



Council Chambers,  
BERRIGAN NSW 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 17<sup>th</sup> July, 2019** when the following business will be submitted:-

## COUNCIL MEETING

11:00AM

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11.	CLOSE OF MEETING	

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

ROWAN PERKINS  
GENERAL MANAGER

<b>Item No.</b>	<b>Description</b>	<b>Nominator</b>
<b>5.1</b>	Warrant Report	
<b>5.2</b>	August Council Meeting Date	
<b>5.3</b>	Order of Business at Council Meetings	
<b>5.4</b>	General Manager's Performance Review	
<b>5.5</b>	T08-18-19 Construction & Refurbishment of the Finley Rugby & Soccer Facility	
<b>5.6</b>	EOI 02-18-19 Implementation of Liquid Trade Waste Policy	
<b>5.7</b>	Finley Memorial Park Amenities	
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<b>5.9</b>	LGNSW Conference	
<b>5.10</b>	Stronger Country Communities Fund – Round 3	
<b>5.11</b>	Barooga Cemetery – Finance Request	
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<b>5.14</b>	Town Rubbish Bin Clearing	
<b>5.15</b>	Library Service – Children & Young People Policy	
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<b>5.17</b>	Tender Policy	
<b>5.18</b>	Waste Collection & Disposal Policy	
<b>5.19</b>	Asset Accounting Policy	
<b>5.20</b>	Draft Community Participation Plan	
<b>5.21</b>	IPART Rating Report	
<b>5.22</b>	June 2019 Operation Plan Review Report	
<b>5.23</b>	July 2019 Financial Review	
<b>5.24</b>	Accounting Policy	



**Council Meeting**

**Wednesday 17<sup>th</sup> July, 2019**

**BUSINESS PAPER**

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- 1. APOLOGIES**  
Cr R Reynoldson
  
  - 2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
  
  - 3. VISITORS ATTENDING MEETING**  
10:15am Presentation of Volunteer Recognition Policy - Bruce Rendell & Kaylene Dawe.
  
  - 4. CONFIRMATION OF MINUTES**  
**RECOMMENDATION** – that the Minutes of the meeting held in the Council Chambers on Wednesday 19<sup>th</sup> June, 2019 be confirmed.
  
  - 5.1 FINANCE – ACCOUNTS**  
**AUTHOR:** Finance Manager  
**STRATEGIC OUTCOME:** Good government  
**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting  
**FILE NO:** 12.066.1  
**RECOMMENDATION:** - that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 June 2019, be received and that the accounts paid as per Warrant No. 06/19 totaling \$2,157,689.99 be confirmed.
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### Items requiring Council Resolution

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#### REPORT:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 June 2019 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 30 June 2019.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 June 2019, totaling \$2,157,689.99 and will be submitted for confirmation of payment as per Warrant No. 06/19
- 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) June has seen an increase in total funds compared to the end of May 2019 of \$2.23 M. This increase represents the normal cash pattern of a small decrease of funds (from payment of all available June invoices), being offset by the receipt of \$2.48 M in 2019-20 Financial Assistance Grant (FAG) similar to the prior financial year.

This advance payment represents two quarters of FAG payments. Under current accounting standards, this is required to be treated as income in the period in which it is received (18 June 2019). This is not additional funding; these funds are already allocated to fixed budget in the 2019-20 financial year as part of the Long Term Financial Plan.

In comparison to June last year the cash position has increased almost \$3.42M – \$2.48M in advance FAG and the remaining \$0.94M resulting from a combination of factors, predominately in the water and sewer funds and the success of the Council in attracting grant funding.

Total funds held are expected to increase in July as the new rating year commences. The balance of the 2019-20 allocation of the

### Items requiring Council Resolution

Financial Assistance Grant instalment (normally paid in July) has not yet had a payment date advised.

#### Statement of Bank Balances as at 30 JUNE 2019

##### Bank Account Reconciliation

Cash book balance as at 1 JUNE 2019	\$ 5,146,370.72
Receipts for JUNE 2019	\$ 4,386,051.03
Term Deposits Credited Back	\$ -
	<b>\$ 9,532,421.75</b>

##### Less Payments Statement No 06/19

No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 541,231.06
Electronic Funds Transfer (EFT) Creditors E031795-E032056	\$ 1,595,319.32
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 21,139.61
Total Payments for JUNE 2019	\$ 2,157,689.99

##### Cash Book Balance as at 30 JUNE 2019

**\$ 7,374,731.76**

##### Bank Statements as at 30 JUNE 2019

Plus Outstanding Deposits	\$ 7,370,103.44
Less Outstanding Cheques/Payments	\$ 4,628.32
	\$ -

##### Reconciliation Balance as at 30 JUNE 2019

**\$ 7,374,731.76**

#### INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	144/19	182	2.75%	23/09/2019	\$ 2,000,000.00
AMP	136/18	365	2.75%	17/10/2019	\$ 2,000,000.00
AMP	133/17	365	2.45%	26/11/2019	\$ 1,000,000.00
AMP	125/16	182	2.45%	4/12/2019	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	365	2.65%	13/05/2020	\$ 2,000,000.00
Bendigo Bank	141/18	365	*2.30%	13/09/2019	\$ 2,000,000.00
Bendigo Bank	142/18	365	*2.30%	26/09/2019	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	2.70%	31/08/2019	\$ 2,000,000.00
Defence Bank Limited	106/14	365	2.90%	29/06/2019	\$ 2,000,000.00
Defence Bank Limited	138/18	365	2.85%	10/01/2020	\$ 2,000,000.00
Defence Bank Limited	102/14	364	2.75%	3/04/2020	\$ 2,000,000.00
ME Bank	132/17	212	2.83%	8/08/2019	\$ 2,000,000.00
ME Bank	140/18	365	2.83%	8/08/2019	\$ 1,000,000.00
G&C Mutual Bank	145/19	364	2.63%	6/04/2020	\$ 2,000,000.00
NAB	143/18	365	2.75%	19/11/2019	\$ 2,000,000.00
					<b>\$ 28,000,000.00</b>

##### Total Funds Held at 30 JUNE 2019

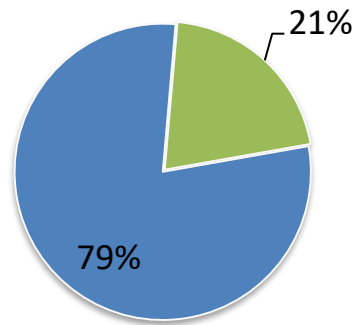
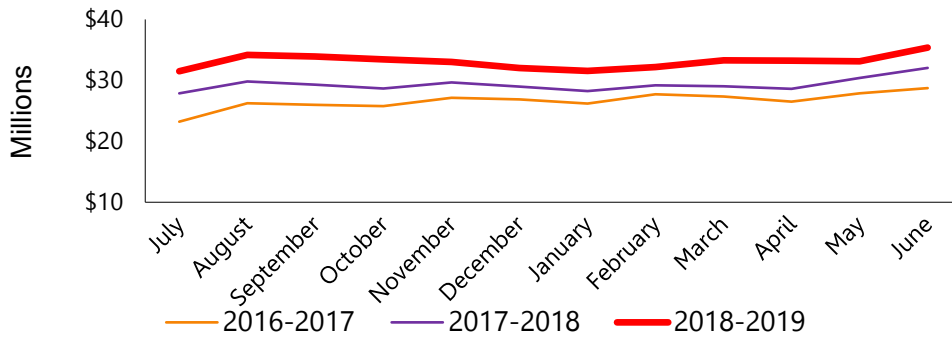
**\$35,374,731.76**

Carla von Brockhusen - Finance Manager

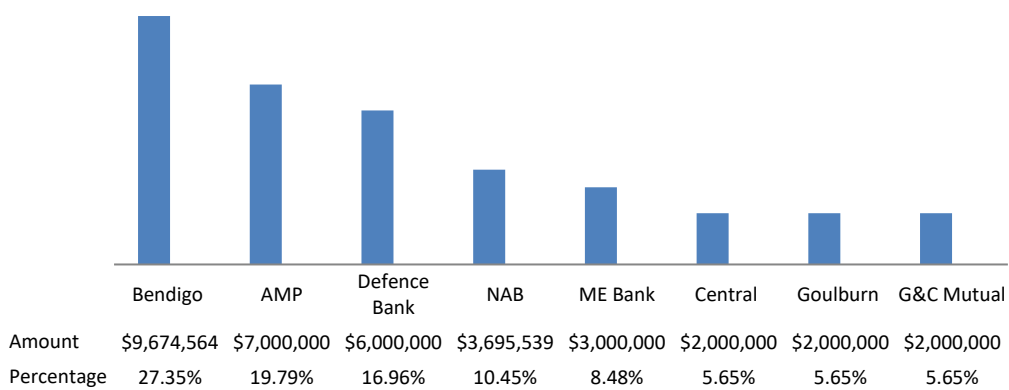
\*The Council also receives an additional 0.25% commission

Items requiring Council Resolution

**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 (CURVES)	365	\$ 2,000,000.00	2.75%	5/06/2019

**Term Deposits Invested / Reinvested**

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP (CURVES)	182	\$ 1,000,000.00	2.45%	4/12/2019

RESOLUTION

**Items requiring Council Resolution**

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**5.2 AUGUST COUNCIL MEETING DATE**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 13.044.1

**RECOMMENDATION:** that the Council reschedule its August 2019 meeting to now be held on Wednesday 28<sup>th</sup> August 2019 and further that the change in date be publicly advertised.

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**REPORT:**

The Council's August Council meeting is scheduled to be held on Wednesday 21<sup>st</sup> August 2019.

The scheduled date for the Council meeting clashes with the 2019 SEGRA National Conference that the Council is hosting and which will be held from Monday 19<sup>th</sup> August through to Thursday 22<sup>nd</sup> August 2019. A number of Councillors and staff are registered to attend the event.

Given the above, it is suggested that the Council reschedule its August meeting.

Given the Council's preference for meetings to be held on Wednesdays, the most practical solution is to move the meeting to the week preceding or the week after the scheduled date.

Rescheduling to the week preceding will clash with RAMJO leaving the next most practical option being the week after – Wednesday 28<sup>th</sup> August 2019.

Assuming that a date shift is supported the Council will need to suitably advertise a change in meeting date.



Items requiring Council Resolution

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**5.3 ORDER OF BUSINESS AT COUNCIL MEETINGS**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 13.044.1

**RECOMMENDATION:** that the Council adopt the following as its order of business for future Council meetings:

Present  
 Apologies and requests for leave of absence  
 Declarations of items of pecuniary or other interests  
 Confirmation of minutes  
 Mayoral minutes  
 Notices of motion  
 Resolution  
 Noting  
 Confidential  
 Mayor's report  
 Delegates' reports  
 Business arising

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**REPORT:**

Following the Council's recent adoption of its Code of Meeting Practice the Council needs to adopt the order of business for future meetings.

The Council's adopted Code of Meeting Practice states, inter alia,

**ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

8.1 *At a meeting of the council, the general order of business is as fixed by resolution of the council.*

8.3 *The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.*

Given the above, the following order of business is suggested:

- Present
- Apologies and requests for leave of absence

RESOLUTION

### Items requiring Council Resolution

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- Declarations of items of pecuniary or other interests
- Confirmation of minutes
- Mayoral minutes
- Notices of motion
- Items for resolution
- Items for noting
- Confidential reports
- Mayor's report
- Delegates' reports
- Business arising

The above basically represents the Council's existing order of business with the exception of "Business arising".

"Business arising" is taken to mean, and as taken from the Code:

- 9.1 *The council must not consider business at a meeting of the council:*
- (a) *unless a councillor has given notice of the business, as required by clause 3.10, and*
  - (b) *unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.*
- 9.2 *Clause 9.1 does not apply to the consideration of business at a meeting, if the business:*
- (a) ***is already before, or directly relates to, a matter that is already before the council, or***
  - (b) *is the election of a chairperson to preside at the meeting, or*
  - (c) *subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or*
  - (d) *is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.*
- 9.9 *A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.*

Effectively, this taken to mean items of discussion, debate or resolution may include those items that are presently items that are under, or have been under consideration of the Council.

**Items requiring Council Resolution**

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It is a moot point whether “Business arising’ should immediately follow confirmation of the previous meeting’s minutes or whether it is better placed towards the end of the meeting given the wider interpretation of its scope.

I have included it towards the end of the meeting to allow for wider discussion of issues and so as to improve the efficiency of the initial parts of the order of business.

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Items requiring Council Resolution

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**5.4 GENERAL MANAGER'S PERFORMANCE REVIEW****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:****RECOMMENDATION:** that the Council conduct the General Manager's End of Year Performance Review as part of the August, 2019 Council meeting.

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**REPORT:**

The Council is due to conduct the end of year performance review of the General Manager and also the annual salary review at the August Council meeting.

Circulated with this agenda as Appendix "A" is the agreed performance assessment model.

## Items requiring Council Resolution

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**5.5 T08/18/19 CONSTRUCTION &  
REFURBISHMENT OF THE FINLEY  
RUGBY & SOCCER FACILITY****AUTHOR:** Project Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** T08/18/19**RECOMMENDATION:** That the Council:

1. accept the tender submission from Kennedy Builders for the construction and Refurbishment of the Finley Rugby & Soccer Facility for a contract sum of \$225,300.00 excluding GST;
2. delegate the General Manager to sign the contract documents on behalf of Council in relation to 1 above; and
3. appoint the Director of Technical Services as the Contract Superintendent
4. Allocate up to \$35,000 from its proposed borrowings to fund the amount in excess of the budgeted cost.

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**REPORT:**

This tender is for T08/18/19 Construction and Refurbishment of the Finley School of Arts

The tender is a quality assured, lump sum contract.

The total value of the contract based on tender price is **\$225,300.00** exclusive of GST.

Tenders closed at 2:00pm Wednesday 12<sup>th</sup> June, 2019 and at the time of closing a total of 4 submissions were received.

The four submissions received were from the following organisations in the order of opening:

**KENNEDY BUILDERS****PRECISE BUILD PTY LTD****MS CONSTRUCTION PTY LTD****ADAPTIVE INTERIORS****R  
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### Items requiring Council Resolution

#### Panel Membership

The submissions were evaluated by the following staff in accordance with the Councils adopted Tender Evaluation policy:

Matthew Clarke	Director of Technical Services
Fred Exton	Engineering Services Manager
Nathan O'Connell	Project Manager

#### Consideration of the Tenders

Each tender was evaluated in accordance with the evaluation criteria set out below:

Criteria	Highest Possible Score	Weighting
1. Price	4	4
2. Compliance with Specification	4	3
3. Track Record	4	3
4. Quality Systems	4	2
5. Availability of Appropriate Skills & Resources	4	2
6. Work Health & Safety Considerations	4	4
7. Community Economic Benefit	4	2

A summary of each tender evaluation by the tender assessment panel is provided in the confidential section of this agenda.

#### Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of KENNEDY BUILDERS as the preferred tender.

#### Supervisor

The superintendent of the contract will be the Director of Technical Services and the superintendent's representative will be the Project Manager.

## Items requiring Council Resolution

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### Financial implications

With the tender submissions for the building works now received, the Council is now in a position to assess the likely financial commitment to complete the refurbishment and renovation of the Finley Rugby and Soccer Facility.

As per the above, the recommended lowest tender is \$225,300.00 **exclusive** of GST. While this is a fixed tender price and the Council will endeavor to avoid any variations, it would be prudent to set aside a further \$10,000 for contingencies – given the age and condition of the Finley Rugby and Soccer Facility.

Taking the above into account, an estimated total cost for the renovation is \$235,300.00 **exclusive** of GST.

The Council currently has \$100,000 set aside for the building works with additional approved funding of \$100,000.00 through the NSW Governments Infrastructure Grants Program. This leaves a \$35,300 funding gap for completion of the project.

When assessing the tender, the Council should consider if the project will deliver public value commensurate with the proposed expenditure.

The Council has the following options open to it:

1. **Find the additional funds within its existing budget:** The Council would need to find an additional \$35,300 in savings from elsewhere in the budget – most likely deferring another community infrastructure project elsewhere.

Should the Council take this option, it would need to identify an alternate source of funds – a project it has funded, it will **not** do.

2. **Borrow:** The Council's proposed budget for 2019/20 includes the scope to draw down on an internal loan of \$1m from its sewer fund to pay for potential increases in scope for some its recent grant-funded projects. There has been no specific allocation of this \$1m to projects at this stage and the loan will only be drawn down upon if required. The \$35,300 funding gap could be funded from this loan.

Loan repayments would of course place further pressure on future budgets.

3. **Abandon Project:** The project could be abandoned due to insufficient funds being available, however, this would not solve the issues that have been identified with this building and would result in the risk of reputation with both the grant funders and the Finley community.

### Items requiring Council Resolution

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A formal decision on the funding method could be deferred until the September budget review, subject to the Council providing some direction

#### **Manage contracts directly**

Another option open to the Council is to act in effect as the head contractor itself – i.e. run the project as a series of sub-contracts directly rather than through a head contractor (i.e. a builder).

Running the project this way is likely to reduce the cost of the project significantly – an estimated saving of up to \$30,000 may be possible.

This method of delivery does create its own set of issues. It will require a significant amount of staff time to manage successfully and it shifts risk for project delivery back to the Council.

#### **Alternate resolution – Council act as head contractor**

That the Council:

1. not accept a tender for the Construction and Refurbishment of the Finley Rugby & Soccer Facility
2. Manage the Construction and Refurbishment of the Finley Rugby & Soccer Facility project as a series of sub-contracts managed directly by Council staff.



## Items requiring Council Resolution

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**5.6 EOI 02/18/19 – IMPLEMENTATION OF LIQUID TRADE WASTE POLICY****AUTHOR:** Engineering Services Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** EOI 02/18/19**RECOMMENDATION:** That Council accept the expression of interest from Advanced Environmental Systems to complete the implementation of Liquid Trade Waste Policy in accordance with Brief issued and their Expression of Interest submitted on 11 June, 2019.

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**REPORT:**

Council adopted its Liquid Trade Waste Policy at its April 2019 meeting and received advice from NSW Department of Industry that it was satisfactory for implementation on 13 May, 2019.

As Council does not currently have the staff resources to carry out the implementation of the policy, expressions of interest from suitably qualified consultants were sought to:

- advise on administrative systems required to manage trade waste regulation;
- develop procedures and forms for future use by council staff to determine need for approvals process approvals and determine inspection requirements;
- carry out required property inspections to determine need for approval;
- draft correspondence to property owners requiring applications;
- process applications;
- advise on future inspection requirements; and
- hand over relevant information and documents to council staff on completion of the project

Expressions of Interest closed on 12 June, 2019 and only one submission was received from Advanced Environmental Systems based in Echuca.

Advance Environmental Systems have suitably qualified staff and currently provide similar services to other NSW Councils.

### Items requiring Council Resolution

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Their submission details and acceptable works program with initial set up and inspections all being completed by the end of 2019 and ongoing work to process applications being carried out as owners/occupiers submit.

The hourly rates and estimated time for completion of tasks have been considered by staff and are reasonable for the work required.

The cost of this project will need to be fully funded from the Sewerage Service Fund. The estimated total cost of the project is \$156,000, however, this will be dependent on hours required to complete the task.

This would be offset, to some extent, by application and inspection fees that will be charged to owners. My original rough estimate of fees for this process was \$80,000 and this could be vary greatly depending on the number of properties that are included as the implementation progresses.

On this basis there would be shortfall of some \$76,000 that Council will need to budget for if the expression of interest is accepted.

An alternative to accepting the expression of interest would be to employ a suitably qualified person to carry out this work 'in house'. The annual cost of an employee at this level would be around \$120,000 for salary and on cost plus vehicle costs.

The issues with this alternative is firstly sourcing a suitably qualified person and secondly determining the length of tenure to complete the initial setup and processing of the applications.

The ongoing work of annual inspections and processing of new applications is not envisaged to be a full time job and hopefully can be picked up by existing staff once they have had suitable training.

It is considered that the best option to move the implementation of the Liquid Trade Waste Policy forward would be to accept the expression of interest submitted by Advanced Environmental Systems and provide the additional funds required in and amended budget for sewerage services. This additional funding could initially be provided from sewer reserve with ongoing funding being addressed in future budgets and sewer charges.

Fees and charges for inspections and processing of applications have been set in the adopted fees and charges for 2019-20.

There will need to be an overhaul of the method used to levy sewer charges for commercial properties to reflect Liquid Trade Waste Policy and NSW Best Practice Pricing. These changes will entail the removal of pedestal charges imposition of discharge volume based charges and it is envisaged that this will be carried out for implementation in the 2020-21 budget.

## Items requiring Council Resolution

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**5.7 FINLEY MEMORIAL PARK AMENITIES****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** 21.101.6**RECOMMENDATION:** the direction of the Council is sought.

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**REPORT:**

At the June Technical Services Committee meeting the Committee considered the following report:

***Background***

*The Finley Memorial Park toilet facilities are part of a larger community building that was erected in 1975. The larger section of the building has been utilised for a number functions over the years including a baby health centre, library, early intervention centre and more recently used by the Finley and District Citizens Band. The toilet section consists of men's and ladies facilities as well as a central service and storage area. (Refer Appendix "B").*

*The building is in reasonable condition given its age however there is some cracking of the walls due to slab movement caused by movement in the underlying reactive clay soils. Infrastructure within the toilet block is dated and subject to ongoing repairs which is becoming difficult to achieve due to a lack of replacement parts available.*

*The toilet section has regularly been subject to vandalism over the years and is currently closed as a result of fire damage. The recent fire was ignited in the men's toilets and resulted in fire and smoke damage to the men's and ladies toilets as well as the service room. Lighting and electrical wiring has been affected and the tiled floor in the men's has been damaged.*

***For discussion***

*Council staff have discussed a number of alternatives regarding the facilities located at the Memorial Park and obtained costings for different options. At this time there appears to be five options available to Council which include:*

- Retain the existing toilets and undertake minimal work so that they are functional at best.*
- Retain the existing toilets and upgrade to current standards so as to minimise future maintenance costs.*

### Items requiring Council Resolution

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- *Demolish the toilet section of the building and renovate remainder of building.*
- *Demolish the whole building.*
- *Install single new modular toilet.*

*There may also be other options available dependent on need and cost.*

*Should Council wish to retain the facility and repair/renovate to a standard acceptable to the community the following works will be required to be undertaken to ensure that the facility continues to function effectively with minimal maintenance:*

- *Clean fire damaged walls, ceilings and doors*
- *Repairs to damaged floor in men's toilet which may include the replacement of tiles*
- *Supply and fit six new cisterns and check pipework*
- *Supply and fit four new lights and check electrical wiring*
- *New privacy locks to toilet cubicles*
- *Paint internal walls, ceilings and doors*
- *Paint exterior of building in particular fascia, gable ends and under eaves*
- *Repair cracking to brickwork*
- *Plumbing repairs in service room*

*The above works are estimated to cost \$25,000.*

*The Council has recently erected a modern toilet block adjacent to Railway Park which is located 200 metres from Memorial Park which fulfils the function of this structure.*

*The retention of the larger section of the structure has also been discussed. At present it is understood to be utilised for storage purposes only as the Finley Band is currently inactive. Whilst this part of the structure has fulfilled many functions over the years the location is not particularly conducive for alternative community uses in its current location and the costs of continuing maintenance need to be taken into consideration.*

*Council also needs to consider whether there is a demonstrated need to retain a toilet block of this size within the confines of the park and the associated costs with cleaning, maintenance and future vandalism, which seems to be the norm, considering the proximity to other facilities. It is recognised that a bus stop is located in Wollamai Street adjacent to the current facility and it may be preferable to retain a toilet facility of some kind for convenience and also for the park visitors. Should the facility be removed it could be replaced*

### Items requiring Council Resolution

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*with a single modular unit similar to those located at the cemeteries which would be sufficient for the anticipated use at the site.*

*Estimates have been obtained from local contractors to undertaken various options and are included below for consideration.*

*Demolition of whole structure: \$45,000 - \$60,000.*

*Demolition of toilet block only: \$20,000 - \$30,000.*

*Electrical works: \$5,000 - \$10,000.*

*Remediation of site and landscaping: \$5,000 – 10,000.*

*Renovation of remaining existing building including rendering, plumbing and new roof, painting, electrical: \$60,000*

*Installation of new single modular toilet: \$45,000 – 50,000.*

Following its consideration the Committee made the following recommendation to the Council, which the Council, in turn, adopted at its June 2019 meeting:

*“that the Council demolish the toilet block only and replace with a single modular unit whilst retaining the rest of the building.”*

The above resolution was made, in part, because at that time I had a party wanting to set up a business hub in the remaining part of the building.

