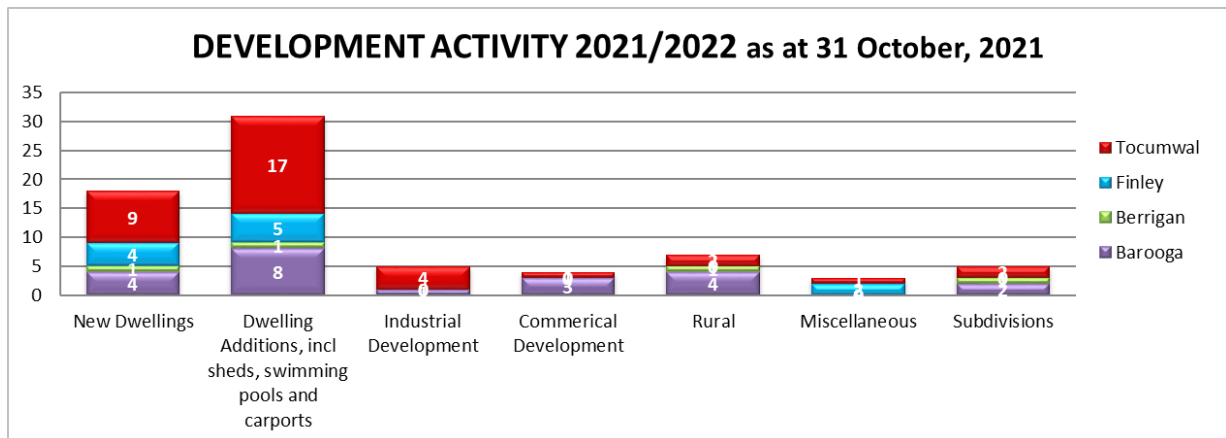
38/22/DA/D5	23-09-2021	RESIDENTIAL STORAGE SHED	118 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot261//DP1102930)
39/22/DA/D1	30-09-2021	BV DWELLING & ATTACHED GARAGE	31 SNELL ROAD, BAROOGA NSW 3644 (Lot492//DP1240390)
42/22/DA/D9	01-10-2021	BOUNDARY REALIGNMENT	136 DENISON STREET, FINLEY NSW 2713 (Lot1//DP24073)
44/22/DA/DM	01-10-2021	MEDICAL CENTRE AND SOLAR ARRAY STRUCTURE	HAMILTON STREET, FINLEY NSW 2713 (Lot247//DP1053153)
46/22/DA/D5	05-10-2021	CARPORT AND PATIO	80 DENISON STREET, FINLEY NSW 2713 (Lot22//DP584045)
50/22/DA/DO	13-10-2021	RURAL SHED	QUIRKS ROAD, FINLEY NSW 2713 (Lot46//DP752288)
51/22/DA/D2	13-10-2021	ADDITIONS TO EXISTING SERVICE STATION	37 VERMONT STREET, BAROOGA NSW 3644 (Lot1//SP41416)
52/22/DA/D1	13-10-2021	BV DWELLING & ATTACHED GARAGE	72 COLLIE STREET, BAROOGA NSW 3644 (Lot73//DP570014)
53/22/DA/DM	14-10-2021	DECK AND STAIRS	13 BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot4//DP718085)
54/22/DA/D5	19-10-2021	RESIDENTIAL STORAGE SHED	55 HAMPDEN STREET, FINLEY NSW 2713 (Lot15//DP238395)
55/22/DA/D9	19-10-2021	2 LOT SUBDIVISION	23-25 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot7/34//DP758981)
56/22/DA/D5	20-10-2021	RESIDENTIAL STORAGE SHED	17 BAROOGA STREET, BERRIGAN NSW 2712 (Lot4//DP1146793)
57/22/DA/DM	21-10-2021	REMOVAL OF DWELLING	143-155 HAMILTON STREET, FINLEY NSW 2713 (Lot4//DP535621)
58/22/DA/DM	27-10-2021	DEMOLITION OF EXISTING PRESCHOOL	28-30 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot6/21//DP758981)
59/22/DA/D5	27-10-2021	STORAGE SHED	37-45 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot1/15//DP758981)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Oct)	Year to Date	This Month's Value (Oct)	Year to Date Value
Development Applications (DA)	16	58	\$2,682,359	\$7,561,698
Construction Certificates (CC)	11	45	\$464,682	\$6,098,812
Complying Development Certificates (CDC)	1	15	\$233,600	\$1,769,167
Local Activity (s.68)	5	24	0	0

OTHER CERTIFICATES ISSUED FOR OCTOBER 2021

	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	
	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total
BAROOGA	7	30	0	1	0	0	0	0	0	0	3	8
BERRIGAN	1	16	0	0	1	3	0	0	0	0	0	0
FINLEY	11	37	0	1	0	2	0	1	1	1	0	0
TOCUMWAL	13	40	0	2	0	2	0	0	0	1	0	3
TOTAL	32	123	0	4	1	7	0	1	1	2	3	11





9. COMMITTEES

10. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.



11. DELEGATES REPORTS



12. BUSINESS ARISING

13. CLOSE OF MEETING