Given that there is no longer a tenant for the building the Council may wish to consider its future and whether it should be retained or demolished.

From the originally provided information the additional cost of demolition appears to be in the \$25,000 - \$30,000 range.

The direction of the Council is sought.

## Items requiring Council Resolution

## 5.8 HAYES PARK AND APEX PARK CONCEPT PLANS

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 21.101.10

**RECOMMENDATION:** that the Council

1. adopt the concept plans for Hayes Park and Apex Park attached as Appendix "B" and "C";
2. use the adopted plans to prepare an application for funding under the Drought Communities Program for the works identified as "Stage 1".

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**REPORT:**

At its ordinary meeting held on 15 May 2019, the Council resolved the following:

**RESOLVED** *Crs Bodey and Taylor that the Council prioritise Drought Communities Programme projects as:*

<i>Upgrade Apex and Hayes Parks</i>	<i>\$525k</i>
<i>Scoullar Street construction</i>	<i>\$150k</i>
<i>Coree Street median</i>	<i>\$400k</i>
<i>Total</i>	<i>\$1.075m</i>

Following from that resolution, Council staff have worked with Liesl Malan Landscape Architects to prepare draft concept plans for Hayes Park and Apex Park.

These plans and an estimated costing are attached as Appendix "D".

While dates have not yet been finalised, based on the experience of previous rounds of funding to other Councils the timeframes for submitting applications and delivering the final project is likely to be short.

On that basis, Council staff have largely used the consultation for the recently completed Berrigan Town Masterplan as the basis for the preparation of the park plans, along with some consultation with the Berrigan Playgroup on the layout of Apex Park. The draft plan also takes into account some preliminary

## Items requiring Council Resolution

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advice from the Berrigan and District Development Association on requirements for Hayes Park such as a community information board.

In order to stay within the funding set above, both plans are broken up into two stages. Stage 1 is proposed to be funded using Drought Communities Program funding while Stage 2 will require another funding source.

### Apex Park

The plans for Apex Park have been prepared on the basis that it is a park for the local community's use in the main.

The core concepts behind the Apex Park plans are:

- The conversion of some of the informal carpark area into open space, creating an area suitable for outdoor community functions.
- The relocation of the existing play equipment, BBQ and shelter to the west of the park and adding an arbour area, a new swing set and improved park furniture
- Consolidation of the rose garden to an area along Cobram Street
- Removal of dead, dying or inappropriate park trees and replacement with more appropriate trees.

Stage 2 includes formalisation of the carpark area, including drainage and construction of Commando Lane.

### Hayes Park

The plans for Hayes Park have been prepared on the basis that it is a park used frequently by visitors and travellers as well as the local community.

The core concepts behind the Hayes Park plans are:

- The replacement and relocation of the public toilets
- The replacement of the existing picnic shelter and retention of the existing BBQ
- Reconstruction of the laneway and formalisation of parking bays
- Development and installation of "interpretive panels" telling the story of Berrigan and its "firsts" as well as a RSL monument and a community information board. It also proposes the relocation of the Bills Water trough from the Berrigan Sportsground.

The plan aims to preserve and protect the existing *Callitris* "Murray Pine" trees that are a feature of the park.

The plan also incorporates planting new street trees along Jerilderie St (*Geijera parviflora* "Wilga")

Stage 2 includes installing paths and new furniture to the north of the caravan park entrance.

### Items requiring Council Resolution

#### Costing

LMLA, in partnership with Council staff, have prepared an Opinion of Probable Cost (OPC) for the proposed works – attached as Appendix “D”.

A summary of the OPC is below (ex GST and contingency):

Park	Stage 1	Stage 2	Other funding	Sub-total
Hayes	\$234,855	\$60,551	\$5,600	\$301,006
Apex	\$229,887	\$254,531	\$8,200	\$492,618
<b>TOTAL</b>	<b>\$464,742</b>	<b>\$315,082</b>	<b>\$13,800</b>	<b>\$793,624</b>

Adding a generous 25% contingency to the Stage 1 costing provides a figure of \$580,927 for the proposed Drought Communities Program works. Council staff are reasonably confident the project can be delivered inside the \$525,000 budget as per the Council’s resolution in May.

#### Issues

The short timeframe associated with this funding program makes a detailed consultation program difficult. That said, the Council may wish to consider the views of the Berrigan community on some aspects of the plan – in particular the trees.

As mentioned above, the plan proposes additional plantings of Wilga along Jerilderie Street and proposes protecting the Murray Pines in Hayes Park.

The plan also proposes the removal of some trees in Apex Park (an aging *Grevillea robusta* “Silky Oak”, two Ash trees with dieback and a large borer-infested *Eucalyptus*). The plan also proposes planting *Acer x freemanii* “Red Maple”, *Brachychiton populneus* “Kurrajong”, *Callistemon citrinus* and *Pyrus calleryana* (Callery Pear).

While these trees have been selected based on the existing trees in the park and neighbouring streets, some of the trees are not native to the Berrigan area.

Hayes Park has been retained as mainly native with the exception of Callery Pears in the northern “Stage 2” area around the skate park – to match street trees elsewhere.

The Council may either:

1. adopt these plans as presented,
2. adopt the plans with some modification, or
3. adopt as a draft for consultation (albeit on a short timeframe)
4. not adopt the plans at all.



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**Items requiring Council Resolution**

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**5.9 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Strengthen strategic relationships and partnerships with community, business and government**FILE NO:** 04.039.1**RECOMMENDATION:** that the Council authorise the Mayor, Deputy Mayor and the General Manager to attend the 2019 LGNSW Annual Conference from 14<sup>th</sup> October until 16<sup>th</sup> October 2019.

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**REPORT:**

The Council, like most NSW Councils is a member of Local Government NSW (LGNSW). LGNSW is the peak local government body in NSW and broadly represents the interest of NSW Councils to other levels of government.

LGNSW also provides training and industrial services to Councils.

LGNSW was formed by the amalgamation of the former Shires Association and Local Government Association which broadly represented the interests of Rural and urban Councils respectively although they shared a central administration.

LGNSW hold an annual conference in October each year which rotates between urban and regional venues.

The relevant Council policy presently provides for attendance at the conference by the Mayor, Deputy Mayor and the General Manager and one other Councillor that has not previously attended the conference. From memory, I believe all Councillors have attended a LGNSW Annual Conference

This year's conference will be held at Warwick Farm from 14<sup>th</sup> – 16<sup>th</sup> October, 2019. Registration costs etc. for the event are not yet known.

The Council also has the opportunity to present motions for consideration at the conference and some discussion around this would be useful.

Any motion put forward are required to meet the following criteria:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules);
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;

### Items requiring Council Resolution

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4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members

Also in relation to motions LGNSW advises that:

“The Board will **not include** motions in the Business Paper which do not advance the local government policy agenda. Therefore a motion will not be included if it is operational, rather than strategic; a matter which could be actioned by LGNSW without going to Conference; not local government business; focused on a local issue only, or if the motion is consistent with longstanding actions of LGNSW and the Local Government and Shire's Association”.

**Items requiring Council Resolution**

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**5.10 STRONGER COUNTRY COMMUNITIES  
FUND– ROUND 3**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 15.128.35

**RECOMMENDATION:** For discussion

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**REPORT:**

As Councillors may be aware the NSW Government has announced Round 3 of its Stronger Country Communities Fund.

Under this round of funding the Council area has been allocated \$786,309.

Under this round of funding the following time lines apply:

Applications open 1<sup>st</sup> July 2019

Applications close 27<sup>th</sup> September 2019

Eligibility, assessment,  
and approval process October 2019 – January 2020

Announcement of  
successful projects from January 2020

The objective of the fund is to:

1. To boost the liveability of communities in regional areas by providing new or upgraded social and sporting infrastructure or community programs that have strong local support; and
2. To provide programs and infrastructure that enhance opportunities for young people to be work ready and thrive in regional NSW.

Changes from previous funding rounds include:

- At least 50% of the fund must have a youth focus – 12 – 24 years;
- Grant applications must be for at least \$50,000
- Projects must commence within twelve months of signing a funding deed and be completed with three years.

### Items requiring Council Resolution

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- In addition to Councils, incorporated, not for profit organizations or other organizations that have a public purpose and carry out activities in NSW and Aboriginal Land Council are eligible to apply for funding;
- Applicants should work with their Local Member of Parliament and their local communities to identify the priority needs for their area and ensure projects put forward for funding have demonstrated community support;
- No “choice” modelling – rather applicants will, as stated above, demonstrate community support.

Youth-related projects must be for:

- development of new or upgrades to existing infrastructure for young people; or
- delivering programs for young people.
- Youth-related projects must be aligned to the areas of community, wellbeing, connectivity and work readiness.

General community amenity projects must be for:

- construction of new, or upgrades to existing, local community infrastructure
- construction of new, or upgrades to existing, local sporting infrastructure
- capital works related to street beautification and other public places that promote the health, happiness and wellbeing of the community
- delivering programs that benefit the local community
- infrastructure to assist the delivery of general community programs.

The program guidelines are circulated with this agenda as Appendix “E” and includes outlines of the type of projects that will be considered as eligible projects.

The Council, obviously, needs to develop some projects for consultation and application. To commence this process staff have identified the following potential projects for consideration. The projects are not in any priority order.

## Items requiring Council Resolution

Project	Estimated cost	Comments
Replace Finley Pool amenities building, reconstruct access and car park	\$500k - \$600k	Council priority Meets youth target criteria
Barooga Adventure Park shelter, toilets, play elements, paths and kerb and gutter	\$710k	Council priority May not meet youth target age group Could be scaled
Resurface Tocumwal netball courts	\$20k - \$30k	Not a Council priority Meets youth target Doesn't meet minimum grant value but could be expanded to include upgraded lighting
Hayes Park Stage 2	\$80k	Council priority Meets youth target Completes Haye's Park upgrade
Apex Park Berrigan Stage 2	\$300k	Council priority Largely civil works and unlikely to generate a lot of support Completes Park upgrade
Sealing of roads at Tocumwal and Finley Recreation Reserves	@\$250k	Largely civil works and unlikely to generate a lot of support Requires complete construction.
LED lights at Recreation Reserves	\$500k - \$1m	Council priority Cost dependent upon whether poles are replaced Meets youth target
THAM shed at Tocumwal Aerodrome	\$200k	Aligned to Council priority
Wet side works at Tocumwal Foreshore	Unknown but significant	Council priority Meets youth target criteria Completes foreshore upgrade scalable
Hearing loops at halls	Unknown but not significant	Not a Council priority Most likely under minimum grant value

RESOLUTION

### Items requiring Council Resolution

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Unlike previous funding rounds the Council may choose to promote youth programs as an alternative to provision of infrastructure.

The Council has limited exposure in this space and certainly has no priority projects although these could be developed.

Importantly, this type of project could deliver a different range of skills development or recreational alternatives however they can obviously only be for a limited period.

The Council itself may have alternative projects for consideration which can be developed for application.

The Council's previous position of making application for significant projects that it find difficult to fund has served it well.

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## Items requiring Council Resolution

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**5.11 BAROOGA CEMETERY – REQUEST FOR ASSISTANCE****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation**FILE NO:** 24.030.7**RECOMMENDATION:** For the determination of the Council.

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**REPORT:**

The Barooga Cemetery Trust has written to the Council to seek funding assistance for a project at the Barooga Cemetery. A copy of the letter is attached as Appendix "F".

The Trust wish to erect a new fence on the south end of the cemetery near the toilet block, similar to the front fence. The Trust has obtained a quote for the works for \$6,000.

The Trust note that they have raised over \$27,000 for works at the cemetery and "transformed [the cemetery] into a neat, tidy and pleasant place to visit and pay respects".

Requests of this nature are usually referred to the budget for consideration, however the Council adopted its 2019/20 operating budget at its meeting last month.

Items requiring Council Resolution

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**5.12 DOCUMENTS FOR SIGNING & SEALING****AUTHOR:** General Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.3 Connect and protect our communities**FILE NO:** 32.159.1**RECOMMENDATION:** that the Council sign and seal all documents relating to entitlements contracts with Murray Irrigation Limited for landholding reference E903.

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**REPORT:**

Berrigan Shire Council has received entitlements contracts from Murray Irrigation Limited in relation to Finley water supply E903 which is for the Finley Showground.

The contracts are generic and have been sent to all entities that have a water allocation through Murray Irrigation Limited.

The need for the contract has been identified by Murray Irrigation due to minor changes in practice by Murray Irrigation over the past 10 years and will be required to be in place to allow water trading by Berrigan Shire Council for the next irrigation season.



## Items requiring Council Resolution

### 5.13 CATEGORISATION OF CROWN LAND RESERVES

**AUTHOR:** Revenue Officer

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 21.180.1

**RECOMMENDATION:** That the Council, in accordance with Section 3.23 of the *Crown Lands Management Act 2016*:

1. assign categories to Crown Land under its control as per the table below

**Note:** Two reserves added to end of table, originally omitted Department of Crown Lands NSW

2. provide written notice of this categorisation to the Minister for Lands and Forestry

Reserve/Dedication	Purpose(s)	Categorisation
R150004 (Barooga RFS / Botanical Gardens)	Community Purposes	General Community Use
R1010148 (Barooga Library & Technical Centre)	Community Purposes Public Recreation	General Community Use
R53334 (Tocumwal Creek Walk)	Drainage	General Community Use
R150031 (Part to Tocumwal Creek Walk)	Drainage Public Recreation	General Community Use
R1003004 (Berrigan Tank Reserve)	Environmental Protection	Natural Area - Bushland
R150048 (Berrigan Old Police Paddock Trust)	Environmental Protection	Natural Area - Bushland
R11494 (Berrigan Cemetery)	Extension to Cemetery Plantation	General Community Use
R11495 (Berrigan Cemetery)	Extension to Cemetery Plantation	General Community Use

## Items requiring Council Resolution

Reserve/Dedication	Purpose(s)	Categorisation
R92346 (Tocumwal Cemetery)	Future Public Requirements	General Community Use
R1016650 (Tocumwal Cemetery)	General Cemetery	General Community Use
R1018148 (Berrigan Cemetery)	General Cemetery	General Community Use
R90909 (Tocumwal Preschool)	Kindergarten	General Community Use
R88498 (Mary Lawson Memorial Wayside, Finley)	Museum Public Recreation	General Community Use Park
R85706 (Berrigan Waste Depot)	Rubbish Depot	General Community Use
R89972 (Tocumwal Waste Depot)	Rubbish Depot	General Community Use
R83033 (The Waterhole, Finley)	Parking	General Community Use
R14036 (Barooga Cemetery)	Plantation	General Community Use
R48220 (Berrigan Cemetery)	Plantation	General Community Use
R91465 (Murray Street, Finley)	Plantation	General Community Use
R89034 (Boatrock Reserve)	Preservation of Aboriginal Relics Preservation of Trees	Area of Cultural Significance Natural Area - Bushland
R88526 (Berrigan Airstrip)	Preservation of Trees Public Recreation	Natural Area - Bushland General Community Use
R150015 (Tocumwal Memorial Hall)	Public Hall	General Community Use
R97513 (Finley School of Arts)	Public Hall	General Community Use
R88752 (Retreat Public Hall)	Public Hall Public Recreation	General Community Use Park
R1001042 (Burke Street Playground, Finley)	Public Recreation	Park
R150054 (Kelly Street Nature Reserve, Tocumwal)	Public Recreation	Natural Area - Bushland
R35209 (Block behind Tocumwal Police Station)	Public Recreation	General Community Use

## Items requiring Council Resolution

Reserve/Dedication	Purpose(s)	Categorisation
R36668 (Hayes Park, Berrigan)	Public Recreation	General Community Use
R51732 (Finley Memorial Park)	Public Recreation	Park
R53211 (Tocumwal Foreshore Recreation Reserve)	Public Recreation	Park Sportsground Natural Area - Foreshore - Watercourse - Bushland General Community Use
R78377 (Finley Swimming Pool)	Public Recreation	General Community Use
R81505 (Finley Recreation Reserve)	Public Recreation	Park Sportsground
R85627 (Rotary Park, Finley)	Public Recreation	Park
R87538 (Tocumwal Caravan Park)	Public Recreation	General Community Use
R88529 (MacDonald Court, Finley)	Public Recreation	Park
R88920 (Old Recreation Reserve, Berrigan)	Public Recreation	Park General Community Use
R89359 (Barooga Recreation Reserve)	Public Recreation	Park Sportsground
R91542 (Collie Park, Barooga)	Public Recreation	General Community Use
R550003 (Finley Showground)	Public Recreation Showground	Park General Community Use Sportsground
R1130 (Tocumwal Racecourse)	Racecourse	Sportsground
R76738 (Reservoir, Finley)	Local Government Purposes	General Community Use
R89011 (Old Common, Berrigan)	Aviation	General Community Use

**REPORT:**

The [Crown Land Management Act 2016](#) (CLMA) was enacted on 1 July 2018.

### Items requiring Council Resolution

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This Act authorises Council as appointed Crown Land Manager to manage Crown Land as if it were public land under the *Local Government Act 1993* (LGA).

Under CLMA Council as manager must assign one or more categories of Community Land referred to in Section 36 of the LGA.

In accordance with section 3.23(3) of the CLMA, Council staff have identified the category in which they consider to be most closely related to the purpose for which the land is dedicated or reserved and will now seek Ministerial approval for the categories chosen.

Council may assign multiple categories to the land where there are multiple reservation or dedication purposes.

In assigning each initial category Council staff have considered the historical and current use of the land by Council, the Act provisions which govern the management and use of each Community Land category and the guidelines for the categorisation of Community Land, prescribed by the Local Government (General) Regulation 2005 and the Department of Industry – Crown Lands suggested category and guidelines for categorisation of Crown Land.

After Council has assigned an initial categorisation to the Crown Land under its management, it must provide written notice to the Minister. This must be done as soon as practicable in the prescribed form attached to this report (Attachment 1).

The Minister will consider the category initially assigned by Council.

If the Department of Industry – Crown Lands determines that the categorisation presented is appropriate, it will issue an acknowledgement notification to Council.

If the Department of Industry – Crown Lands determines that the category does not meet the criteria it will issue a direction to Council requiring Council to alter the assigned category in accordance with Section 3.23 (5) of the CLMA.

The Minister or the Department of Industry – Crown Lands may direct Council to alter the category. If it is considered that the category is not the most closely related to the purpose for which the land is dedicated or reserved or the management of the land by Council with reference to the initial assigned category is likely to materially harm the use of the land for the purpose for which it was dedicated or reserved.

A direction to alter the assigned categorisation must be adhered to by Council as the Crown Land Manager.

Once Council is notified that the department acknowledges an assigned categorisation, they proceed to develop and adapt a Local Government Act Plan of Management for the land. All plans of Management must be in place

## Items requiring Council Resolution

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and approved by the Department of Industry – Crown Lands prior to 30 June 2021.

The reserve purpose of the land cannot be changed as part of this process. It is acknowledged that in the future some of the Reserve Categorisations may be reviewed. Councillors have the opportunity to consider the categories recommended by staff, in accordance with the provisions of Section 3.23 of the CLMA.

### **Legislation**

#### **Crown Land Management Act 2016**

##### Section 3.23 (2)

Initial assignment of categories – The council manager must, as soon as practicable after it becomes the manager of the dedicated or reserved Crown Land (including because of the operation of Schedule 7), assign the land to one or more categories of community land referred to in section 36 of the Local Government Act 1993.

##### Section 3.23(3)

The assigned category or categories must be those that the Council considers to be the category or categories that are most closely related to the purposes for which the land is dedicated or reserved.

##### Section 3.23(4)

The council manager must give written notice to the Minister of the categories to which it has assigned the land as soon as practicable after assigning them.

##### Section 3.23(5)

The Minister may, by written notice given to the council manager, require the manager to alter an assigned category if the Minister considers that:

- a) The assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or
- b) The management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

#### **Local Government Act 1993**

##### Section 36(4)

For the purposes of this section, land is categorised as one or more of the following:

### Items requiring Council Resolution

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- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance or
- e) general community use

#### **Local Government (General) Regulation 2005**

##### Part 4 – Community Land

Division 1 – Guidelines for the Categorisation of Community Land Sections 101-111.

Where a categorisation has been assigned that is not the most closely related to the reserve or dedication purpose, Council's ability to validly manage the land in accordance with that category might be limited by the extent to which those actions effect Native Title.

Council's land management activities may infringe upon native title rights and Council may lose the legal right to continue those activities.

The Minister may, by written notice given to the Council Manager, require the manager to alter an assigned category if the Minister considers that the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or Council's management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

Consultation has taken place with the Office of Local Government and the Department of Industry – Crown Lands and internally with the following:

- a) General Manager
- b) Director Corporate Services
- c) Development Manager
- d) Town Planner
- e) Revenue Coordinator

Note: This report has been re-presented as it includes two additional properties that were not originally advised to the Council.

**Items requiring Council Resolution**

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**5.14 TOWN LITTER BIN CLEARING****AUTHOR:** Engineering Services Manager**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:** Q 28/18/19**RECOMMENDATION:** That Council accept the quotation from Strictly Waste Management for Removal of Rubbish and Maintaining of Bins throughout Berrigan Council's Townships in accordance with Specification Q 28/18/19.

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**REPORT:**

There are currently 162 litter bins installed in Council's four townships to service public areas including main streets, parks and gardens and toilet amenities.

These bins are currently emptied at varying frequencies by the town maintenance employees in each town.

In recent times two of these employees have suffered serious shoulder injuries with the cause being attributed to the emptying of the litter bins. This has required a review of the method collecting and servicing litter within the townships.

The majority of the litter bins are 120L with only a few 240L bins and it is considered that the only safe method of handling the bins is to find a solution for mechanical lifting of the bins.

The option of providing mechanical lifting of the bins was further explored and several options are set out below for consideration:

Provision of a mechanical lifter for each town is an option that could possibly be implemented with lifters being fitted to the trailers used in Berrigan and Finley and to the one tonne utilities used in Barooga and Tocumwal. The main issue associated with fitting lifters to these vehicles is that it impacts significantly on the capacity of the vehicles to perform the normal operations in terms of load carrying and tipping to unload. It would also create some issues in terms of roadworthiness for registration as the lifters would have to be fitted to the rear of vehicles and this affects lighting, overhand dimensions etc.

While these issues are not surmountable they are sufficient for us to determine that it is not our preferred option.

### Items requiring Council Resolution

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Another option is for Council to purchase a dedicated garbage truck with a bin lifter and designate an operator to for it to service all towns on a regular basis. This would involve a capital purchase of \$150,000 to \$250,000 depending on whether a used or new machine was sort. It would also require either an additional employee or the redeployment of one of the Tocumwal town maintenance employees to operate it.

The third option considered was to seek quotations from suitable contractors to service the litter bins on the current frequencies. The quotation sought was for full service including moving bins from their location to the vehicle and replacing them in position, cleaning bins and providing and inserting bin liners where required. Following advertising of this quotation only one quote was received from Strictly Waste Services. They are a local company and have the resources to complete the work in accordance with the specification as detailed in Q 28/18/19. The price quoted for the works amounts to around \$90,000 per annum. It is considered that the quoted price is acceptable for the works that are required to be carried out. The total cost allocated to the Rubbish Clearing number for last year was \$145,486 although this also contains some costs of footpath cleaning and may not include all costs of bin clearance at parks etc.

The acceptance of this quotation would result in the removal of a significant amount of regular work currently undertaken by the Town Maintenance employees and the effect of this needs to be considered.

One option would be to reduce the number of Town Maintenance employees from 5 to 4 and the savings in wages, on-costs and plant hire would roughly balance the cost of the contractor. This option is not supported as it would be very difficult to balance the work load of these employees with Tocumwal still being by far the busiest in the holiday periods.

The preferred option would be to expand the duties of the Town Maintenance employees to a greater role in parks and gardens and in particular mowing and playground maintenance works. With the continuing development of Tocumwal Foreshore, Lions Park, Barooga Foreshore, Apex and Hayes parks in Berrigan and Railway Park in Finley, the workload is continually increasing for our limit parks and gardens staff. This option would allow for further development of teamwork within the town maintenance and parks and gardens maintenance staff and would provide great assistance in providing a satisfactory level of maintenance to the ever growing parks and gardens and playground assets. While on the face of it, it indicates that a further \$90,000 will need to be found from General Fund to finance this solution it is considered that with a reallocation of duties for some of the Town Maintenance employees time and the increase in budget for Public Convenience Cleaning and Urban Roads Maintenance from last year to this year may actually cover the change in operations. The bin clearance costs are contained within the Urban Roads Maintenance budget and the Public



**Items requiring Council Resolution**

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Convenience Cleaning budget is another of the main cost centres for Town Maintenance employees.

While these two areas have been consistently over budget in recent years, the over expenditure has been covered from savings in other maintenance or works areas. This situation has been addressed by increasing the budgets by \$58,000 and \$52,000 respectively for these two cost centres. With this additional funding it is considered that the global budget will allow for the transition to this option without the need to reduce staff.

It is recommended that the quotation from Strictly Waste be accepted and that costs be monitored for the first two financial quarters prior to further consideration of the necessity for staff reductions.

The “do nothing” option is always a possibility, however, it is pointed out that as two employees have already injured themselves seriously while undertaking this activity it would not be wise to ignore the problem.

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Items requiring Council Resolution

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**5.15 LIBRARY SERVICE – CHILDREN AND YOUNG PEOPLE POLICY****AUTHOR:** Library Manager and Director Corporate Services**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation**FILE NO:** 03.095.2**RECOMMENDATION:** That the Council:

1. revoke its [Library Service Children and Young Persons Policy](#).
2. adopt the Library Service – Children and Young People Policy as below:

## Items requiring Council Resolution



## Policy

**00. LIBRARY SERVICE – CHILDREN AND YOUNG PEOPLE POLICY**

Version 00

File Reference No:

Strategic Outcome: Supported and engaged communities

Date of Adoption: 17/07/2019

Date for Review: 21/07/2021

Responsible Officer: Director Corporate Services

**1. POLICY STATEMENT**

The Berrigan Shire Library Service (BSLS) is committed to servicing the information and recreational needs of young people. The Library strives to provide a welcoming environment, and provide targeted resources and programs to meet the needs of young people.

**2. PURPOSE**

This Policy aims to:

- provide child-safe and child-friendly environments together with practices to promote a wide variety of services to young people.
- encourage uniformity and consistency across the branches of the BSLS for staff, as well as parents and young people.

**3. SCOPE**

This policy applies to all branches of BSLS and to all services provided by BSLS.

**4. OBJECTIVE**

This Policy is designed to assist the Council and BSLS to meet the following Community Delivery Program objective

*3.2.1.1 Coordinate and deliver local library services in accordance with Library Services Strategic Plan 2014 – 2018*

## Items requiring Council Resolution

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### Policy

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#### 5. DEFINITIONS

**Child:** A young person between the ages of 0-12 years

**Young People:** A teenager between the ages of 12 -18 years

**Classification:** A classification of media as per the *Classification Act 1995*

- G General classification
- PG Parental Guidance classification
- M Mature classification (15 years +)

#### 6. POLICY IMPLEMENTATION

##### 6.1 Services

Berrigan Shire Library Service provides the community with access to information and recreational materials through a variety of services and resources. Our libraries support young people through the provision of collections and programs that foster an appreciation of literature and promote the development of information literacy skills.

Services may include the following:

- Fiction, non-fiction and recreational books
- Magazines
- DVD's
- CD's
- eBooks and eAudio and streaming services
- Computer and Internet access
- Assistance from staff in accessing collections and information
- Literacy programs
- Space for activities or study
- Internet training
- Film sessions
- Space for activities and study

Berrigan Shire Library Service does not provide services provided professionally by other agencies, for example, child care and formal education.

## Items requiring Council Resolution

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### Policy

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#### 6.2 Responsibilities

##### 6.2.1 Parents and guardians

Parents and guardians must ensure responsibility with regard to their child's use of the library.

Children under the age of 8 years must be accompanied by an adult while visiting the library. Children under the age of 16 years must have a parent /guardian support their membership application

Children and young adults will always be advised of age appropriate resources but the responsibility for monitoring and supervising the child's use of the general collection remains with the parent/guardian

##### 6.2.2 Staff

Library staff are expected to guide and assist young people in finding and accessing resources appropriate to their particular interests and inquiries – as under the *Classification Act 1995* ('G', 'PG', 'M', 'unrestricted' etc.)

All library staff will be required to provide the Council with the appropriate NSW Working with Children Check.

#### 6.3 Inappropriate use

The Library Regulation 2018 allows for a library staff member to direct any person to leave the library, and not to re-enter the library for such a period as the library staff member directs, if the staff member is of the opinion that:

- The person has contravened any provision of Library Act, or
- The person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

The Council and BSLS have adopted a Library Patron Code of Conduct and all exclusions from the library will be dealt with in accordance with that Code.

## Items requiring Council Resolution



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## Policy

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### 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

#### 7.1 Legislation

- *Local Government Act 1993*
- *Library Act 1939*
- *Library Regulation 2018*
- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Regulation 2012*

#### 7.2 Council documents

- [Berrigan Shire 2027](#) (Community Strategic Plan)
- [Berrigan Shire Library Service Strategic Plan](#)
- [Patron Code of Conduct](#)

#### 7.3 Other resources

- [NSW Office of the Children's Guardian](#)
- [NSW Office of the Advocate for Children and Young People](#)
- [Australian Library and Information Association](#)
- [State Library of NSW](#)

## Items requiring Council Resolution

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### REPORT:

As part of a general review of Berrigan Shire Library Service policies, the [Library Service Children and Young Persons Policy](#) for the Library Service was reviewed. As a result of the review, a new policy has been prepared for consideration by the Council.

This Policy aims to:

- provide child-safe and child-friendly environments together with practices to promote a wide variety of services to young people.
- Encourage uniformity and consistency across the branches of the BSLS for staff, as well as parents and young people.

The underlying philosophy behind the policy has not changed markedly from the previous policy. The major change has been to structure the policy in the Council's policy format and to streamline the wording to make it a clearer and more user-friendly document.

RESOLUTION

Items requiring Council Resolution

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**5.16 LIBRARY SERVICE – COLLECTION  
DEVELOPMENT POLICY****AUTHOR:** Library Manager and Director Corporate Services**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation**FILE NO:** 03.095.2**RECOMMENDATION:** That the Council:

3. revoke its Library Collection Development Policy.
4. adopt the Library Service – Collection Development Policy as below:



**Items requiring Council Resolution**

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**Policy**

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**00. LIBRARY SERVICE – COLLECTION DEVELOPMENT POLICY**

Version 00

File Reference No:

Strategic Outcome: Supported and engaged communities

Date of Adoption: 17/07/2019

Date for Review: 21/07/2021

Responsible Officer: Director Corporate Services

**1. POLICY STATEMENT**

Berrigan Shire Library Service (BSLS) develops collections that are freely available and that reflect the needs of its community.

**2. PURPOSE**

The purpose of this Policy is to:

- Ensure that the library's collections meet the current and future needs of the patrons and the Berrigan Shire community
- Inform the community and the Council of the principles by which the library's collections are selected, maintained, developed and deselected.
- Define the responsibilities for the management of the library's collections
- Ensure that the provision of the library collections is consistent with Council's vision

**3. SCOPE**

This policy applies to all physical and digital library collections under the management of BSLS.

**4. OBJECTIVE**

This Policy is designed to assist the Council and BSLS to meet the following Community Delivery Program objective

## Items requiring Council Resolution

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### Policy

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3.2.1.1 Coordinate and deliver local library services in accordance with Library Services Strategic Plan 2014 - 2018

#### 5. DEFINITIONS

<b>CALD</b>	Culturally and Linguistically Diverse, usually referring to communities
<b>Collections</b>	Physical and digital resources that are organised and owned by, or under licence to, the Library, including books, magazines, newspapers, DVD's, photographs, eBooks, microfiche, microfilm, CD's, eAudio
<b>Collection Development</b>	The processes related to the development of library collections including selection and de-selection, collection analysis and management
<b>De-Selection</b>	The process of removing items from the library collection
<b>Electronic Resources</b>	Digital items that are available online and accessed through the internet including eBooks, eAudiobooks, digital magazines, journals, databases, films and music
<b>Free library</b>	A library where books may be taken permanently by the patron without charge. This is often in a public place.
<b>Format</b>	The ways in which a resource may be presented including print, digital, paperback, audiobook.
<b>Inter Library Loan</b>	An item borrowed from another library service on behalf of a customer
<b>Library Resources</b>	See Collections
<b>Profile</b>	A dynamic document that identifies core collection requirements provided to library suppliers to assist in selection
<b>Reference Resources</b>	Resources containing concise information and facts that are referred to rather than read

## Items requiring Council Resolution

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### Policy

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**Vanity Press** A business, often with no selection criteria, that authors pay to publish their work.

#### 6. POLICY IMPLEMENTATION

##### 6.1 Responsibility

Collection development is the responsibility of library staff together with oversight of the Library Manager.

The Library Manager is responsible to:

- Provide a point of contact about the meaning and application of this policy
- Ensure that the Policy is included on Council's policy register and record management system
- Update the policy when necessary to ensure it is current
- Implement communications, education and monitoring strategies
- Investigate breaches and enforcing compliance

##### 6.2 Collections

BSLS will develop a collection that is freely available and that reflects the needs of its diverse community, promote creativity, celebrate local identity, support lifelong learning and foster social cohesion.

This will include the following:

- **Fiction** a wide range of popular and literary fiction, including graphic novels with an emphasis on literary award winners and Australian author of merit.
- **Non-Fiction** Information and factual material that will assist individuals in their life-long learning needs and recreational pursuits with an emphasis on current information
- **Electronic Resources** Electronic resources including eBooks, eAudiobooks, digital magazines, journals, databases, film and music streaming services, with a preference for resources that can be accessed anywhere via an internet connection.
- **Children's:** Picture books, first readers, fiction, non-fiction and graphic novels that inform and stimulate the joy of reading and discovery.

## Items requiring Council Resolution

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### Policy

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- **HSC books, magazines, graphic novels and audio-visual;** material that support the NSW Higher School Certificate curriculum.
- **Reference sources of current information** including Atlases, Dictionaries, Year Books, and Encyclopedias with a preference for online resources.
- **Audio-visual** Audio Books and MP3's that provide an audio alternate to recreational reading. DVD's of popular and critically acclaimed film, television series, documentaries, plays and concerts.
- **Magazines & Newspapers** selected local newspapers in hardcopy. Magazines of general interest. Newspapers and bulletins from political parties and religious groups will not be collected.
- **Local Studies** Printed material, photographs, recordings, archival media, digital resources that record the unique history of Berrigan Shire and surrounding district and assist with genealogical research.
- **Community Languages** Material to help Culturally and Linguistically Diverse (CALD) members of the Berrigan Shire maintain their cultural and linguistic heritage. This collection shall be borrowed from the State Library at the appropriate time requested by the local customer.

#### 6.3 Selection

##### 6.3.1 **Methods**

Items will be selected using the following:

- Profiles developed and monitored by library staff and managed by authorized library suppliers
- Standing orders for authors and series
- Staff and customer recommendations
- Staff selections

## Items requiring Council Resolution

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### Policy

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#### 6.3.2 Criteria

The following criteria will be taken into consideration when selecting resources for inclusion in the collections:

- Accuracy of information
- Authority of author/publisher/producer
- Literary/artistic merit
- Popularity or anticipated demand
- Durability
- Suitability of format
- Licensing or contract terms
- Price
- Compliance with Australian standards or legislation
- Ease of use
- Items that have relevance and value to the local studies of Berrigan Shire including geographic, historical, cultural, sociological and political material.

Criteria that may exclude resources from selection:

- Textbooks, unless they are the only source of information on a topic
- Vanity press publication
- Resources in a language not currently collected
- Resources that contain novelty or promotional accessories
- Books that are designed to be written into

#### 6.4 Donations and bequests

The library accepts donated material and bequests under the following provisions:

- Donations will not be accepted without prior approval from the responsible librarian
- Material must be in 'as new' condition
- Material not 'as new' condition will only be accepted if it is relevant to the Local Studies collection
- Any material donated to the Library becomes the property of Berrigan Shire Library Service
- Conditional donations and bequests are not accepted
- Material may be added to the collections if it meets the selection considerations outlined in this policy

## Items requiring Council Resolution

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### Policy

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- Material that is not added to the collections may be offered for sale with the proceeds being returned to the library. Alternatively, this material may be added to a free library.

#### 6.5 Controversial and sensitive material

The library has a responsibility to provide a broad range of information and opinion and upholds the principle of intellectual freedom. Material shall not be excluded just because it is controversial. The library shall not self-censor by restricting access to material unless restriction is required by law.

It is the responsibility of parents and carers to monitor the reading and viewing choices of their children.

#### 6.6 Items not held by the library

Library members are encouraged to make suggestions for purchase to ensure the collections are relevant and meet the community needs. These suggestions will be purchased if they meet the selection criteria outlined in Section 6.3.2 above.

CALD items that cannot be purchased or that do not fit the selection criteria will be obtained for customers via interlibrary loan where possible

#### 6.7 Access

Where technology, systems and format allow:

- Resources are listed in the online catalogue with full subject access
- Resources are regularly listed and updated on the Libraries Australia database
- Items can be transferred to the branch of their choice for collection by the customer

#### 6.8 Maintenance

The collections will be continually evaluated using evidence-based methodologies to maintain a well-balanced, attractive and up to date collection. Resources will be withdrawn when:

- Information is inaccurate or out of date
- Subject is no longer of general interest

## Items requiring Council Resolution

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### Policy

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- Poor physical condition
- Superseded editions
- Low demand
- Duplicate copies in excess of demand

This criteria does not apply to Local Studies collections, which will be maintained according to their relevance to the history and culture of Berrigan Shire and district.

#### 6.9 Disposal

Deselected stock may be:

- Sold
- Offered to other libraries or non-profit organisations
- Recycled
- Sent to waste collection

### 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

#### 7.1 Legislation

- *Local Government Act 1993*
- *Library Act 1939*
- *Library Regulation 2018*

#### 7.2 Council documents

- [Berrigan Shire 2027](#) (Community Strategic Plan)
- [Berrigan Shire Library Service Strategic Plan](#)

#### 7.3 Other resources

- Living Learning Libraries Standards and Guidelines for NSW Public Libraries 6<sup>th</sup> ed.
- Access to Information in NSW Public Libraries
- IFLA/UNESCO Public Library Manifesto

### Items requiring Council Resolution

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#### REPORT:

As part of a general review of Berrigan Shire Library Service policies, the [Collection Development Policy](#) for the Library Service was reviewed. As a result of the review, a new policy has been prepared for consideration by the Council.

The purpose of this Policy is to:

- Ensure that the library's collections meet the current and future needs of the patrons and the Berrigan Shire community
- Inform the community and the Council of the principles by which the library's collections are selected, maintained, developed and deselected.
- Define the responsibilities for the management of the library's collections
- Ensure that the provision of the library collections is consistent with Council's vision.

The underlying philosophy behind the policy has not changed markedly from the previous policy. The major change has been to structure the policy in the Council's policy format and to streamline the wording to make it a clearer and more user-friendly document.



Items requiring Council Resolution

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**5.17 TENDER POLICY**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 03.095.2

**RECOMMENDATION:** That the Council:

5. revoke its [Tender Policy](#) adopted on 21 January 2015.
6. adopt the Tender Policy as below:

RESOLUTION

## Items requiring Council Resolution

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### Policy

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## 35 TENDER POLICY

Version 02

File Reference No:

Strategic Outcome: Good government

Date of Adoption: 17/07/2019

Date for Review: 17/03/2021

Responsible Officer: Director Technical Services

### 1. POLICY STATEMENT

Where required by legislation or otherwise appropriate, the Council will seek to obtain goods and services by means of a competitive tender process. It is important that this process is ethical, transparent, accountable and effective.

This policy forms part of the Council's Procurement and Disposal Framework and should be read in conjunction with the Council's Procurement and Disposal Policy and the other policies that form that framework.

### 2. PURPOSE

The purpose of this policy is to define the key tender principles adopted by Council and to ensure that Council officers are aware of their responsibilities and the applicable conditions and procedures regarding tenders

The policy will provide consistent advice about the competitive tendering of and for Council services, describes Council requirements in relation to ethical behaviour in relation to tendering and will maintain competitiveness and ensure best value of goods and services provided to the Council

### 3. SCOPE

This policy applies to:

- Councillors
- Council officers
- Suppliers awarded contracts via the tendering process
- Prospective suppliers supplying tenders to the Council.

## Items requiring Council Resolution

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### Policy

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The policy covers:

- all purchases by the Council over the tender threshold, and
- the entire process of inviting and assessing tenders for goods and services by the Council

#### 4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.1.3.1:

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

#### 5. DEFINITIONS

**Best value:** As defined in the Council's Procurement and Disposal Policy, best value represents the best return and performance for the money spent on procurement of goods and services.

Best value is not simply the best price. In determining what best value is, Council officers must consider:

- price
- "whole of life" and other ongoing costs
- fitness for purpose
- suitability
- availability and timeliness
- prior performance
- statutory compliance and work health and safety

**Council officer:** Any person who has authority to purchase goods and services on behalf of the Council. This includes, but is not limited to, Council employees, contractors, volunteers and other agents of the Council.

**Public tender:** Method by which tenders for the proposed contract are invited by public advertisement per Clause 166(a) of the *Local Government (General) Regulation* 2005

**Prescribed organisation:** An organisation listed in Clause 163(1A) of the *Local Government (General) Regulation* 2005. The Council is permitted to use contracts prepared by these organisations to obtain goods and services without having to seek tenders.

## Items requiring Council Resolution

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### Policy

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**Tender threshold:** An amount in dollars as determined and published by the NSW Office of Local Government. **This amount is shown in Section 55(3)(n) of the Local Government Act 1993**

## 6. POLICY IMPLEMENTATION

### 6.1 General principles

In conducting a request for tender, the Council will

- comply with its statutory obligations;
- act in an ethical, transparent and accountable manner;
- act fairly and even-handedly;
- maintain commercial confidentiality in line with legislation and Council policy
- seek "best value" outcomes.

At all times, Council officers must be aware of their responsibilities to act in the best interests of the Council and the community when handling public funds.

### 6.2 Roles and Responsibilities

The General Manager will appoint Council officers to the following responsibilities:

- Council officers responsible for opening submitted tenders
- Tender Evaluation Panel
- Tender Evaluation Panel Chairperson

The Tender Evaluation Panel Chairperson will be responsible for the overall conduct of the tender process, including ensuring compliance with relevant legislation, regulations, Office of Local Government guidelines and Council policies.

### 6.3 Methods of tendering

All requests for tenders invited by the Council will be public tenders, unless in exceptional circumstances and expressly approved by the General Manager.

#### 6.3.1 E-Tendering

Where the Council chooses to conduct its own tender, the tender will be conducted through an electronic, online tender system.

The E-Tendering system will operate within an appropriate policy and security management framework that incorporates threat and risk assessment, regular review and audit.

## Items requiring Council Resolution

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### Policy

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In addition to electronic tender submissions, the Council may, at the discretion of the General Manager, choose to allow submission of tenders in hard copy form at the Tender Box, located at the Council Administration Office.

#### 6.3.2 Use of Prescribed Organisations

With the express approval of the General Manager, the Council may avail itself of the options available under the *Local Government Act 1993* to use a contract from the parties below in lieu of requesting a tender in its own right.

- Prescribed organisations, as per section 55(3)(a) of the *Local Government Act 1993*
- the NSW Procurement Board or the Department of Administrative Services of the Commonwealth, as per section 55(3)(g) of the *Local Government Act 1993*

Council officers using a prescribed organisation should still ensure that Council is receiving best value.

Where an organisation in this section has been used for a purchase greater than the tender threshold amount, an information report outlining the successful bid and the evaluation of the quotations must be presented to the next meeting of the Council.

#### 6.4 Record maintenance

The Tender Evaluation Panel Chairperson is responsible for ensuring that all relevant documents relating to a request for tender are kept and secured, in line with the Tendering Guidelines for NSW Local Government.

The Tender Evaluation Panel Chairperson is also responsible for controlling access to all documents relating to a request for tender.

#### 6.5 Assessment

Tenders will be assessed under formal evaluation criteria and weightings. These criteria and weightings will be included in the tender documentation.

#### 6.6 Risk Management

Risk Management is the systematic positive identification of threats and the identification of opportunities for the best use of resources.

Throughout the tender process, the Council will ensure that risks associated with the process are identified and are treated in accordance with the Council's Risk Management Policy and Framework.

## Items requiring Council Resolution

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### Policy

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## 7. RELATED POLICES AND STRATEGIES

### 7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *State Records Act 1988*
- *Government Information (Public Access) Act 2009.*
- *Privacy and Personal Information Protection Act 1998.*
- *Public Finance and Audit Act 1983*

### 7.2 Other plans, policies and strategies

- Tendering Guidelines for NSW Local Government
- Berrigan Shire Council Risk Management Framework
- Berrigan Shire Council Code of Conduct
- Berrigan Shire Council Statement of Business Ethics
- Procurement and Disposal Policy

## Items requiring Council Resolution

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### REPORT:

Recent amendments to the [Local Government Act 1993](#) (the Act) and the [Local Government \(General\) Regulation 2005](#) (the Regulation) have required Council staff to undertake a review of its Tender Policy.

There are three basic changes to the Act that affect procurement and tendering.

1. A lift in the tender threshold – for most contracts – from \$150,000 to \$250,000. The exception applies to contracts that replace the work of Council employees, which remains at \$150,000.
2. Removal of the requirement to seek a rate or price for contracts entered into through the NSW Procurement Board, the Commonwealth Department of Administrative Services, Local Government Procurement and MAPS.
3. The ability to engage with disability service employment providers without the need to go to tender.

Items 2 and 3 above have no direct effect on the Council's adopted Tender Policy. The Policy requires a price to be sought when using a third-party contract. The Council's policy is silent on the use of disability employment providers.

Item 1 above does need addressing. The Council's existing Tender Policy does not state the \$150,000 tender threshold directly – it refers to a clause in the Regulation which has been repealed. At present, the Council's Tender Policy does not specify a tender threshold at all.

To address this, the proposed Tender Policy above has been amended to refer to section 55(3)(n) of the Act which states that a requirement to go to tender does not apply to:

*a contract involving an estimated expenditure or receipt of an amount of:*

*(i) less than \$250,000 or another amount as may be prescribed by the regulations, or*

*(ii) less than \$150,000 or another amount as may be prescribed by the regulations for a contract involving the provision of services where those services are, at the time of entering the contract, being provided by employees of the council.*

This change has long been sought by local government in NSW. The \$150,000 threshold was set over 15 years ago and was widely seen in the industry as too low.

That said, the Council may, if it wishes, retain a tender threshold of \$150,000 by amending the proposed policy above.

### Items requiring Council Resolution

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Note also that the change to the tender threshold does not affect the Council's requirement to enter all contracts over **\$150,000** (awarded by tender or otherwise) on its Contracts Register on its website under [section 27 of the Government Information \(Public Access\) Act 2009](#). It also does not affect the Council's requirement to report on contracts over **\$150,000** entered into in the preceding three months in its Quarterly Budget Review Statement.

RESOLUTION



Items requiring Council Resolution

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**5.18 WASTE COLLECTION AND DISPOSAL POLICY**

**AUTHOR:** Director Corporate Services

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

**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes

**FILE NO:** 31.160.3

**RECOMMENDATION:** That the Council:

1. revoke its Waste Collection and Disposal Policy adopted on 19 September 2018.
2. adopt the Waste Collection and Disposal Policy set out below:

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## Items requiring Council Resolution

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### Policy

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## 78 WASTE COLLECTION AND DISPOSAL POLICY

Version 02

File Reference No:	31.160.3
Strategic Outcome:	Sustainable natural and built landscapes
Date of Adoption:	17/07/2019
Date for Review:	21/09/2022
Responsible Officer:	Director Technical Services

### 1. POLICY STATEMENT

Management of a waste collection disposal and recycling system for Berrigan Shire is one of the core responsibilities of Berrigan Shire Council.

This policy puts in place a framework under which the Council will deliver these services.

### 2. PURPOSE

The purpose of this policy is to plan and provide for an environmentally sustainable and effective system for waste disposal in line with the *Waste Avoidance and Resource Recovery Act 2001*, other legislation and community expectations.

### 3. SCOPE

This policy applies to all waste management activities undertaken by Berrigan Shire Council

### 4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 1.3.2:

*Manage landfill, recycling and waste disposal*

### 5. DEFINITIONS

**Hardwaste** – Includes waste that is neither putrescible (organic) or recyclable

**Greenwaste** – Includes garden waste, tree lopping and lawn clippings

**Putrescible** – Organic waste that is capable of decomposing (i.e. food scraps etc.)

## Items requiring Council Resolution



### Policy

**Recyclables** – Includes materials able to be recycled in accordance with national standards e.g. cardboard, paper, plastics, metal, batteries, tyres and whitegoods etc.

**Scavenging** – the removal of items previously left as waste from a waste management facility by the public.

**Special Event** – A special event includes the following

- Picola Football Netball League and Murray Football Netball League Grand Finals (if held in Berrigan Shire)
- Berrigan and Finley Agricultural and Horticultural Shows
- Berrigan Gold Cup
- Finley Rice Strippers Ball
- Other events as determined by the General Manager on a case-by-case basis.

## 6. POLICY IMPLEMENTATION

### 6.1 Waste management facilities

#### 6.1.1 Location

Berrigan Shire Council will operate the following facilities

- Berrigan Waste Management Facility – receives all waste
- Tocumwal Waste Management Facility – receives only clean hardwaste, recyclables and greenwaste
- Finley Recycling Centre – receives only recyclables

#### 6.1.2 Opening hours

Opening hours for these facilities are set as:

Facility	MON	TUES	WED	THURS	FRI	SAT	SUN
Berrigan	Closed	1:30pm – 4:00pm	Closed	1:30pm – 4:00pm	Closed	Closed	12:30pm – 4:00pm
Tocumwal	Closed	Closed	1:30pm – 4:00pm	Closed	1:30pm – 4:00pm	Closed	1:30pm – 4:00pm
Finley	Closed	Closed	Closed	Closed	Closed	Closed	8:30am – 12:00pm

## Items requiring Council Resolution

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### Policy

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Opening hours for these facilities will only be modified by resolution of the Council.

All waste management facilities will be closed on the following days:

- Christmas Day
- Good Friday
- ANZAC Day

While open, use of the facility will be supervised by an authorised Council employee at all times. Access to the facility outside normal opening hours is prohibited, except as otherwise allowed for in this policy.

#### 6.1.3 Fees and charges

Fees and charges for these facilities will be set annually in the Fees and Charges Register.

As a general rule, all users of the facility will be charged the appropriate fee at the time of disposal. There is to be no free use of any of the waste management facilities.

Requests for the Council to donate the cost of use of the facility are to be directed to the Council for assessment under the Donations and Financial Assistance Policy. Unless the Council has expressly given notice that it will donate the cost of the fees, payment must be made at the time of disposal.

Commercial entities frequently using the Council's Waste Management Facilities may be granted credit facilities in line with the Council's Commercial Credit Policy. Until access to credit is expressly provided, payment must be made at the time of disposal.

#### 6.1.4 Opportunity and Second-Hand shops

On application, not-for-profit community-operated Opportunity Shops selling second-hand furniture may be allowed to dispose of up to 4m<sup>3</sup> of non-putrescible waste per calendar year free of charge at the Council's Waste Management Facilities.

Organisations seeking this allowance must apply annually and in writing. The General Manager will determine the eligibility for this allowance. The Environmental Engineer will keep a register of those organisations eligible for the allowance

The Environmental Engineer will keep a record of the quantities of waste disposed by these organisations and submit this information to the Council by way of a report to a Council meeting on an annual basis as well as in the Council's Annual Report.

## Items requiring Council Resolution

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### Policy

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#### 6.1.5 Special events

The Council will cooperate with the organisers of "special events" regarding collection and disposal of waste associated with the event.

Generally, this will be by way of providing bins to allow for the normal kerbside collection service to collect. The Council will not pass on the costs of collection to the "special event" for this service.

Where this is not possible or practicable, the Council may allow access outside normal hours to a waste management facility for "special events".

If access is allowed, the following arrangements will apply

1. Before the event an authorised representative of the organisers of the "special event" will arrange a suitable time with an appropriate Council representative for after-hours access to the facility.
2. Before the event, the representative will pay any appropriate tipping fees based on an estimate of the type and quantity of the refuse expected to be disposed of. An adjustment to these fees may be made after the event if the types and quantities are materially different.
3. The normal fee charged for opening the facility outside normal hours will be waived.

Requests for subsidised tipping fees and the like will be considered as per the Council's Requests for Donations and Financial Assistance Policy.

#### 6.1.6 Scavenging rights

The Council will not allow any scavenging at any of its waste management facilities under any circumstances.

## Items requiring Council Resolution



### Policy

#### 6.2 Kerbside collection

##### 6.2.1 Services

The Council will offer the kerbside collection services shown in the table below:

Name	Service
Domestic Waste Collected	1 x Weekly pick up of 120 litre small garbage bin (Green) 1 x Fortnightly pick up 240 litre recycling bin (Blue)
Additional Service (Collected)	1 x Weekly pick up of 120 litre small garbage bin (Green)
Uncollected (vacant)	Charged on vacant land within the collection zone – no service is provided.
Business / Non Residential Garbage	1 x Weekly pick up of 240 litre big bin (Green)
Garbage and Recycling	1 x Weekly pick up of 240 litre big garbage bin (Green) 1 x Fortnightly pick up of 240 litre recycling bin (Blue)
Recycling Collected	1 x Fortnightly pick up of 240 litre recycling bin (Blue)

##### 6.2.2 Serviced area

The Garbage and Recycling services are normally only provided to those that are within the town boundary.

Under certain circumstances Council's service provider will collect outside the town boundary if a significant number of people request the service

##### 6.2.3 Voluntary service

Residents outside the service area may avail themselves of the waste kerbside collection service. A request for this service will be passed on the Environmental Engineer to assess in line with this policy.

## Items requiring Council Resolution

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### Policy

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The Environmental Engineer will determine the nearest collection point where the resident will need to bring their bins for collection.

Any property provided with a garbage service under this section will also receive a recycling collection service.

#### 6.2.4 Fees and charges

Fees and charges for these facilities will be set annually, via the:

- Fees and Charges Register,
- Rating and Revenue Policy, and
- through the Council's rates and charges resolution.

#### 6.2.5 Compassionate service

The Council will provide a larger 240 litre bin for the garbage service for Residents with special waste collection needs relating to their medical care – i.e. dialysis machine and adult incontinence aids etc.

Each request for a larger bin under this section will be assessed on their merits by the Environmental Engineer.

Residents will be asked to provide evidence – i.e. a medical certificate or a statutory declaration – in support of their request.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation and other documents

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Waste Avoidance and Resource Recovery Act 2001*
- *Reducing Waste: Implementation Strategy 2011-2015*

### 7.2 Relevant Council documents

- Fees and Charges Register
- Waste Management Asset Management Plan
- User Fees and Charges Policy
- Commercial Credit Policy
- Requests for Donations and Financial Assistance Policy

### Items requiring Council Resolution

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#### REPORT:

An inquiry from a community event regarding the Council's Waste Collection and Disposal Policy revealed that this policy was somewhat ambiguous in one respect.

The policy states that the Council will arrange for its waste collection contractor to supply and collect bins for the following "special events".

- Picola Football Netball League and Murray Football Netball League Grand Finals (if held in Berrigan Shire)
- Berrigan and Finley Agricultural and Horticultural Shows
- Berrigan Gold Cup
- Finley Rice Strippers Ball
- Other events as determined by the General Manager on a case-by-case basis.

While it was Council's intent when adopting the policy that costs involved with this service would be borne by the Council and not passed on to the event, the policy itself did not make that clear.

The proposed policy makes this clear with the addition of the following sentence:

*The Council will not pass on the costs of collection to the "special event" for this service*

No other changes are proposed.



Items requiring Council Resolution

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**5.19 ASSET ACCOUNTING POLICY**

**AUTHOR:** Finance Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:**

**RECOMMENDATION:** That the Council adopt the Asset Accounting Policy as set out below:

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## Items requiring Council Resolution




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 Policy
 

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**00. ASSET ACCOUNTING POLICY**

Version 01

File Reference No:

Strategic Outcome: Good government

Date of Adoption: 19/07/2017

Date for Review: 21/07/2021

Responsible Officer: Director Corporate Services

**1. POLICY STATEMENT**

Council has an obligation to ensure that all assets are managed efficiently in accordance with the Council's Asset Management Plan. This policy provides a framework to regulate and guide the identification, recognition and measurement of non-current assets that provide future economic benefit to Berrigan Shire Council and the community.

This policy outlines the mandatory asset management accounting requirements to maintain compliance with the Local Government Act and Australian Accounting Standards.

**2. PURPOSE**

The purpose of this policy is to provide guidance, clarity and consistency regarding the treatment of capital expenditure, depreciation, revaluations, disposals and acquisitions which will provide greater understanding and accuracy of Council's capital requirements

**3. SCOPE**

This policy applies to all non-current infrastructure, property, plant and equipment (IPPE) recognised in Council, as well as intangible assets.

This policy generally impacts upon all Council employees, volunteers and contractors. Specifically, the policy is directly applicable to Budget Centre Managers and Council officers who have asset management and asset accounting responsibilities.

**4. OBJECTIVE**

This policy is developed to assist the Council with Delivery Plan Objective 2.1.3.1:

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

## Items requiring Council Resolution

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### Policy

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#### 5. DEFINITIONS

**Accumulated Depreciation:** is the total of the entire annual depreciable amount that has been applied to the asset since the asset has been used by the entity

**Asset:** A resource which is controlled as a result of past events and from which future economic benefits are expected to flow to the entity.

**Asset Class:** refers to the categories of assets used by the Council for asset management and accounting purposes, such as land, buildings, facilities, infrastructure assets, plant and equipment, furniture and fittings.

**Capitalisation threshold:** Minimum amount whereby the value of a non-current asset must be capitalised whereas, below this cost the value is expensed.

**Capital Works in Progress** refers to Capital Works not completed within the financial year and needs to be carried in to the next financial year.

**Carrying amount:** The amount at which an asset is recognised after deducting any accumulated depreciation and accumulated impairment losses i.e. its written down value (WDV)

**Contributed asset:** An asset that is transferred at below or no cost, usually by way of contracts with developers, through government transfer arrangements or as a result of a bequest.

**Control:** The potential to contribute, directly or indirectly, to the delivery of relevant goods or services in accordance with the entity's objectives of a particular volume, quantity and quality to its beneficiaries including the ability to restrict access of others to those benefits.

**Cost:** The amount of cash or cash equivalent paid or the fair value of any other consideration given to acquire an asset at the time of its acquisition or construction.

**Council** refers to Berrigan Shire Council (BSC)

**Decommissioning:** The removal, demolition or elimination of an asset's service potential, resulting from a specific management decision.

**Depreciable amount:** The cost of an asset, or other amount substituted for cost, less its residual value.

**Depreciation:** The systematic allocation of the depreciable amount of an asset over its useful life.

**Fair Value:** The price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. For infrastructure assets, replacement cost represents fair value.

## Items requiring Council Resolution

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### Policy

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**Financially completed projects** occur after the practical completion of a project where all the project expenditure is processed to the general ledger, excluding any retention costs.

**Future economic benefit (or service potential):** The potential to contribute, directly or indirectly, the delivery of goods and services in accordance with Council's objectives of a particular volume, quantity or quality to its beneficiaries. It includes social, environmental, financial and governance benefits.

**Impairment loss:** The amount by which the carrying amount of an asset or a cash-generating unit exceeds its recoverable amount.

**Intangible asset:** An identifiable non-monetary asset without physical substance.

**Maintenance:** of an asset is periodic expenditure required to ensure that the asset lasts as long as it is expected to last (useful life) and that it provides and continues to provide future economic benefits. Maintenance can also include expenditure on non-current assets that do not meet the capitalisation criteria.

**Materiality:** as defined by AASB 1031 is 'Information is material, if its omission, misstatement or non-disclosure has the potential, individually or collectively to:

- Influence the economic decisions of users taken on the basis of financial statements or
- Affect the discharge of accountability by the management or governing body of the entity.'

**Network assets** are a chain of interconnected but dissimilar assets connected for the provision of the one simultaneous service. Individually, these assets are below capitalisation thresholds, but require recognition in the financial statements due to their collective value.

**Non-current asset:** An asset held for use rather than exchange and which provides an economic benefit for a period greater than 12 months.

**Pattern of consumption:** The pattern in which the asset's future economic benefits are expected to be consumed by Council. This may be constant, increasing, decreasing or variable.

**Practically completed projects** are where the majority of the project is practically complete, or the core asset is placed in service and commissioned.

**Renewal:** Expenditure that exceeds the useful life or increases the service potential of the asset beyond its current condition but not exceeding its current maximum design level (for example, resealing of a road).

**Replacement cost:** The cost of replacing the total potential future economic benefit of the existing asset using either reproduction or modern equivalents after taking into account any differences in the utility of the existing asset and the modern equivalent.

## Items requiring Council Resolution



### Policy

**Residual value:** The estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

**Retention costs** are costs due to the contractor withheld by the Council for a period of time as stipulated in the construction contract.

**Upgrade:** Expenditure that exceeds the useful life or increases the service potential of the asset beyond its current maximum design level – for example, widening a road to add an extra traffic lane or improve safety.

**Useful life:** The period over which an asset is expected to be available for use by Council; or the number of production or similar units expected to be obtained from the asset by Council.

**Valuation** refers to the process of determining the value of an asset.

**Written down value:** Refer: Carrying amount

## 6. POLICY IMPLEMENTATION

### 6.1. Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of and compliance with this policy, its notes and guidelines.
General Manager	Executive	To lead staff (directly and through delegated authority) in their understanding of, and compliance with, this policy and guidelines.
Budget Centre Managers	All Directorates	The Budget Centre Managers must ensure that the asset custodians comply with this policy.
All other staff and committees personnel (Asset custodians)	All Directorates	Staff and committee personnel are custodians of the assets and may be users of the asset as well. They are primarily in charge of the asset and responsible for its physical presence and maintenance.  Any change to the asset through construction, addition, disposal, decommissioning, transfer and renewal, upgrade or an action which changes its value as held in Council's books is to be communicated to the Finance Manager.

## Items requiring Council Resolution



### Policy

Position	Directorate	Responsibility
		<p>Asset Custodians are personnel who are delegated the responsibility by the Budget centre managers to maintain the inventory of the assets in their area.</p> <p>The Asset Custodians still hold the primary responsibility for the asset, including to inform the budget centre managers of costs incurred on any asset whether it is through construction, addition, disposal, decommissioning, transfer, renewal, upgrade or an action which changes its value as held in the Council's books.</p>
Finance Manager	Corporate Services	Responsible for ensuring that all Council's assets are accounted for in accordance with applicable Australian Accounting Standards and other relevant legislation.

#### 6.2. Recognition

##### 6.2.1. Criteria

Council will recognise a non-current asset if the following is satisfied:

- a) It is probable that future economic benefits associated with the item will flow to the entity; and
- b) The cost of the item can be measured reliably;
- c) The item has physical substance;
- d) The item is not held for sale and is expected to be used by the entity for more than 12 months;
- e) Council has control over the asset
- f) The cost exceeds the recognition threshold set by Council

All non-current assets are initially recognised at cost when it exceeds the recognition threshold, with the exception of network assets.

Where an asset is constructed the cost will be capitalised in the year the asset is financially complete, or at comprehensive revaluation whichever occurs first.

##### 6.2.2. Cost

The cost of a non-current asset comprises:

- a) Its purchase price, including import duties and non-refundable purchase taxes, after deducting trade discounts and rebates plus costs incidental to the acquisition, including architects' fees and engineering design fees and all other planning costs incurred

## Items requiring Council Resolution

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### Policy

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- b) Any costs directly attributable to bringing the asset to the location and condition necessary for it to be capable of operating in the manner intended by management. These include:
- i. Costs of employee benefits (as defined in AASB119 Employee Benefits) arising directly from the construction or acquisition of the asset
  - ii. Costs of site preparation
  - iii. Initial delivery and handling costs
  - iv. Installation and assembly costs
  - v. Costs of testing whether the asset is functioning properly, after deducting the net proceeds from selling any items produced while bringing the asset to that location and condition (such as samples produced when testing equipment); and
  - vi. Professional fees
- c) The initial estimate of the costs of dismantling and removing the item and restoring the site on which it is located, the obligation for which an entity incurs either when the item is acquired or as a consequence of having used the item during a particular period for purposes other than to produce inventories during that period.

Purchase costs that are to be excluded from the cost of the non-current asset are:

- a) Costs of opening a new facility;
- b) Costs of introducing a new product or service (including costs of advertising and promotional activities);
- c) Costs of conducting business in a new location or with a new class of customer (including costs of staff training); and
- d) Administration and other general overhead costs.

Costs on assets incurred after initial recognition are to be capitalised whenever the associated work either renews, extends or upgrades the asset's completed or underlying service potential.

Notwithstanding, where an asset is acquired at no cost, or for a nominal cost, such as developer and other contributed assets, the cost is its fair value as at date of acquisition. Where an asset is contributed/donated by a developer it is recognised when the Council assumes responsibility for the asset.

#### 6.2.3. Network assets

A network is a grouping of multiple assets that individually fall below the capitalisation threshold but as a whole is material in value. These assets perform a whole service and require recognition in the financial statements

## Items requiring Council Resolution

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### Policy

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#### 6.2.4. Minor assets

The acquisition of minor assets under the recognition thresholds is treated as an expense and is recorded in an Attractive Items Register. All departments within the Council are responsible for maintaining their own Attractive Items Register which is subject to periodic internal and external audit.

#### 6.2.5. Intangible assets

Where the asset does not have physical substance but meets other criteria it will be recorded as an intangible asset.

#### 6.2.6. Materiality

As guidance in considering materiality thresholds, the following are to be used:

- a) An amount equal to or greater than 10% of the appropriate base may be presumed to be material;
- b) An amount equal to or less than 5% may be presumed to be not material; and
- c) An amount between 5% and 10% requires judgement.

The asset recognition thresholds that apply to each asset class are detailed in Appendix 1.

#### 6.3. Valuation

All Council assets that qualify for recognition are to be initially measured at cost. However, where an asset is acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. Fair value is deemed to be either:

- a) Market Value if there is market evidence, or
- b) Depreciated Current replacement cost if there is no market evidence

Where an asset was acquired in prior financial years and has yet to be recorded in Councils financial asset register, the asset is to be brought to account at the fair value as at the date of recognition.

The valuation method applicable to each Asset Class is detailed in Appendix 1

#### 6.4. Renewal/Upgrade/Improvement

After initial recognition of all non-current assets at cost, assets are maintained to their optimum service potential through annual capital programs. Each year capital programs are budgeted, and the asset custodians will have their inputs for each asset classes.



## Items requiring Council Resolution

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### Policy

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#### 6.4.1. Treatments

Based on the asset conditions, the use or consumption of assets and service potential, projects will be budgeted. This will include renewals, upgrades or improvements to the assets.

**Renewals** - Re-establishing an existing asset's service potential; required once an asset's condition degrades to the point the related service can no longer be adequately provided.

**Upgrade** - Enhancement to existing assets to provide a higher level of service from the current level of service.

**Improvement** - Improve an existing assets condition from the current condition or service potential which will then improve the useful life and remaining useful life.

A similar accounting process will be carried out for the above three capital treatments to the assets. During capitalisation process the relevant asset will be added with the actual capital sent and the condition will be improved based on the in-house engineer's condition assessment.

#### 6.4.2. Capitalisation

Capital expenditure on existing assets can be capitalised when the following criteria is met:

- a) The amount exceeds the asset recognition threshold; and ONE of the following applies:
  - i. The resulting asset provides a higher level of service (increase of service capacity or service quality), an upgrade; or
  - ii. The expenditure results in an overall cost saving; or
  - iii. The expenditure extends the life of the resulting asset beyond the original expectation, a renewal.

Expenditure that does not meet the above classification is treated as an expense in the financial statements

#### 6.5. **Revaluation**

All non-current assets subject to a revaluation process in accordance with AASB116 are to be revalued at Fair Value. The Gross Revaluation method is to be applied, whereby any accumulated depreciation at the date of revaluation is restated proportionally to the change in the asset's gross carrying amount. With the exception of assets that remain valued at cost, a full revaluation is undertaken every three to five years.

Assets will be valued where applicable taking into account economic obsolescence, surplus capacity and asset optimisation.

## Items requiring Council Resolution

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### Policy

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An interim revaluation using indices developed via a desktop approach is to be undertaken at financial year-end for an asset class subject to regular revaluations whenever there has been a material movement in replacement cost (or market value, where applicable) since the last comprehensive revaluation.

If the carrying amount of a class of assets decreased as a result of revaluation, the net revaluation decrease shall be recognised in profit or loss

#### 6.6. Depreciation

The straight-line method is adopted by Council to reflect patterns of consumption for all noncurrent assets, other than parcels of land, which are not subject to depreciation or amortisation.

Depreciation and amortisation parameters (remaining life, asset condition, residual value), are to be reviewed at least annually to ensure currency for end of financial year reporting.

#### 6.7. Impairment

Where the carrying amount of an asset is found to exceed the recoverable amount the asset is to be written down to the recoverable amount and an impairment loss recorded. The impairment loss will be recognised immediately as an expense, unless the asset class is carried at a revalued amount. In this circumstance, any impairment losses shall be treated as a revaluation decrease in accordance to AASB 136 Impairment of Assets to the extent it reverses any previous revaluation increment.

Council is obligated to assess at each reporting date whether any assets are impaired. The indicators of impairment include:

- a) Economic performance.
- b) Obsolescence by design.
- c) Significant changes to its primary use.

All assets are to be reviewed annually for impairment

#### 6.8. Work in progress

Capital work-in-progress is to be disclosed as a separate category for financial reporting purposes, at accumulated cost.

Work in progress balances are to be reviewed monthly to ensure completed projects are brought to account as assets within a timely manner and any operational costs are expensed accordingly.

## Items requiring Council Resolution

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### Policy

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#### 6.9. Disposal

Valuable Non-Current Assets may be disposed as per Councils Disposal Policy.

When Council resolves to sell a non-current asset and the disposal is likely to occur within 12 months, the asset is to be classified as 'Held for Sale' in the Current Assets. The valuation of such as assets will be the lower of carrying value in the asset register as at the date of resolution or fair value less costs to sell if the carrying amount will be recovered principally through sale transactions. Assets held for sale are to be reviewed each end of financial year. If the sale is no longer occurring within 12 months then the asset is to be reclassified back to non-current assets

Assets are to be removed from Council asset registers on disposal, trade-in, retirement, decommissioning, abandonment, confirmation of any theft or loss or when it is withdrawn from use and no further economic benefits are expected from the asset.

#### 6.10. Disclosures

Council shall disclose the following on non-current assets within the financial statements:

- a) Measurement basis used for determining gross carrying amount;
- b) Capitalisation thresholds for asset recognition;
- c) Depreciation/amortisation methods used;
- d) Useful lives or the depreciation/amortisation rates used;
- e) For each asset class, the gross carrying amount and the accumulated depreciation/amortisation (aggregated with accumulated impairment losses) at the beginning and end of the period; and
- f) For each asset class a reconciliation of the carrying amount at the beginning and end of the period showing:
  - i. additions
  - ii. transfers between asset classes
  - iii. assets classified as held for sale
  - iv. disposals
  - v. increases or decreases from revaluations
  - vi. impairment losses recognised
  - vii. depreciation

Details of any revaluations including the valuer's name, type of revaluation (full revaluation or interim revaluation), date of effect and the financial impact (both for gross value and accumulated depreciation).

Disclosures within the financial statements in regards to fair value are outlined at Appendix 2.

## Items requiring Council Resolution

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### Policy

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#### 6.11. Review

This policy will be reviewed when any of the following occur:

- a) As required by legislation.
- b) The related documents are amended or replaced.
- c) As determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years

### 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

#### 7.1. Legislation

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2005* (NSW)
- OLG Code of Accounting Practice and Financial Reporting circulars

#### 7.2. Australian Accounting Standards

- AASB 5 Non-current Assets Held for Sale and Discontinued Operations
- AASB 13 Fair Value Measurement
- AASB 101 Presentation of Financial Statements
- AASB 108 Accounting Policies, Change in Accounting Estimates and Errors
- AASB 116 Property, Plant and Equipment
- AASB 16 Leases
- AASB 123 Borrowing Costs
- AASB 136 Impairment of Assets
- AASB 137 Provisions, Contingent Liabilities and Contingent Assets
- AASB 138 Intangible Assets
- AASB 140 Investment Property
- AASB 1041 Revaluation of Non-Current Assets
- AASB 1031 Materiality
- AASB 1051 Land Under Roads
- AASB 1049 Whole of Government and General Government Sector Reporting
- SAC4 Statement of Accounting Concepts – Controlled Assets

#### 7.3. Industry guidelines

- IPWEA's Australian Infrastructure Financial Management Guidelines
- CPA Guide to Valuation and Depreciation for Public and Not-for-profit sectors under AASB Accounting Standards

Items requiring Council Resolution

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Policy

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- NSW Treasury TPP 14-01 Accounting Policy: Valuation of Physical Non-Current Assets at Fair Value

**7.4. Council policies, strategies and plans**

- Disposal Policy
- Asset Management Policy
- Capital Works on Community Facilities Policy
- Contributory Footpath and Kerb and Gutter Schemes
- Legislative Compliance Policy
- Procurement and Disposal Policy
- Risk Management Policy & Framework
- Tender Policy
- Accounting Policy
- Berrigan Shire Council Asset Management Plans
- All Other Integrated Planning and Reporting documentation

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## Items requiring Council Resolution



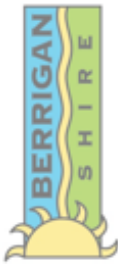
### Policy

#### APPENDIX 1 - ASSET RECOGNITION THRESHOLDS

Asset Class	Asset Category	Examples	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
Capital Works in Progress Plant & Equipment	Plant & Equipment	Major plant (graders, loaders, etc.), fleet vehicles (cars, utes, etc.) and minor plant (chainsaws, mowers etc.)	All >\$2,000	N/A 5-15	At Cost Historical Cost	N/A Cost approach – depreciated historical cost
	Office Equipment	IT Hardware, printing devices, Telephone equipment, network devices, electronic equipment	>\$2,000	4-10	Historical Cost	Cost approach – depreciated historical cost
	Furniture & Fittings	Indoor furniture	>\$2,000	10-20	Historical Cost	Cost approach – depreciated historical cost
Land*	Operational	Land under Council offices, depots, libraries, water and sewer treatment plants etc.	All	N/A	Fair Value	Market Value
	Community	Land under parks, recreation reserves, public halls etc.	All	N/A	Fair Value	Market Value
Land Under Roads – acquired since 01/07/2008			All	N/A	Fair Value	Cost approach – depreciated historical cost

\*Minor land parcels (less than 100m<sup>2</sup> or less than 3m in width) have no market value and possess limited or negligible service potential. Due to materiality these minor land parcels are recorded in Council's financial asset register at nominal value.

Items requiring Council Resolution



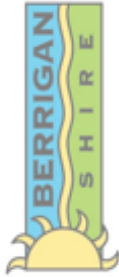
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Asset Class	Asset Category	Examples	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
Land Improvements - depreciation	Activity Area	Car parks, netball and tennis courts, fences etc.	>\$5,000	80	Historical Cost	N/A
Infrastructure: Buildings	Non Specialised / Specialised	Replacement of whole components such as roof, wall, door, floor coverings, bathrooms, kitchens, security systems, electrical systems, air conditioners and elevators	>\$10,000	20-100	Fair Value	Market Value and Historical cost
Transport	Roads including Kerb & Channels, Carparks, Runways & Taxiways, Bridges & Culverts, Footpaths	Formation, pavement, surface, kerb & gutter, crash barrier, road island  Deck, abutment, substructure  Pathway, cycleway, footbridge	>\$10,000	20-60  50-100  40	Fair Value  Fair Value  Fair Value	Cost approach and Current Replacement cost  Current Replacement cost  Current Replacement cost
Stormwater Drainage	Bulk Earthworks (non-depreciable) Stormwater Drainage	Formations / Levee banks  Culverts, channels, detention basins, headwalls, pipes, pits, flood warning system	>\$10,000	20  80-100	Fair Value  Fair Value	Historical cost / current replacement cost  Current Replacement cost

Z O - H C F O S M R

Items requiring Council Resolution

Z O - H C F O S M R



Policy

Asset Class	Asset Category	Examples	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
Water Infrastructure	Pump stations	Mechanical and electrical components, civil Structures	>\$10,000	60-90	Fair Value	Current replacement Cost Unit Rate / Condition based
	Water mains	Pipework	>\$10,000	70-80	Fair Value	Current replacement Cost
	Water Ancillary Treatment plant	Telemetry, monitoring	>\$10,000	15-20	Fair Value	Current replacement Cost
		Mechanical and electrical components, civil structures	>\$10,000	10-100	Fair Value	Current replacement Cost
	Water Reservoir	Mechanical and electrical components, pipework, roofs, structures	>\$10,000	80-100	Fair Value	Current replacement Cost
	Sewer Infrastructure	Sewer/ Effluent Pump stations	Mechanical and electrical components, civil structures	>\$10,000	50-70	Fair Value
Swimming Pools	Sewer/Effluent mains	Pipework	>\$10,000	30-50	Fair Value	Current replacement Cost
	Sewer Ancillary	Monitoring, telemetry	>\$10,000	10-100	Fair Value	Current replacement Cost
	Sewer/Effluent	Treatment Plant Mechanical and electrical components, civil structures	>\$10,000	10-100	Fair Value	Current replacement Cost
		Pool shell, tiling	>\$5,000	50	Fair Value	Current replacement Cost



Items requiring Council Resolution



Policy

Asset Class	Asset Category	Examples	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
Other Open Space / recreational		Playground equipment, boating facility, fences, gates, outdoor furniture, lighting, barbecues, bike racks, stairs, shelters	>\$5,000	20	Fair Value	Current replacement Cost
<b>Other Assets:</b>						
Heritage		Mosaics, tapestries other heritage items	All	50-100	Historical Cost	Cost Approach
Library books		Book collection	All	50	Historical Cost	Cost Approach
Intangible	Software	Includes both internally generated and externally supplied.	>\$5,000	3-15	Historical cost	N/A
Other		Artwork, artefacts, flagpoles	>\$2,000	5-100	Historical Cost	N/A
<b>Reinstatement, rehabilitation and restoration assets</b>						
Tip assets			All	25-80	Historical cost	N/A
Quarry assets			All	25-80	Historical cost	N/A

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## Items requiring Council Resolution



## Policy

**APPENDIX 2- FAIR VALUE FINANCIAL STATEMENT DISCLOSURES**

Level of Input			Disclosure dependent upon Level of Valuation Input
1	2	3	
✓	✓	✓	The amounts of any transfers between Level 1 and Level 2 of the fair value hierarchy, the reasons for those transfers and Council's policy for determining when transfers between levels are deemed to have occurred. Transfers into each level shall be disclosed and discussed separately from transfers out of each level.
	✓	✓	A description of the valuation technique(s) and the inputs used in the fair value measurement. If there has been a change in valuation technique (e.g. changing from a market approach to an income approach or the use of an additional valuation technique), Council shall disclose that change and the reason(s) for making it.
		✓	The effect of the measurements on profit or loss or other comprehensive income for the period.
		✓	A reconciliation from the opening balances to the closing balances, disclosing separately changes during the period attributable to the following: <ul style="list-style-type: none"> <li>(i) total gains or losses for the period recognised in profit or loss (at line item level)</li> <li>(ii) total gains or losses for the period recognised in other comprehensive income (at line item level)</li> <li>(iii) purchases, sales, issues and settlements</li> <li>(iv) the amounts of any transfers into or out of Level 3, the reasons for those transfers and the entity's policy for determining when transfers between levels are deemed to have occurred. Transfers into Level 3 shall be disclosed and discussed separately from transfers out of Level 3.</li> </ul>
		✓	A description of the valuation processes used by Council.
		✓	If the highest and best use of an asset differs from its current use, disclose that fact and why the asset is being used in a manner that differs from its highest and best use.
		✓	If the highest and best use of an asset differs from its current use, disclose that fact and why the asset is being used in a manner that differs from its highest and best use.

Items requiring Council Resolution

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**REPORT:**

Recent feedback from external auditors have required Council staff to formalise an Asset Accounting Policy.

The purpose of this policy is to provide guidance, clarity and consistency regarding the treatment of capital expenditure, depreciation, revaluations, disposals and acquisitions which will provide greater understanding and accuracy of Council's capital requirements.

It sets out capitalisation thresholds, valuation and fair value methodology, applicable to all non-current infrastructure, property, plant and equipment (IPPE) recognised in Council, as well as intangible assets.

This policy generally impacts upon all Council employees, volunteers and contractors. Specifically, the policy is directly applicable to Budget Centre Managers and Council officers who have asset management and asset accounting responsibilities.

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Items requiring Council Resolution

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**5.20 DRAFT COMMUNITY PARTICIPATION PLAN****AUTHOR:** Strategic & Social Planning Coordinator**STRATEGIC OUTCOME:** Sustainable natural and built landscapes**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes**FILE NO:****RECOMMENDATION:** That the Council

1. Adopt the Draft Community Engagement Framework and Community Participation Plan as set out below:

## Items requiring Council Resolution



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**Policy**

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**00 DRAFT COMMUNITY ENGAGEMENT  
FRAMEWORK & COMMUNITY PARTICIPATION  
PLAN**

Version 01

File Reference No: 04.121.5

Strategic Outcome: Supported and engaged communities

Date of Adoption: 17/07/2019

Date for Review: 21/07/2021

Responsible Officer: Strategic and Social Planning Coordinator

**BACKGROUND**

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

The Shire recognises that residents, rate payers and frequent visitors to the Shire have diverse opinions, ideas and extensive life experience. Community engagement allows the Shire to facilitate:

- The sharing of this resource; and
- The sharing of the best available information so that better decisions are made about the issues, and challenges, that affect our community.

**PURPOSE**

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

- Council's Planning System;
- Council's Delivery Program and Operational Plan activities; and
- The development of the Shire's Community Strategic Plan, other Council Plans, and the Strategies that may from time to time be developed by the Council.

## Items requiring Council Resolution

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### Policy

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#### SCOPE

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

#### PRINCIPLES

The following principles<sup>1</sup> will be used by the Shire to guide its engagement with our community: the people, who live, work, study in, and visit the Shire.

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

#### LEGISLATIVE REQUIREMENTS

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

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

- Land Use and Development Planning System; and
- Corporate Planning System.

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<sup>1</sup> Adapted from: International Association for Public Participation (2008) *IAP2 Public Participation Spectrum*

## Items requiring Council Resolution

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### Policy

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#### ***Environmental Planning and Assessment Act 1979 (EP&A Act)***

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

#### ***Local Government Act 1993***

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

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

#### **DEFINITIONS**

***Community:*** The people who live, work, study in, and visit the Shire. This includes and is not limited to: residents, ratepayers, local business – employees, suppliers, consumers and markets; utility providers; community and environmental agencies that outreach and or undertake activities in the Shire; state, health and education providers; regional, state and federal government agencies and or authorities.

***Community Engagement:*** Community engagement is a process that is best described as an approach to developing and sustaining a working relationship between the Berrigan Shire Council and the wider community.

***Community Participation Plan:*** This Plan describes how the community can participate in the Council's Planning System. Consistent with the objectives of the EP&A Act the Council's CPP aims to increase community participation in environmental planning and assessment and is the Council's tool to deliver this aim.

## Items requiring Council Resolution

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### Policy

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

**Council Activities:** Shire Council activities are those described in the Council's Annual Operation Plan and 4-year Delivery Program.

#### IMPLEMENTATION

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

1. Legislative requirements
2. The assessed impact on our community:
  - i. Upon how we plan and deliver Council activities.
  - ii. Of a proposal or community issue.

Legislative requirements include and are not limited to Integrated Planning and Reporting *Community Strategic Plan* and Council Strategy development, Asset Management Plan development and review, Local Environment Planning, and Development Applications.

For Council Planning System activities (Local Environment Planning and Development Applications) the CPP and the Council's Community Engagement Framework guides Council decision-making on when and how our community can participate in the process of a Council's determination of a project or Application assessed in accordance with the EP&A Act.

For non-planning system, that is Council Integrated Planning and Reporting activities the Council's Community Engagement Framework is used.

#### COMMUNITY PARTICIPATION PLAN (CPP)

##### **Objectives**

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



Items requiring Council Resolution



**Policy**

**Application**

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

1. **Planning:** activities undertaken by the Council that set the strategic direction, vision or context for the Council's planning system. This includes the development by the Council of planning proposals; the Council's Local Strategic Planning Statements, Local Environment Plan, Community Participation Plans, Development Control Plans and Contributions Plans.
2. **Assessment and Determination of Development Applications & Other Matters:** activities undertaken by the Council where consideration and determinations made under the EP&A Act 1993.

The following table provides an at-a-glance summary of the Council's minimum exhibition requirements. The Council will always exhibit a proposal for the mandated minimum timeframe.

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

RESOLUTION

## Items requiring Council Resolution



### Policy

Planning and Development Function	Public Exhibition Time Frames – mandatory unless otherwise indicated
Community participation and public exhibition requirements	Refer to Schedule 1 EP&A Act
<b>Council Function: Planning</b>	
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Up to 14 days based on the scale and nature of the proposal
Environmental impact statement obtained under Division 5.1	28 days

\* Public Exhibition timeframes are calendar days and include weekends

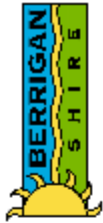
\*\*The Public Exhibition timeframes exclude the calendar days 20 December to 10 January (inclusive).

The Council in exercising its planning and assessment functions per the Objectives of this CPP will apply these objectives as principles to the application of its Community Engagement Framework and in doing so identify how the community can participate in the Council's Planning System.

#### Community Participation Principles

- (a) *The community has a right to be informed about planning matters that affect it.*
- (b) *Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.*
- (c) *Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.*
- (d) *The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.*
- (e) *Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.*
- (f) *Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.*
- (g) *Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).*
- (h) *Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development. (Section 2.23 (2) of the EP&A Act)*

Items requiring Council Resolution



Policy

CPP and Council Community Engagement Framework

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

## Items requiring Council Resolution



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**Policy**

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**RELATED LEGISLATION, POLICIES AND STRATEGIES**

- Social Justice Framework 2016
- Policy Asset Management Policy 2016
- Development Control Plan 2014
- Local Policy For Relocation Of Previously Used Residences 2015
- Risk Management Policy And Framework 2017
- Policy For Volunteering In Berrigan Shire
- Naming Of Community Facilities And Open Space Policy 2014
- Legislative Compliance Policy 2014

## Items requiring Council Resolution

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2. Per the requirements of the *Environmental Planning and Assessment Act 1993* place the Reviewed Community Engagement Framework and Draft Community Participation Plan on Public Exhibition (24/7/2019 – 21/8/2019) with comment and submissions directed to the General Manager to be received by close of business 21/8/2019.

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### REPORT:

New South Wales Councils pursuant to Division 2.6 of the Environmental Planning and Assessment Act 1979 are required to prepare and publish on the NSW Planning Portal by 1 December 2019 a Community Participation Plan (CPP).

Attached for Council consideration and adoption for public exhibition is a review of the Council's current Community Engagement Framework which now includes a Draft Community Participation Plan the purpose of which is to provide information to our community on how the community can participate in the Council's Planning System. Included in the Draft Community Participation Plan are the minimum public exhibition times (Schedule 1) of the Environmental Planning and Assessment legislation for the planning functions that are relevant to Council.

Section 2.23 (4) of the Environmental Planning and Assessment Act 1979 gives Council the option of preparing a stand-alone Community Participation Plan or include the requirements in a community engagement plan or strategy per section 402 of the Local Government Act.

The Appended Draft Community Engagement Framework and Community Participation Plan gives effect in a single document to the requirements of section 402 of the Local Government Act 1993 and the Community Participation requirements of Section 2.23 (4) of the Environmental Planning and Assessment Act

Council Officers have also been advised that it is expected that Council's will transfer all community participation requirements from development control plans to their CPP or a community engagement strategy prepared to meet CPP requirements. Further, reflecting this expectation the Department of Planning NSW has advised that it is working to amend or delete inconsistent Regulation requirements by December 2019.

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### Items requiring Council Resolution

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## 5.21 REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 25.138.1

**RECOMMENDATION:** That the Council make a formal submission regarding the report on the Local Government Rating System issued by the Independent Pricing and Regulatory Tribunal (IPART) in December 2016.

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### REPORT:

The NSW Independent Pricing and Regulatory Tribunal (IPART) undertook a review of the local government rating system and issued a report with recommendations for change in December 2016. This report has now been released by the NSW Government with a copy attached as Appendix "G".

The report includes 42 recommendations for the NSW Government to improve and streamline the rating system used in NSW.

The NSW Office of Local Government (OLG) is seeking comment regarding these changes and has issued a Feedback Form for this purpose – attached as Appendix "H".

OLG describe IPART's recommendations below:

*IPART's proposals recommend a fundamental change to the way in which council rates are calculated, a significant redesign of the pensioner rebate scheme for council rates and charges as well as proposals to remove or scale back council rates exemptions. If these proposals were implemented, many residents in Sydney as well as many other people across NSW would face significant changes to their rates in future.*

*Other key issues IPART raises in the review's Final Report include:*

- *different means of valuing properties for rating purposes, such as Capital Improved Value*
- *if exemptions from rating should be given based on land use rather than ownership, and*

### Items requiring Council Resolution

- *if eligible pensioners should have access to a partial rates deferral scheme in future.*

Note that OLG have ruled out several of the recommendations, including the partial rates deferral scheme and most of the proposed changes to rating exemptions. The rationale given by OLG for ruling these out are is that “they may have adverse impacts on vulnerable members of the community, affect regional jobs and economies, or substantially increase costs for taxpayers and the broader community.”

Submissions close on 13 September 2019.

Council staff have considered the recommendations and have made the following observations in the table below. Recommendations in grey have either already been implemented or have been ruled out by OLG.

These comments – subject to support by the Council - will form the basis of a formal response.

No	Recommendation	Comment
1	The Local Government Act 1993 (NSW) should be amended to mandate Capital Improved Value (CIV) as the basis for setting ad valorem rates in the metropolitan council areas defined in Box 3.1.	<b>Support</b> – for urban areas in particular CIV is a fairer method of distributing the rates burden
2	The <i>Local Government Act 1993</i> (NSW) should be amended to allow non-metropolitan councils to choose between the Capital Improved Value and Unimproved Value (UV) methods as the basis for setting ad valorem rates at the rating category level.	<b>Support</b> – The impact of CIV is not as great in rural areas. Greater freedom in selecting the right rating model for our community would be preferred though.
3	The Local Government Act 1993 (NSW) should be amended to facilitate a gradual transition of rates to a Capital Improved Value method. – The amount of rates that any ratepayer is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for Special Variations) each year as a result of a council adopting a Capital Improved Value method for setting rates. Councils could apply to IPART to exceed this 10% limit.	<b>Not support</b> – This is more a matter for merged councils rather than BSC. That said, maintaining rating inequalities for a longer period than absolutely necessary does not seem fair

## Items requiring Council Resolution

No	Recommendation	Comment
4	Section 497 of the Local Government Act 1993 (NSW) should be amended to remove minimum amounts from the structure of a rate, and section 548 of the Local Government Act 1993 (NSW) should be removed.	<b>Support</b> - No real impact on BSC as it has no minimum rate. With CIV much of the reason to have a minimum rate goes away
5	The Local Government Act 1993 (NSW) should be amended so that the growth in rates revenue outside the rate peg is calculated using the formula based on changes in CIV, defined in Box 4.1. 50 – For non-metropolitan councils, this formula would be independent of the valuation method chosen as the basis for setting ad valorem rates	NOTE: OLG comment “For non-metropolitan councils, this formula would be independent of the valuation method chosen as the basis for setting ad valorem rates”  <b>Support</b> -Development would lead to additional rate revenue to support that development. Would mean BSC would need CIV to determine rate increase outside the peg even if it continues to rate on UCV
6	The NSW Government fund the NSW Valuer General for the upfront cost of establishing the database to determine Capital Improved Values.	<b>Support</b> - obviously
7	The NSW Government fund the cost for a non-metropolitan council to set up a Capital Improved Value database for the purposes of implementing our recommended formula for calculating growth in rates revenue outside the rate peg, where the Unimproved Value method for setting rates is maintained.	Support - Would not be practical for BSC to pay for two sets of values, when one is used solely to determine rates growth above the peg.



## Items requiring Council Resolution

No	Recommendation	Comment
8	<p>The Local Government Act 1993 should be amended to allow councils to levy a new type of special rate for new infrastructure jointly funded with other levels of Government. This special rate should be permitted for services or infrastructure that benefit the community, and funds raised under this special rate should not:</p> <ul style="list-style-type: none"> <li>• form part of a council's general income permitted under the rate peg, nor</li> <li>• require councils to receive regulatory approval from IPART.</li> </ul>	<p><b>Support</b> – although the exemption from the IPART process should be wider.</p>
9	<p>Section 511 of the Local Government Act 1993 should be amended to reflect that, where a council does not apply the full percentage increase of the rate peg (or any applicable Special Variation) in a year, within the following 10-year period, the council can set rates in a subsequent year to return it to the original rating trajectory for that subsequent year.</p>	<p><b>Support</b> – allows for Councils to have an upfront and frank discussion with their communities about rating without limiting the Council's options in the future.</p>
10	<p>The Local Government Act 1993 should be amended to remove the requirement to equalize residential rates by 'centre of population'. Instead, the Local Government Act 1993 should allow councils to determine a residential subcategory, and set a residential rate, by:</p> <ul style="list-style-type: none"> <li>• separate town or village, or</li> <li>• residential area.</li> </ul>	<p><b>Support</b> - Unlikely to impact BSC although may allow for some additional flexibility in setting rates</p>

## Items requiring Council Resolution

No	Recommendation	Comment
11	<p>The Local Government Act 1993 should outline that:</p> <ul style="list-style-type: none"> <li>• A 'residential area' is an area within a contiguous urban locality that has, on average, different access to, demand for, or costs of providing council services or infrastructure (relative to other areas in that locality).</li> <li>• Councils could use geographic markers to define the boundaries for a residential area, including postcode boundaries, suburb boundaries, geographic features (eg, waterways, bushland) and/or the location of major infrastructure (eg, arterial roads, railway lines)</li> </ul>	<p><b>Support</b> - Unlikely to impact BSC although may allow for some additional flexibility in setting rates</p>
12	<p>The Local Government Act 1993 should be amended so, where a council uses different residential rates within a contiguous urban locality, it should be required to:</p> <ul style="list-style-type: none"> <li>• ensure the highest rate structure is no more than 1.5 times the average rate structure across all residential subcategories (ie, so the maximum difference between the highest and average ad valorem rates and base amounts is 50%), or obtain approval from IPART to exceed this maximum difference, and</li> <li>• publish the different rates (along with the reasons for the different rates) on its website and in the rates notice received by ratepayers.</li> </ul>	<p><b>Support</b> - Unlikely to impact BSC although may allow for some additional flexibility in setting rates</p>

Items requiring Council Resolution

No	Recommendation	Comment
13	<p>At the end of the 4-year rate path freeze, new councils determine whether any pre-merger areas are separate towns or villages, or different residential areas.</p> <ul style="list-style-type: none"> <li>• In the event that a new council determines they are separate towns or villages, or different residential areas, it should be able to continue the existing rates or set different rates for these pre-merger areas, subject to metropolitan councils seeking IPART approval if they exceed the 50% maximum differential. It could also choose to equalise rates across the pre-merger areas, using the gradual equalisation process outlined in the report.</li> <li>• In the event that a new council determines they are not separate towns or villages, or different residential areas, or it chooses to equalise rates, it should undertake a gradual equalisation of residential rates. The amount of rates a resident is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for Special Variations) each year as a result of this equalisation. The Local Government Act 1993 should be amended to facilitate this gradual equalisation</li> </ul>	<p><b>Oppose</b> - This is more a matter for merged councils rather than BSC. That said, BSC's position when its merger was proposed was that rates should equalise as soon as possible – in the interest of fairness</p>
14	<p>Sections 555 and 556 of the Local Government Act 1993 should be amended to:</p> <ul style="list-style-type: none"> <li>• exempt land on the basis of use rather than ownership, and to directly link the exemption to the use of the land, and</li> <li>• ensure land used for residential and commercial purposes is rateable unless explicitly exempted</li> </ul>	<p>OLG have ruled this out</p>

RESOLUTION

## Items requiring Council Resolution

No	Recommendation	Comment
15	Land that is used for residential care as defined in Section 41-3(1) of the Aged Care Act 1997 (Cth) be proportionally rateable according to the share of places whose maximum Refundable Accommodation Deposit is above the level set by the Minister for Health and Aged Care (currently \$550,000).	OLG have ruled this out
16	Section 556(1)(i) of the Local Government Act 1993 should be amended to include land owned by a private hospital and used for that purpose.	<b>Not support</b> – Could support private hospitals that are public benevolent institutions but <b>not</b> for-profit hospitals. Why should a for-profit hospital get a rates exemption? Would this exemption extend to allied health services?
17	The following exemptions be removed: <ul style="list-style-type: none"> <li>•• land that is vested in, owned by, or within a special or controlled area for, the Hunter Water Corporation, Water NSW or the Sydney Water Corporation (Local Government Act 1993 section 555(1)(c) and section 555(1)(d))</li> <li>•• land that is below the high water mark and is used for the cultivation of oysters (Local Government Act 1993 section 555(1)(h))</li> <li>•• land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim (Local Government Act 1993 section 556(1)(g)), and</li> <li>•• land that is managed by the Teacher Housing Authority and on which a house is erected (Local Government Act 1993 section 556(1)(p))</li> </ul>	OLG have ruled this out
18	Section 555(1)(b1) of the Local Government Act 1993 should be amended to remove the current rating exemption for land that is the subject of a conservation agreement and instead require it to be rated using the Environmental Land category	<b>Support</b> – improvement on current exemption and recognizes land still enjoyed solely by ratepayer.

## Items requiring Council Resolution

No	Recommendation	Comment
19	<p>The following exemptions not be funded by local councils and hence should be removed from the Local Government Act and Regulation:</p> <ul style="list-style-type: none"> <li>• land that is vested in the Sydney Cricket and Sports Ground Trust (Local Government Act 1993 section 556(1)(m))</li> <li>• land that is leased by the Royal Agricultural Society in the Homebush Bay area (Local Government (General) Regulation 2005 reg 123(a))</li> </ul> <p>land that is occupied by the Museum of Contemporary Art Limited (Local Government (General) Regulation 2005 reg 123(b)), and</p> <ul style="list-style-type: none"> <li>• land comprising the site known as Museum of Sydney (Local Government (General) Regulation 2005 reg 123(c)).</li> <li>• The NSW Government should consider whether to fund these local rates through State taxes.</li> </ul>	OLG have ruled this out
20	Where a portion of land is used for an exempt purpose and the remainder for a non-exempt activity, only the former portion should be exempt, and the remainder should be rateable	OLG have ruled this out
21	Where land is used for an exempt purpose only part of the time, a self-assessment process should be used to determine the proportion of rates payable for the non-exempt use	OLG have ruled this out
22	A council's maximum general income not be modified as a result of any changes to exemptions from implementing IPART's recommendations.	<b>Support</b> – although impact would be minimal given OLG have ruled most changes to exemptions out

## Items requiring Council Resolution

No	Recommendation	Comment
23	<p>A council may apply to IPART for a Special Variation to take account of the changes in exemptions using a streamlined process in the year that IPART's recommended exemption changes come into force. The council would need to demonstrate:</p> <ul style="list-style-type: none"> <li>• it satisfies the first criteria for Special Variation applications in the OLG guidelines relating to the need for and purpose of a different revenue path for the council's General Fund, and</li> <li>• that any subcategory rating structure applied to previously exempt properties is no greater than the average rate structure across the relevant rating category.</li> </ul>	<p><b>Support</b> – although impact would be minimal given OLG have ruled most changes to exemptions out.</p> <p>One could ask – why aren't all SRV applications "streamlined"?</p>
24	<p>The Local Government Act 1993 should be amended to remove the current exemptions from water and sewerage special charges in section 555 and instead allow councils discretion to exempt these properties from water and sewerage special rates in a similar manner as occurs under section 558(1).</p>	<p><b>Support</b> – allows Council to use its discretion</p>
25	<p>At the start of each rating period, councils calculate the estimated value of rating exemptions within the council area. This information should be published in the council's annual report or otherwise made available to the public.</p>	<p><b>Not support</b> – no community benefit demonstrated to offset the additional regulatory burden. IPART are optimistic about public awareness and interest when they state "This would improve public awareness about exemptions, and facilitate assessments about their appropriateness"</p>
26	<p>For new and existing eligible pensioners, introduce a rate deferral scheme operated by the NSW Government, where:</p> <ul style="list-style-type: none"> <li>• Eligible pensioners would be allowed to defer payment of ordinary council rates up to \$1,000 per annum and indexed to CPI, or any other amount as determined by the NSW Government.</li> </ul>	<p>OLG have ruled this out</p>

## Items requiring Council Resolution

No	Recommendation	Comment
27	<p>If the NSW Government supports Recommendation 26, should the NSW Government give existing eligible pensioners the option to access, either:</p> <ul style="list-style-type: none"> <li>• the current pensioner concession, or</li> <li>• the rate deferral scheme, as defined in Recommendation 26.</li> </ul>	OLG have ruled this out
28	<p>If the NSW Government supports Recommendation 26, should the NSW Government support funding pensioner assistance through:</p> <ul style="list-style-type: none"> <li>• Continuing the current pensioner concession funding arrangements.</li> <li>• The rate deferral scheme (defined in Recommendation 26) funded by the NSW</li> <li>• Government. The loan should be charged interest at the NSW Government's 10-year borrowing rate, and could become due when property ownership changes.</li> </ul>	OLG have ruled this out
29	<p>Section 493 of the Local Government Act 1993 should be amended to add a new environmental land category and a definition of 'environmental land' should be included in the Local Government Act 1993.</p> <ul style="list-style-type: none"> <li>• Land subject to a state conservation agreement is categorised as 'environmental land' for the purposes of setting rates.</li> </ul>	<b>Support</b> – improvement on current exemption and recognizes land still enjoyed solely by ratepayer.
30	<p>Section 529(2)(d) of the Local Government Act 1993 should be amended to allow business land to be subcategorised as 'industrial' and or 'commercial' in addition to centre of activity</p>	<b>Support</b> – would allow more flexibility for Council.
31	<p>Sections 493, 519 and 529 of the Local Government Act 1993 should be amended to add an optional vacant land subcategory for residential, business and mining land.</p>	<b>Support</b> – essential if a CIV is in place to encourage development, still useful with UCV. A Business – Vacant category would be handy in Barooga especially.

## Items requiring Council Resolution

No	Recommendation	Comment
32	Section 529 (2)(a) of the Local Government Act 1993 should be replaced to allow farmland subcategories to be determined based on geographic location.	<b>Support</b> – This may be useful for addressing inequalities as the Murray Darling Basin Plan is rolled out.
33	Section 518 of the Local Government Act 1993 should be amended to reflect that a council may determine by resolution which rating category will act as the residual category. <ul style="list-style-type: none"> <li>• The residual category that is determined should not be subject to change for a 4-year period.</li> <li>• If a council does not determine a residual category, the business category should act as the default residual rating category</li> </ul>	<b>Support</b> – would make option open to Council should they choose. Unlikely that Council would change however.
34	Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties.	<b>Not support</b> – Rates are a tax, not a fee for service
35	Councils have the option to engage the State Debt Recovery Office to recover outstanding council rates and charges.	Covered by Debt Management Guidelines released this year
36	The existing legal and administrative process to recover outstanding rates be streamlined by reducing the period of time before a property can be sold to recover rates from five years to three years.	<b>Support.</b> Three years is ample to sort the genuine from the non-genuine
37	All councils adopt an internal review policy, to assist those who are late in paying rates, before commencing legal proceedings to recover unpaid rates.	Covered by Debt Management Guidelines released this year
38	The Local Government Act 1993 should be amended or the Office of Local Government should issue guidelines to clarify that councils can offer flexible payment options to ratepayers.	Covered by Debt Management Guidelines released this year
39	The Local Government Act 1993 should be amended to allow councils to offer a discount to ratepayers who elect to receive rates notices in electronic formats, e.g., via email	OLG have ruled this out



Items requiring Council Resolution

No	Recommendation	Comment
40	The Local Government Act 1993 should be amended to remove section 585 and section 595, so that ratepayers are not permitted to postpone rates as a result of land rezoning, and councils are not required to write-off postponed rates after five years.	<b>Support</b> – as a matter of fairness
41	The valuation base date for the Emergency Services Property Levy and council rates be aligned. <ul style="list-style-type: none"> <li>The NSW Government should levy the Emergency Services Property Levy on a Capital Improved Value basis when Capital Improved Value data becomes available state-wide</li> </ul>	OLG have ruled this out
42	After the NSW Valuer General has established the database to determine Capital Improved Values for rating purposes, councils be given the choice to directly buy valuation services from private valuers that have been certified by the NSW Valuer General.	<b>Support</b> – market pressure on the VG can only help keep them competitive

RESOLUTION






## Items requiring Council Resolution

**5.22 JUNE 2019 QUARTER REVIEW****AUTHOR:** Strategic & Social Planning Coordinator**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:****RECOMMENDATION:** that the Council note the June 2019 Quarterly Review of the Annual Operational Plan 2018/19 circulated as Appendix "I".**REPORT:**Circulated with this Agenda as Appendix "I" is the fourth quarter review of the Council's *Annual Operational Plan 2018/19*.

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 Department of Local Government's quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program* Objectives;
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

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

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

### Items requiring Council Resolution

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

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

The following table provides a summary by strategic outcome of the status of the Council’s 2018/19 Annual Operational Plan actions.

Scheduled for the August 2019 Council meeting is an addendum to the June Quarter Review the June 2019 Delivery Program Progress Report – this report will update financial year-end performance indicators and annual Delivery Program Reporting indicators. This is information that is not available for the July 2019 Council Meeting.

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	13		4	-	1	18
Good government	14	1			1	16
Supported and engaged communities	14			1	-	15
Diverse and resilient business	16		-	-	1	17
<b>Total</b>	<b>57</b>		<b>4</b>	<b>3</b>	<b>2</b>	<b>66</b>

For noting by the Council is that 57 actions out of a total of 66 actions have been completed. The Council discussed at the Corporate Workshop earlier this year the deferral of Tocumwal Hardstand and Truck Stop pending further advice or action on this issue by NSW Transport this is a deferred Diverse and resilient business objective. Similarly, the deferral of the Council’s Local Environment Plan: a Sustainable natural and built landscapes action and the development of the Corporates Services Strategic Plan: a Good government action are actions carried forward to the 2019/20 Operational Plan.

### Items requiring Council Resolution

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Not on target are four sustainable natural and built landscape actions, which are business as usual, actions. Included in the appended Operational Plan Review are comments by the responsible officers for these actions.

- 1.2.1.3 Undertake tree assessments and establish a tree register
- 1.3.1.1 Review and implement asset management plans which maintain a balance between improving and maintaining flood levees, stormwater, Council roads, paths and trails
- 1.3.1.4 Continue remediation Tocumwal Foreshore Levee
- 1.3.1.5 Maintain the safety of Council roads and walkways

**Items requiring Council Resolution**

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**5.23 FINANCIAL REVIEW****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 12.019.1**RECOMMENDATION:** that the Council:

1. note the fourth quarterly review of the 2017/18 budget,
2. vote the funds contained therein, including carry forward items, to 2019/20, as shown in Appendix "J".

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**REPORT:**

Circulated with this report as Appendix "J" is the final quarterly financial report and program summary for the year ended 30 June 2019.

Note, no Quarterly Budget Review Statement has been prepared for this quarter. This is consistent with the Council's obligations under the *Local Government Act 1993* and associated regulations.

This report presents the final position for the year on a cash basis but also includes accruals for salaries, plant and creditors which relate to the 2018/198 financial year. The result does not include final figures for depreciation or the entire end of year journals that may be required for audit, but do include funds spent on capital works projects.

This report reflects the Council's final operating and capital expenditure results for 2018/19 and is not based on anticipated outcomes as are the other quarterly reports produced throughout the year. The final result is subject to external audit which will be conducted on 9-11 September 2019.

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### Items requiring Council Resolution

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The summarised results are as follows:

Actual surplus for the year ended 30/6/2019	\$ 6,972,651
Less unspent capital works carried forward to 2019/20	<u>\$(3,814,954)</u>
Surplus after carry forward items	\$3,157,697
less projected surplus from March 2019	<u>\$(365,092)</u>
Increase in surplus for 2018/2019	\$ 2,792,605

Note that this large increase in surplus is largely the result of the decision by the Federal Government to pay 50% of the 2019/20 Financial Assistance Grant (FAG) in advance. The additional FAG paid was \$2,478,361.

Taking FAG paid in advance into account the revised increase in cash surplus for the quarter was \$314,244 and the overall cash surplus is **\$679,336**. These funds are available for use on other projects, however any decision on the use of these funds may be better considered post-audit.

Various self-funded programs such as water, sewer, waste management, overheads, plant and Early Intervention have been balanced with transfer to and from reserves and therefore do not impact on the above result.

In nearly every case, items which make up the carry forward figure of \$3,746,761 have been previously allowed for in the revised budget figures. They have usually been carried forward due to the projects not having been completed, and the project being deemed still worthwhile for completing in 2019/20.

The carried forward figure for 2018/19 has again increased from last year. This is largely as a result of the Council's commitment to completing some large scale grant funded programs – continuing to delay somewhat the Council's own works program.

As a general rule capital items which have not been spent are carried forward unless the project is complete or the project is deemed no longer necessary. Operating items are generally only brought forward if the money is tied to a grant and therefore must be spent on a particular program.

It is important to note that the figures supplied in this report have not yet been audited. Figures could change as a result of discoveries that occur as a result of getting information ready for the audit or as a result of investigations by the auditors. The figures take into account all known and quantifiable factors up to the time of this report.

A complete list of carry forward items is shown below.

## Items requiring Council Resolution

DESCRIPTION	CARRIED FORWARDS (\$)
<b>EXPENSES</b>	
1001-0346 ADMIN AUDIT FEES	28,918
1001-0347 ELECTION EXPENSES	68,762
1010-0280 CROWN LANDS MANGEMENT EXP	61,197
1313-0131 YOUTH DEVELOPMENT	13,626
1412-0534 BGN - TRANSFER STATION	29,255
1417-0830 BRUTON ST ELEC & PIPEWORK	136,902
1417-0835 MURRAY ST WARMATTA TO WOLAMAI	22,300
1417-0840 CORCORAN ST RISING MAIN	40,307
1417-0841 JERILDERIE ST HORSFALL TO NANG	2,000
1417-0845 MCALLISTER St - HEADFORD TO OSB	7,135
1417-0846 JERSEY ST - CHANTER TO TUPPAL	2,092
1417-0849 BAROOGA-DENISON ST TABLE DRAIN	3,445
1417-0850 DENISON - WOLLAMAI TO WARMATTA	74,935
1417-0852 TOCUMWAL ST- WOLLAMAI TO WARMATTA	74,790
1417-0853 MORRIS ST- TOC REC RESERVE	5,944
1417-0854 DRAINAGE TELEMETRY UPGRADE	3,680
1417-0855 DRAINAGE ELECTRICAL CABINETS	16,312
1417-0856 TOCUMWAL ST - TUPPAL TO WOLLAMAI	75,000
1417-0857 TONGS ST CEMETERY PIPE DRAIN	87,000
1418-0501 LEVEE 1 - 4675-5700	5,596
1418-0502 LEVEE 1 - 7580-8435	34,200
1418-0503 LEVEE 1 -9100-9650	22,000
1418-0505 LEVEE TREE WORKS REMOVAL	54,044
1418-0506 LEVEE 3 - 220M	8,800
1418-0507 LEVEE 5 - 2260M	79,834
1418-0508 LEVEE WORKS - GEOTECH	16,340
1419-0518 CEMETERY - FINLEY KERB & GUTT	5,000
1421-0120 BERRIGAN CONSERVATION GROUP EX	15,742
1510-0507 TELEMETRY UPGRADE - WATER	146,202
1510-0562 FIN - REPAIR WATER TOWER LEAK	97,300
1510-0668 FIN - CLARIFIER REPLACE PONDS	475,000
1510-0669 METER CYBAL REPLACEMENT	2,208,000
1510-0895 BGN - STATIC MIXER	30,000
1510-0897 AUTOMATION QUALITY CONTROL	200,000
1512-0160 IWCM REPORTING	18,261
1610-0526 SEWER MAIN UPGRADES - TOCUMWAL	79,858
1610-0551 TOC - FENCE REPLACEMENT	14,975
1610-0590 BGN SEWER MAIN UPGRADES	30,000
1610-0610 AC MAIN RENEWALS	200,000
1610-0621 BGA UPGRADE PUMP STATION	14,703
1610-0705 FIN UPGRADE PUMP STATIONS	7,485

RESOLUTION

## Items requiring Council Resolution

DESCRIPTION	CARRIED FORWARDS (\$)
1610-0883 FIN - GRAVEL POND BANKS	10,000
1610-0884 FIN - REFURBISH CONCRETE WORK	13,052
1610-0892 BGA-MINOR REPAIR/REPLACE	10,000
1610-0905 BGN - REPLACE ELECTRICAL CABINET	15,000
1610-0908 BGN -REFURBISH IRRIGATION AREA	15,000
1610-0911 FIN - REPLACE ELECTRICAL CABIN	15,000
1610-0913 TOC - REPLACE ELECTRICAL CABIN	11,650
1710-0235 LIBRARY SPEC. PROJ. OPERATING	18,048
1710-0500 LIBRARY CAR PARK UPGRADE	2,000
1710-0501 BGA - REPAINTING LIBRARY	15,000
1710-0505 TOC - LIBRARY EXTENSION SCCF1	3,251
1710-0510 TOC - LIBRARY EXTENSION FITOUT	78,047
1714-0119 FIN SCHOOL OF ARTS REFURB	345,141
1716-0505 SWIMMING POOL CAPITAL - BERRIG	14,900
1716-0506 BGN - SWIMMING POOL SCCF2	395,235
1716-0515 SWIMMING POOL CAPITAL - TOCUMWAL	20,000
1717-0236 BGN - NETBALL COURTS SCCF1	10,020
1717-0237 TOC - NETBALL & CRICKET SCCF2	464,709
1717-0238 BGN - SPORTSG LIGHTING SCCF2	10,709
1717-0240 FIN - SHOWGROUND ROOF	199,880
1718-0215 FINLEY SKATE PARK SCCF1	22,535
1718-0230 TOC FORESHORE CONSULTANT	32,005
1718-0235 BGA FORESHORE PARK SCCF2	263,111
1718-0499 TOC FORESHORE SURVEYS	6,333
1718-0500 TOC FORESHORE STAGED DEVELOP	2,183,407
1718-0501 RUSSEL CRT OPEN SPACE	14,367
1905-0200 TOWN ENTRY - BERRIGAN	4,461
1905-0300 TOWN ENTRY - FINLEY	51,406
1905-0400 TOWN ENTRY - TOCUMWAL	3,221
1910-0187 RESEAL BRUCE BIRREL DR TOC	2,168
1910-0244 RESEAL FRANKS RD BGA	1,902
1910-0316 RESEAL DENISON ST FIN	49,900
1910-0357 R/S McALLISTER ST 216-679	12,789
1910-0364 R/S HILL ST 0- 70	2,268
1910-0365 R/S HILL ST 70-392	7,245
1910-0632 RESEAL HUGHES ST - BGA	2,596
1910-0633 RESEAL NANGUNIA ST BGA	2,832
1910-0711 RESEAL DROHAN ST BGN	3,549
1910-0822 RESEAL MURRAY ST FINLEY	5,753
1910-0827 RESEAL TOCUMWAL ST FINLEY	13,995
1910-0857 RESEAL ULUPNA ST FINLEY	2,769
1910-0979 RESEAL BOYD ST	9,625

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## Items requiring Council Resolution

DESCRIPTION	CARRIED FORWARDS (\$)
1910-0981 RESEAL BALL CRT TOC	1,501
1911-0212 RESEAL COBRAM RD	3,390
1911-0218 RESEAL WOOLSHED RD 17950-18059	10,542
1911-0310 RESEAL OAKENFALL RD 0-3924	6,555
1911-0311 RESEAL OLD TOC RD 1907-2913	27,183
1911-0314 RESEAL STH COREE RD 2459-3708	40,754
1911-0315 RESEAL STH COREE RD 0-1742	6,813
1911-0565 RESEAL BROUGHANS RD WEST END	8,894
1912-0020 RESHEET RUWOLTS RD	80,113
1912-0184 RESHEET JONES RD	50,000
1913-0827 TOCUMWAL ST - FINLEY	41,000
1913-0845 MCALLISTER ST - HEADFORD TO OSB	57,109
1913-0934 TOWN BEACH RD - TOC	137,000
1914-0077 BUSHFILEDS RD 00-5KM	163,550
1914-0090 BARNES RD-MAXWELL TO STH COREE	77,054
1914-0591 WOOLSHED RD 65M STH CARRUTHERS	150,000
1914-0592 YARRAWONGA RD 23608-23710	20,000
1914-0597 HOWE ST - TONGS TO PLUMPTONS	5,677
1914-0599 PEPPERTREE RD - WOOLSHED RD	100,291
1914-0600 STRATHVALE RD - MR356-MR564	33,125
1915-0513 CLEARZONES - ROADSIDE HAZARD	87,579
1916-0848 TOCUMWAL ST - TIPPAL TO WOLLAMAI	72,000
1917-0517 STREET FURNITURE - VARIOUS	5,859
1917-0541 NEW FOOTPATHS - VARIOUS LOCATIONS	10,000
1917-0664 MURRAY ST HEADFORD TO OSBOURNE	24,437
1917-0667 LAWSON DR BGA	39,920
1917-0668 NANGUNIA ST BGA	4,538
1917-0670 COREE ST FIN	84,000
1917-0671 HUTSONS RD TOC	35,000
1917-0673 WALKING TRACK - QUICKS RD	59,835
1917-0674 TOCUMWAL WALKING PATH SCCF1	177,624
1917-0675 HAYES ST BGN	3,000
1917-0676 TONGS WALKING TRACK - FIN	10,000
1917-0677 TONGS ST - COREE TO MURRAY FIN	30,000
1920-0184 TOC AERO RUNWAY 18-36 HEAVY PA	75,000
2015-0190 DROUGHT WORKSHOPS	3,803
<b>INCOME</b>	
3800-1951 CAPITAL WORKS INCOME - LEVEE BANKS	40,000
6100-1962 Library - Extension Grant TOC SCCF1	85,000
6400-1952 BGN Swimming Pool - SCCF2	264,888
6500-1957 TOC NETBALL & CRICKET SCCF2 GRANT	333,352
6500-1963 FINLEY SHOWGROUND GRANT	10,000

RESOLUTION

## Items requiring Council Resolution

DESCRIPTION	CARRIED FORWARDS (\$)
6600-1601 TOC FORESHORE COMMITTEE CONTRIB	100,000
6600-1603 TOC FORESHORE SPINEPATH CONTRIB	10,000
6600-1604 TOC FORESHORE LIGHTING CONTRIB	60,000
6600-1963 TOC FORESHORE GRANT	1,450,404
6600-1967 BGA Foreshore Playground - SCCF2	327,950
7100-1953 RFS HAZARD REDUCTION GRANT	4,550
7100-1957 Fixing Country Roads Grant	103,750
7500-1658 F/PATH LAWSON DR	17,000
7500-1662 F/PATH CORREE ST FIN	40,000
7500-1663 F/PATH TONGS ST BGA COREE TO MURRAY	26,000
7500-1951 Footpath Grant Income - SCCF1	120,935
8900-1501 PRIVATE WORKS TECH SERVICES INCOME	26,241

RESOLUTION

Items requiring Council Resolution

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**5.24 ACCOUNTING POLICY**

**AUTHOR:** Finance Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 12.091.1

**RECOMMENDATION:** That the Council adopt the Accounting Policy as set out below:

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## Items requiring Council Resolution

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### Policy

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#### 00. ACCOUNTING POLICY

Version 01

File Reference No:

Strategic Outcome: Good government

Date of Adoption: 17/07/2019

Date for Review: 17/06/2020

Responsible Officer: Finance Manager

##### 1. POLICY STATEMENT

To comprehensively collate accounting policies, significant judgments, estimates and assumptions in regard to the financial records and position of the Council.

All such relevant accounting policies and practices must comply with relevant accounting standards, and be in line with requirements of the Office of Local Government Code of Accounting practice.

##### 2. PURPOSE

To ensure adequate practices are put in place to direct the accounting and inform treatment of revenue, expenditure, assets, liabilities, equity and to guide the preparation & presentation of Annual Financial Statements. These policies are included in full with each set of statements.

##### 3. SCOPE

This policy applies to all Council activities, in particular the preparation and presentation of the financial statements.

##### 4. OBJECTIVE

To specify and outline the specific treatment Council has adopted in its financial reporting and treatment of relevant accounting issues, in particular where:

- The accounting standards offer more than one option in the treatment of a particular issue
- Where the Office of Local Government Code of Accounting Practice has alternative treatments or seeks Council to make a choice or elect a particular method
- Council practices require further explanation or clarification

## Items requiring Council Resolution

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### Policy

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#### 5. DEFINITIONS

AASB – Australian Accounting Standards Board

OLG – Office of Local Government

The Code – the Office of Local Government Code of Accounting practice

#### 6. POLICY IMPLEMENTATION

##### 6.1 General basis of preparation of financial statements

Councils general purpose financial statements are prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (NSW)* and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.

Council will review the impact of all new Australian Accounting Standards and any new accounting policies it adopts.

Financial statements are prepared under historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of infrastructure, property, plant and equipment.

##### 6.2 Significant accounting estimates and judgments

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

##### 6.2.1 Critical accounting estimates and judgements

Council makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) estimated fair values of infrastructure, property, plant and equipment
- (ii) estimated tip remediation provisions
- (iii) employee benefit provisions

## Items requiring Council Resolution

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### Policy

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#### 6.2.2 Significant judgements in applying the council's accounting policies

##### (i) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables.

Council monitors its receivables closely and currently considered all of them recoverable (except as outlined in the *Receivables Note*), with debt collection processes ongoing where necessary.

Where necessary Council will undertake debt collection processes, including action to sell properties for recovery of rates in arrears. Where sale proceeds are expected to not entirely cover the associated cost of legal and sale proceedings any shortfall is accordingly impaired.

#### 6.2.3 Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority are presented as operating cash flows.

### 6.3 6.3 Income

#### 6.3.1 Rates and Charges

Levying and making of rates and charges are further detailed in the Revenue Policy.

Rates and annual charges are recognised as revenue when the Council obtains control over the assets comprising these receipts.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

## Items requiring Council Resolution

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### Policy

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#### 6.3.2 User charges and fees

User charges and fees are recognised as revenue when the service has been provided.

#### 6.3.3 Interest and investment revenue

Interest income is recognised using the effective interest rate at the date that interest is earned.

Dividends are recognised as income in profit or loss unless the dividend clearly represents a recovery of part of the cost of the investment

#### 6.3.4 Other revenue

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below. Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Rental income is accounted for on a straight-line basis over the lease term.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

Other income is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

#### 6.3.5 Grants and contributions

Control over grants and contributions is normally obtained upon their receipt (or acquittal) and is valued at the fair value of the granted or contributed asset at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner, or used over a particular period, and those conditions were un-discharged at reporting date, the unused grant or contribution is disclosed above.

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979.

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council,

## Items requiring Council Resolution

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### Policy

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due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at reporting date.

#### 6.4 6.4 Expenses

##### 6.4.1 Employee benefits and on-costs

Employee benefit expenses are recorded when the service has been provided by the employee.

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a Defined Benefit Plan under the Local Government Superannuation Scheme, however, when sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to *Contingencies and other assets/liabilities not recognised note* for more information.

##### 6.4.2 Borrowing costs

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

##### 6.4.3 Depreciation, amortisation and impairment expenses

###### 6.4.3.1 *Depreciation and amortisation*

Information regarding Depreciation, amortisation and impairment is also contained in the Asset Accounting Policy.



## Items requiring Council Resolution

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### Policy

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Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in *Note Infrastructure, Property Plant and Equipment and Note Fair Value*.

#### **6.4.3.2 Impairment of non-financial assets**

Intangible assets that have an indefinite useful life or are not yet available for use are not subject to amortisation and are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired. Other assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

#### **6.4.4 Other expenses**

Other expenses are recorded on an accruals basis as the Council receives the goods or services.

#### **6.5 Disposal of assets**

The Disposal of assets is covered in the Disposal Policy.

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is derecognised.

#### **6.6 Investments**

##### **6.6.1 Classification**

Council classifies its financial assets in the following categories: loans and receivables; held-to-maturity investments. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

## Items requiring Council Resolution

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### Policy

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#### 6.6.2 Held to maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that Council's management has the positive intention and ability to hold to maturity. Assets in this category are measured at amortised cost.

#### 6.6.3 Recognition and de-recognition

Regular purchases and sales of financial assets are recognised on trade-date: the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement. Investments are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.

#### 6.7 **Receivables**

##### 6.7.1 Recognition and measurement

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the reporting date which are classified as non-current assets. Loans and receivables are included in *Receivables Note* in the Statement of Financial Position. Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days. Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

##### 6.7.2 Impairment

For loans and receivables the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset is reduced and the amount of the loss is recognised in profit or loss. Collectability of receivables is reviewed on an on-going basis. Debts that are known to be uncollectible are written off by reducing the carrying amount directly.

An allowance account (provision for impairment of receivables) is used when there is objective evidence that Council will not be able to collect all amounts due according to the original terms of the receivables. Significant financial difficulties of the debtor, probability that the debtor will

## Items requiring Council Resolution

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### Policy

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enter bankruptcy or financial reorganisation, and default or delinquency in payments (more than 120 days overdue) are considered indicators that the receivable is impaired.

When a receivable for which an impairment allowance had been recognised becomes uncollectable in a subsequent period it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the Income statement.

#### 6.8 Inventory and other assets

##### 6.8.1 Raw materials and stores

Raw materials and stores are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

##### 6.8.2 Inventory held for distribution

Inventory held for distribution is held at cost, adjusted where applicable for any loss of service potential.

##### 6.8.3 Land held for resale/capitalisation of borrowing costs

Land held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, and development and borrowing costs during development. When development is completed borrowing costs and other holding charges are expensed as incurred. Borrowing costs included in the cost of land held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

Where Council develops land for resale it considers that it is trading in the land, and treats it as inventory accordingly.

#### 6.9 Infrastructure, property, plant and equipment

Accounting for assets is covered under the Asset Accounting Policy.

Infrastructure, property, plant and equipment are held at fair value. Independent valuations are performed at least every five years, however the carrying amount of assets is assessed at each reporting date to confirm that it is not materially different from current fair value.

## Items requiring Council Resolution

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### Policy

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Water and sewerage network assets are indexed at each reporting period in accordance with the Rates Reference Manual issued by Crown Lands and Water (CLAW).

Increases in the carrying amounts arising on revaluation are credited to the asset revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Land is not depreciated.

Depreciation on other assets is calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives in line with the Asset Accounting Policy.

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date. Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income statement

#### 6.9.1 Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads. Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 Property, Plant and Equipment.

#### 6.9.2 Crown reserves

Crown Reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated. Improvements on Crown Reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

## Items requiring Council Resolution

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### Policy

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#### 6.9.3 Rural Fire Service assets

Under section 119 of the Rural Fire Services Act 1997 (NSW) , "all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed".

Until such time as discussions on this matter have concluded and the legislation changed, Council will not recognise rural fire service assets including plant and vehicles. Land and buildings are recognised.

#### 6.9.4 Fair Value Measurement

Information regarding Fair value is set out under the Assets Accounting Policy.

The Council measures the following asset and liability classes at fair value on a recurring basis:

##### **6.9.4.1 *Infrastructure, property, plant and equipment***

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

All of Council's non-financial assets are considered to being utilised for their highest and best use

#### 6.10 **Payables and borrowings**

##### 6.10.1 Payables

Reported amounts represent liabilities for goods and services provided to the Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

## Items requiring Council Resolution

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### Policy

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#### 6.10.2 Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the income statement over the period of the borrowings using the effective interest method.

Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility will be drawn down. In this case, the fee is deferred until the draw down occurs. To the extent there is no evidence that it is probable that some or all of the facility will be drawn down, the fee is capitalised as a prepayment for liquidity services and amortised over the period of the facility to which it relates.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or finance cost. Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

#### 6.11 Provisions

##### 6.11.1 Asset remediation

Council has a legal/public obligation to make, restore, rehabilitate and reinstate the council tip and quarry.

##### 6.11.2 Accounting policy for provisions

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

## Items requiring Council Resolution

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### Policy

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#### 6.11.3 Employee benefits

##### 6.11.3.1 *Short-term obligations*

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

##### 6.11.3.2 *Other long-term employee benefit obligations*

The liability for long service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

#### 6.11.4 Tips and quarries

##### 6.11.4.1 *Restoration*

Close down and restoration costs include the dismantling and demolition of infrastructure and the removal of residual materials and remediation of disturbed areas.

Estimated close down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs. Provisions for close down and restoration costs do not include any additional obligations which are expected to arise from future disturbance. The costs are estimated on the basis of a closure plan.

## Items requiring Council Resolution

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### Policy

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The cost estimates are calculated annually during the life of the operation to reflect known developments, e.g. updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals.

#### 6.11.4.2 Rehabilitation

Where rehabilitation is conducted systematically over the life of the operation, rather than at the time of closure, provision is made for the estimated outstanding continuous rehabilitation work at each reporting date and the cost is charged to the Income Statement.

Provision is made for the estimated present value of the costs of environmental clean-up obligations outstanding at the reporting date. These costs are charged to the Income Statement. Movements in the environmental clean-up provisions are presented as an operating cost, except for the unwinding of the discount which is shown as a borrowing cost.

Remediation procedures generally commence soon after the time the damage, remediation process and estimated remediation costs become known, but may continue for many years depending on the nature of the disturbance and the remediation techniques.

As noted above, the ultimate cost of environmental remediation is uncertain and cost estimates can vary in response to many factors including changes to the relevant legal requirements, the emergence of new restoration techniques or experience at other locations. The expected timing of expenditure can also change, for example in response to changes in quarry reserves or production rates. As a result there could be significant adjustments to the provision for close down and restoration and environmental clean-up, which would affect future financial results.

Other movements in the provisions for close down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations and revisions to discount rates are capitalised within property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

Close down and restoration costs are a normal consequence of tip and quarry operations, and the majority of close down and restoration expenditure is incurred at the end of the life of the operations. Although the ultimate cost to be incurred is uncertain, Council estimates the respective costs based on feasibility and engineering studies using current restoration standards and techniques

#### 6.12 Key management personnel

Council has adopted a Key Management Personnel (KMP) policy.

Key management personnel (KMP) of the Council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.



## Items requiring Council Resolution

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### Policy

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Council has determined that transactions at arm's length between KMP and Council as part of Council delivering a public service objective (e.g. access to library or Council swimming pool by KMP) will not be disclosed.

#### 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

##### 7.2 Legislation

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2005* (NSW)
- OLG Code of Accounting Practice and Financial Reporting circulars

##### 7.3 Australian Accounting Standards

- AASB 5 Non-current Assets Held for Sale and Discontinued Operations
- AASB 13 Fair Value Measurement
- AASB 101 Presentation of Financial Statements
- AASB 108 Accounting Policies, Change in Accounting Estimates and Errors
- AASB 116 Property, Plant and Equipment
- AASB 16: leases
- AASB 123 Borrowing Costs
- AASB 136 Impairment of Assets
- AASB 137: Provisions, Contingent Liabilities and Contingent Assets
- AASB 138 Intangible Assets
- AASB 140 Investment Property
- AASB 1041 Revaluation of Non-Current Assets
- AASB 1031 Materiality
- AASB 1051 Land Under Roads
- AASB 1049: Whole of Government and General Government Sector Reporting
- SAC4: Statement of Accounting Concepts – Controlled Assets

##### 7.4 Industry guidelines

- IPWEA's Australian Infrastructure Financial Management Guidelines
- CPA Guide to Valuation and Depreciation for Public and Not-for-profit sectors under AASB Accounting Standards
- NSW Treasury TPP 14-01 Accounting Policy: Valuation of Physical Non-Current Assets at Fair Value

##### 7.5 Council policies, strategies and plans

- All Other Integrated Planning and Reporting documentation
- Asset Accounting Policy

## Items requiring Council Resolution

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### Policy

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- Asset Management Policy
- Asset Management Strategy 2019 - 2027
- Berrigan Shire Council Asset Management Plans
- Capital Works on Community Facilities Policy
- Childrens' Young People and Families Strategy 2015 - 2019
- Community Strategic Plan 2027
- Contributory Footpath and Kerb and Gutter Schemes
- Corporate Credit Cards
- Council operated enterprises
- Delivery Program 2017 - 2021
- Disposal Policy
- Economic Development Strategy 2017-2021
- Financial Strategy 2016
- Fraud Control Policy
- Fuel Card Policy
- Information and Communications Technology Strategy 2019-2024
- Investment Policy
- Legislative Compliance Policy
- Library Services Strategic Plan 2014
- Long-term Financial Management Plan 2019 - 2029
- Operational Plan 2019 - 2020
- Payment of Expenses and the provision of facilities for Mayors and Councillors
- Privacy Management Plan 2013
- Private use of council vehicles – fuel charge policy
- Private use of Council vehicles policy
- Procurement and Disposal Policy
- Reimbursement of relocation expenses policy
- Related party disclosure policy
- Revenue policy
- Risk Management Policy & Framework
- Risk Management Strategic Plan 2013 - 2016
- Salary Policy
- Sports Tourism Strategy 2012
- Tender Policy
- Tourism Strategy 2014 - 2018
- User Fees and Charges policy
- Volunteer Strategy 2012 - 2016
- Water and Sewer supply policy
- Water trading policy
- Workforce Plan 2017 – 2021

## Items requiring Council Resolution

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### REPORT:

Recent feedback from external auditors have required Council staff to formalise an Accounting Policy.

The purpose of this policy is to comprehensively collate accounting policies, significant judgments, estimates and assumptions in regard to the financial records and position of the Council.

All such relevant accounting policies and practices must comply with relevant accounting standards, and be in line with requirements of the Office of Local Government Code of Accounting practice.

The Policy aims to ensure adequate practices are put in place to direct the accounting and inform treatment of revenue, expenditure, assets, liabilities, equity and to guide the preparation & presentation of Annual Financial Statements. These policies are included in full with each set of statements.

This policy applies to all Council activities, in particular the preparation and presentation of the financial statements.

This policy generally impacts upon all staff involved in accounting and preparation of financial statements – primarily the Finance Manager and Director Corporate Services and staff.

Over and above this policy, the Council has been directed by NSWAO to prepare position papers on the impact of the new Accounting Standards coming into effect from this year. An initial analysis indicates that the impact is likely to be small – give the nature of the Council's operations. Preparing the formal position papers, however, is likely to be time consuming.

The aim to have this position papers presented to the Council at the August meeting.

**Items for Noting**

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**RECOMMENDATION** – that Items for Noting numbered 6.1 to 6.9 inclusive be received and noted.

**6.1 LOCAL EMERGENCY MANAGEMENT  
COMMITTEE MEETING**

**AUTHOR:** Director Technical Services

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 09.106.2

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**REPORT:**

Minutes of the last meeting held Friday 7<sup>th</sup> June, 2019 are attached as Appendix "K" for Councillors' information.

Items for Noting

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**6.2 LETTER OF APPRECIATION – PGA AUSTRALIA**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:**

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**REPORT:**

The Member Services Coordinator from PGA Australia has written to thank the Council for its support of the 2019 Vic/Tas/SA PGA Trainee Championships hosted at Tocumwal Golf & Bowls Club a copy of which is attached as Appendix "L".

The Council also received a framed photograph of the championship winner with a thank you message which will be displayed in the Mayor's room.

### Items for Noting

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#### 6.3 NSW RURAL DOCTORS NETWORK BUSH BURSARY STUDENT

**AUTHOR:** Administration Officer - Communications

**STRATEGIC OUTCOME:** Supported and engaged communities

**STRATEGIC OBJECTIVE:** 4.1 Strengthen and diversify the local economy and invest in local job creation and innovation

**FILE NO:** 24.128.2

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#### REPORT:

Berrigan Shire Council, along with around 20 other NSW rural Councils and the Country Women's Association (CWA), provide selected medical students in NSW/ACT with \$3,000 each to assist with study costs, via the Bush Bursary Program administered by the NSW Rural Doctors Network.

In return for the bursary, students spend two weeks on a rural placement in country NSW during University holidays, with the placement combining enjoyable aspects of country life and rural medicine, aiming to entice them back to a rural practice at the conclusion of their studies. Berrigan Shire hosted Hannah Clements, the 2018-2019 recipient, from 24 June to 5 July 2019.

Hannah, originally from Sydney, is currently in her second year at University of Wollongong, where she is also President of Student Health Alliance for Rural Populations (SHARP). As a SHARP representative, Hannah volunteered to visit Finley High School during her time in the region, providing interested students with further knowledge about the different medical careers available, which was well received.

Hannah spent a day with a doctor in each town, at Rao Medical Centre Tocumwal, Madill Medical Centre Berrigan, and Finley Regional Care. She also enjoyed a ride-along day with the NSW Ambulance, accompanied Community Health and Child and Family Health nurses, visited X-ray, Berrigan and Finley Aged-Care facilities, Centacare, and spent a day with Finley Vet Clinic.

The Bush Bursary program is changing this upcoming year, with applications expanding to two students, one medicine and one midwifery or nursing, sharing the funding previously awarded to one, thereby each receiving \$1,500 and required to visit their designated Council in tandem.

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**Items for Noting**

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**6.4 OUTSTANDING RATES AND DEBTORS  
BALANCES****AUTHOR:** Revenue Officer**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 25.138.1

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**REPORT:**

This report is a summary of outstanding Rates and Charges (Part 1) and Debtors (Part 2), as at 30 June 2018, and how these balances compare to the previous year.

**Rates and Charges**

The final collection ratio for outstanding rates and charges has slightly improved from last year.

The final collection ratio percentage of 96.3% is the first time that Rates Collection has exceeded 96.00% since the 2003/2004 financial year. The result is particularly pleasing when consideration is given to the recent climatic conditions and associated negative local economic factors. I would like to acknowledge the ongoing efforts of the Assistant Revenue Officer and Water Safety Officer for their part in achieving this excellent result.

The Council has a moral obligation to its community to ensure that all ratepayers pay their rates. Council has continued to make the Hardship Policy available to ratepayers. This allows for some consideration of the special circumstances of qualifying ratepayers. The Revenue Department received one application for hardship relief during 2018/2019.

The Revenue Department have formed an exceptional working relationship with our Debt Collection Specialist and have enjoyed very beneficial results.

In line with Council's Debt Management Policy a range of sound Debt Management strategies have been utilised throughout the 2018/19 year such as:

1. Personal meetings and phone calls with large outstanding ratepayers,
2. Garnishing wages,

**NOTING**

### Items for Noting

3. Rental Orders on Properties and
4. Statement of Claims, which, whilst not popular with the ratepayers concerned, has achieved satisfactory results.

Council has enforced warrants on ratepayers to appear at court hearings to consider payment of their outstanding rates. This process is a last resort after all other options have been exhausted and not achieved a suitable repayment plan.

Council has commenced proceedings to sell two properties in Berrigan to recover unpaid rates. The properties will be sold by Public Auction in October 2019.

There are two factors which have contributed to the final positive debt ratio result, which include:

1. A more hands on approach to debt recovery by Revenue staff.
2. Increased engagement of ratepayers with large outstanding balances and the entering into suitable sustainable payment arrangements.

The adjustments made by the Water Safety Officer to align Water Consumption Notices with Rate periods has been successful in achieving a positive result by 30 June. This will continue to be developed over time.

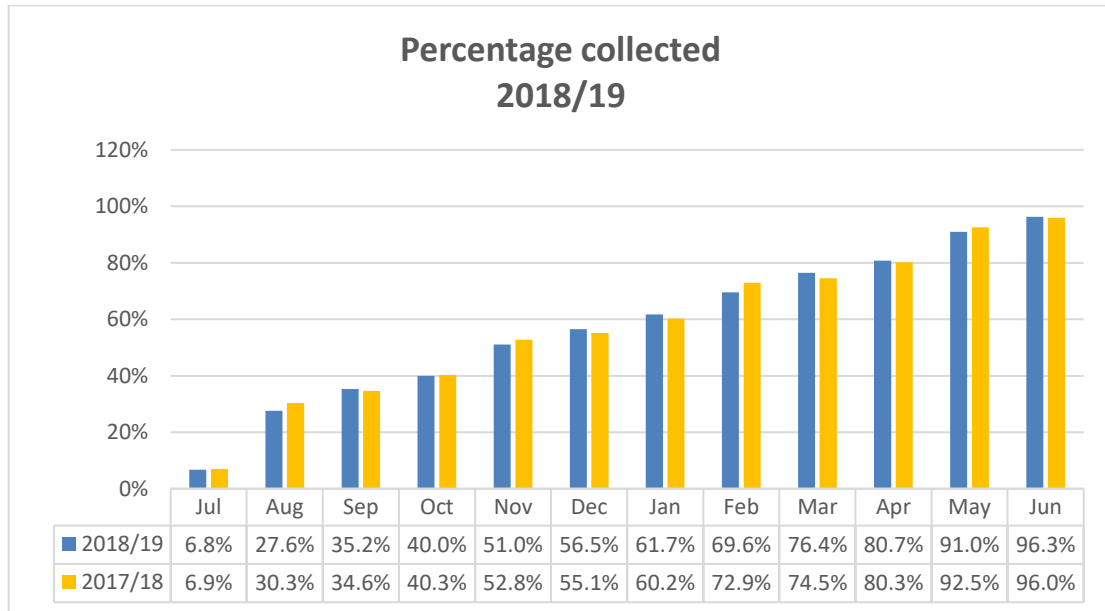
The first table below is a summary of the amounts outstanding compared to the initial 2018/19 levy. The second table below shows the amounts outstanding from each instalment.

BY PAYMENT DUE DATE	Balances		Percentage outstanding
	Original levy	30 June 2019	
<b>Arrears from prior levies</b>	\$401,964.21	\$98,326.78	24.46%
<b>Instalment</b>			
August 2018	\$2,382,663.68	\$20,433.17	0.86%
November 2018	\$2,467,270.67	\$39,456.38	1.60%
February 2019	\$2,489,831.58	\$66,135.88	2.66%
May 2019	\$2,496,385.38	\$278,986.69	11.18%
<b>Water Consumption</b>	\$146,594.78	\$117,649.79	80.26%
<b>Unallocated Receipts R &amp; W</b>	<b>-\$45,718.80</b>	<b>-\$234,857.20</b>	
<b>Totals</b>	<b>\$10,338,991.50</b>	<b>\$386,131.49</b>	<b>3.73%</b>



**Items for Noting**

The chart below shows the progress in revenue collection of the 2017/18 rates levy throughout the financial year.



**Debtors**

Total outstanding debtors have decreased by \$752,834 this year the largest decrease being in the General/Sundry/Other Debtors.

The table below shows a comparison of debtor types since 30 June 2013. There are no significant concerns at this stage about any of the outstanding amounts and most should be paid throughout the financial year.

Final Costs have been raised and letters and agreements sent out for completed Half Cost Schemes on Murray Street Finely, Carter Street Berrigan and Nangunia Street, Barooga.

Please note also that these figures reflect balances prior to the completion of the Annual accounts, and that other debtors maybe included in the preparation of Councils annual statements.

Class	30/06/13	30/06/14	30/06/15	30/06/16	30/06/17	30/06/18	30/06/19
<b>General</b>	\$139,157	\$183,040	\$281,795	\$121,406	\$429,670	\$970,628	\$148,663
<b>Food Inspection</b>	\$0	\$2,523	\$2,477	\$73	\$403	\$2797	\$218
<b>Half Cost Works</b>	\$60,484	\$86,459	\$59,877	\$53,795	\$114,507	\$116,691	\$130,750
<b>S355 Comm Loans</b>	\$35,916	\$70,946	\$148,316	\$78,970	\$59,239	\$12,230	\$0.00
<b>Swimming Pools</b>	\$23,595	\$19,735	\$13,917	\$23,399	\$0	\$4,739	\$17,080
<b>Cemetery</b>	\$4,184	\$51	\$2,595	\$1,372	\$348	\$7,106	\$6,515

**NOTING**

### Items for Noting

Class	30/06/13	30/06/14	30/06/15	30/06/16	30/06/17	30/06/18	30/06/19
<b>Grants</b>	\$2,959	\$19,600	\$51,174	\$21,822	\$337,462	\$125,065	\$361,871
<b>Staff</b>	-\$270	-\$3,562	\$5,034	\$351	\$423	\$856	\$368
<b>Superannuation</b>	-\$89	-\$1,906	-\$1,136	-\$480	-\$858	-\$1,075	-\$5,317
<b>Land Sales</b>	-\$4,000	\$65,000	\$315,664	\$0	-\$858	\$172,000	-\$2,000
<b>Aerodrome</b>	-\$15	\$4,225	\$3,768	\$3,709	\$2,933	\$230	\$285
<b>Total</b>	<b>\$266,873</b>	<b>\$450,708</b>	<b>\$883,480</b>	<b>\$305,035</b>	<b>\$1,031,126</b>	<b>\$1,411,266</b>	<b>\$658,432</b>

G N - I O N

## Items for Noting

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**6.5 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT – GUIDELINE 1****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting**FILE NO:** 16.002.1

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**REPORT:**

At its ordinary meeting held on 19 June 2019, the Council resolved the following:

*That the Council write to NSW Information and Privacy Commission and its Local Member objecting vigorously to the proposed request for Councillors and other designated persons to have their disclosure of interests published on the Councils website on the grounds of identity theft, privacy and discouragement of persons standing for Council.*

Acting on this resolution, the Council lodged the submission below regarding *GIPA Guideline 1 - For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)*.

**Submission**

In a general sense, the Council is of the view that the requirement to publish – in whole or in part – the information disclosed in Councillors and designated persons Returns of Interests is unnecessary to meet both the letter and the spirit of both the *Local Government Act 1993* and the *Government Information (Public Access) Act 2009* (GIPAA).

The Council acknowledges that GIPAA clearly defines the Returns of Interests as Open Access Information. These returns are securely kept at the Council and are available for perusal on request. This allows for good faith access to information that of its nature contains highly sensitive personal information.

The Council's position differs from Guideline 1 on the public interest test as set out in GIPAA. In the view of the Council, there is an overriding public interest against the publication of this information on the Council's website.

This overriding public interest against publication on the Council's website cannot be mitigated by the redaction of sensitive information. Most of the

**NOTING**

### Items for Noting

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information is sensitive and redaction of this information would leave so little information on the return to make any claim to additional “openness, transparency and accountability in local government” farcical.

Digital NSW states in its [Safeguarding Local Data guideline](#):

*The release of open data is a key component of government transparency, accountability and innovation. Here you'll find guidance to support NSW Government agencies safely release open data to the public.*

*To safely and legally release open data, agencies should ensure it does not contain:*

- *Information which may identify an individual or community*
- *Sensitive information*
- *Any data that could trigger, create or contribute to a threat, issue, breach or vulnerability*

The information included on the Returns of Interest contains all of the above.

As well as this general objection, the Council has three specific concerns relating to the publication of Returns of Interest on the Council's website. These will be considered in turn.

1. Identity theft
2. Personal privacy
3. Discouraging participation in local government

#### Identity theft

The Return of Interests may include the following information:

1. Full name
2. Residence
3. Property owned
4. Bank accounts owned
5. Investments owned
6. Details of close kin.

This information, in the wrong hands, could be used to assume the identity of a Councillor or designated person. It is certainly the type of information [the Federal Government is asking Australians to secure](#) to avoid theft and fraud.

As well as a clear and present risk to Councillors and designated persons, the publication of this information online poses a risk to the Council itself. Councillors and designated persons often have access to Council online systems and services including but not limited to access to the Council's bank accounts and investments. Successful identity theft places at risk public assets and funds.

## Items for Noting

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### Personal privacy

Local government is quite obviously local in nature. It is the arm of government closest to the public and Councillors and designated persons – especially in rural and regional areas – are integral parts of their local communities. They are not figures only seen on the nightly news and on television, they are the people at the local shop, football game, pub or street stall.

Councillors, especially in rural and regional areas, are not in the main public figures. Designated persons are certainly not public figures.

The nature of smaller closer-knit communities means that personal information on a Return of Interests published on a website is much more likely to be accessed by a neighbour, a teammate, a colleague or someone who personally knows the Councillor or designated person. A person living in a community of 1,000 (such as the town of Berrigan) is likely to consider their privacy significantly more violated by the publication of a Return of Interests than a state MP across 7 million NSW residents.

### Discouraging participation in local government

Local government, again especially in rural and regional areas, struggles to recruit skilled and trained staff. This struggle is only made more difficult if potential employees are required to have their personal information published on the Council's website where it can be seen by ex-partners, disaffected family members or other persons bearing ill-will.

This same argument applies to Councillors. Attracting quality candidates to stand for local government in rural and regional NSW is difficult enough without placing further barriers in their way. Contrary to public opinion, there is little glamour in rural local government – the hours are long and the pay pitifully small. There isn't a large pool of people willing to take on what is effectively community service **and** give up all rights to privacy as well.

The publication of Returns of Interest on the website also provides a perverse incentive to Councillors and designated persons to be less than frank on their Return. If those persons are confident in the security of this information, they are more likely to consider the public interest in disclosure in marginal or difficult circumstances.

### Conclusion

The Council has no objection to the collection and retention of the information shown on the Returns of Interest. There is a genuine public interest in this information being collected and being available to the public on request. It is a part of the framework of controls that support "openness, transparency and accountability in local government."

NOTING

### Items for Noting

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However, there is clearly an overriding public interest against publishing these Returns of Interest on the Council's website.

#### Addendum

This draft guideline was issued by IPC on 31 May 2019 with submissions initially closing on 14 June 2019. This timeframe was incredibly short and does not accord with a genuine interest by IPC in feedback on the guideline from local government.

The extension until 21 June 2019 is welcome; it is still too short for local government to be able to provide reasoned and well-thought out feedback on an industry-wide basis.

### Items for Noting

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#### 6.6 PUBLIC LIBRARY FUNDING

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 03.095.2

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#### REPORT:

The State Library of NSW (SLNSW) has informed the Council that its Public Library Subsidy for 2019/20 has been increased as per the table below.

2018/19		2019/20		Increase
Population	Subsidy	Population	Subsidy	
8,617	\$39,243	8,707	\$81,852	\$42,609

This increase is welcome and follows as a result of the joint 2018 campaign by Public Libraries NSW and Local Government NSW – in which Council participated.

Library services in NSW will be required to demonstrate how the increased funding has improved their service.

**NOTING**

### Items for Noting

## 6.7 BENDIGO BANK AGENCY

**AUTHOR:** Finance Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 12.024.3

### REPORT:

Council has operated the Bendigo Bank Agency in the Berrigan Township since January 2018. As at July 2019 the first fully operation financial year has been completed, giving a better picture of actual annual operations.

The Agency operates from 9-4pm weekdays, requiring the equivalent of a full time staff member. Daily bank teller duties (directly at counter, training and reconciliation) occupy on average 5 hours a day.

Staff continue to be required to maintain training of a minimum hour per month (5 staff), as well as the opening/closing reconciliations, which takes an hour of staff time daily (regardless of actual customer activity), as well as the monthly full cash count.

Below please see table reporting the actual income and expense of the agency operation. This shows a small loss, although some months are obviously under reported for staffing. This has improved since the staffing has stabilised.

Council currently has two \$2M dollar term deposit and \$5.2 M in operational funds invested with the agency (this is a year ended timing issue - the normal balance is more like \$2M). The total balance in the agency of \$14.2M is therefore made up of BSC \$9.2 (of a total \$35.5M) and other deposits \$5M.

	Commission (GST Exc)	Average Deposit Balance	Business Levels	No. Accounts	No. Trans	Staff Costs & Training	Staff Hrs
Jan-18	\$477.13	\$110,584	\$258,000	40	63	\$3,759.44	88.5
Feb-18	\$484.15	\$353,556	\$444,000	69	143	\$5,476.93	123.75
Mar-18	\$836.77	\$638,790	\$881,000	77	211	\$4,610.62	106.5
Apr-18	\$699.67	\$833,305	\$1,021,000	89	181	\$3,895.47	90.25
May-18	\$1,323.60	\$767,230	\$1,159,000	100	238	\$3,472.75	86.75
Jun-18	\$828.92	\$767,230	\$1,277,000	102	210	\$2,186.11	52.25
	<b>\$4,650.24</b>				<b>1046</b>	<b>\$23,401.32</b>	<b>548</b>



## Items for Noting

	Commission (GST Exc)	Average Deposit Balance	Business Levels	No. Accounts	No. Trans	Staff Costs & Training	Staff Hrs
Jul-18	\$982.69	\$1,064,414	\$1,159,000	100	238	\$4,048.34	91
Aug-18	\$1,736.65	\$2,691,378	\$4,293,000	133	275	\$2,675.13	61.75
Sep-18	\$2,470.74	\$5,353,033	\$9,318,000	138	273	\$2,602.69	62.5
Oct-18	\$3,499.17	\$7,471,969	\$9,369,000	152	296	\$2,260.91	56
Nov-18	\$3,977.23	\$10,428,099	\$12,604,000	156	282	\$628.21	14
Dec-18	\$4,294.58	\$11,013,246	\$10,973,000	187	260	\$1,249.63	27
Jan-19	\$5,110.78	\$9,984,712	\$11,019,000	200	268	\$4,776.12	126
Feb-19	\$3,491.52	\$9,892,693	\$11,641,000	202	282	\$4,895.70	120.5
Mar-19	\$3,797.31	\$9,805,411	\$10,269,000	206	302	\$4,249.74	111.25
Apr-19	\$4,067.29	\$10,147,966	\$12,313,000	215	261	\$3,341.20	95.5
May-19	\$4,107.56	\$10,438,900	\$12,093,000	219	313	\$4,869.07	128.75
Jun-19	\$4,773.64	NYA	\$14,229,000	220	272	\$3,514.85	92
	<b>\$37,535.52</b>				<b>3322</b>	<b>\$39,111.59</b>	<b>986.25</b>

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### Items for Noting

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#### 6.8 SOCIAL MEDIA

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:**

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#### REPORT:

A recent case in the Supreme Court of NSW ([Voller v Nationwide News \[2019\] NSWSC 766](#)) found that publishers may be liable for third-party comments left on their Facebook page – i.e. comments left by others on pages and posts by the publisher

At this stage it is unclear what impact this ruling will have the operation of the Council's social media pages. That said, it is clear that while the Council operates a Facebook page and allows comments, it bears the risk of being found liable in defamation proceedings.

This risk can be mitigated by active and regular monitoring of the page (several times a day at a minimum) and deleting comments immediately. This does not remove the risk entirely – the only way to eliminate the risk is not to use Facebook.

Facebook, along with the Council's other social media channels, is an invaluable way communicating with the public. The use of these channels may need to be reviewed to mitigate the Council's risk exposure.

In the interests of transparency and open government, the Council's social media team to date has taken a reasonably *laissez-faire* approach to comments on Facebook – deleting only direct abuse and profanity and not removing comments critical of Council and other parties.

In the short term, the social media team will take a harder line on moderating comments on Facebook in particular and, unlike past practice, will lean towards deletion in marginal cases. This may create some pushback from some community members regarding "censorship". Until the law is clarified, however, this is likely to be the safer option.

## Items for Noting

## 6.9 DEVELOPMENT DETERMINATIONS FOR MONTH OF JUNE 2019

**AUTHOR:** Executive Support Officer

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

**FILE NO:** 7.143.7

**REPORT:**

### APPLICATIONS DETERMINED FOR JUNE 2019

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
145/19/DA/D5	CARPORT	16 BERRIGAN STREET, TOCUMWAL NSW 2714 (Lot112//DP1108924)	Mr O Kakono	MR O KAKONO	Refused 21-06-2019	\$ 14900.00	Active 40	Total 40
151/19/DA/D1	BV DWELLING & ATTACHED GARAGE	8 RUSSELL COURT, BAROOGA NSW 3644 (Lot17//DP1102913)	SIMONDS HOMES	MR PA GREATOREX AND MS MS DALY	Approved 03-06-2019	\$ 184992.00	Active 0	Total 17
155/19/DA/D1	DWELLING	THE RIVERFRONT, BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot14//DP286078)	Ms Rachael Smith & Mr Jeff Hare, Mr Robert & Mrs K	MS RA SMITH, MR JB HARE	Approved 04-06-2019	\$ 400000.00	Active 9	Total 9
160/19/DA/D1	DWELLING & ATTACHED GARAGE	30 HADLEY STREET, TOCUMWAL NSW 2714 (Lot23//DP1250358)	Stoneway Constructions	MR GM HANNS AND MRS SA HANNS	Approved 05-06-2019	\$ 308358.00	Active 8	Total 8
161/19/DA/D1	BV DWELLING & ATTACHED GARAGE	29 VERMONT STREET, BAROOGA NSW 3644 (Lot51//DP1099443)	MS Construction Pty Ltd	MR J D DREW	Approved 06-06-2019	\$ 273250.00	Active 6	Total 6
162/19/DA/D5	PATIO	32 DENISON STREET, FINLEY NSW 2713 (Lot1//DP518545)	Darren & Amanda Taylor	MR D J & MRS A P TAYLOR	Approved 17-06-2019	\$ 5000.00	Active 11	Total 12
163/19/DA/D5	CARPORT	26 BRUTON STREET, TOCUMWAL NSW 2714 (Lot5//DP851337)	Mr T J & Mrs Pd Browne	MR TJ & MRS PD BROWNE	Approved 12-06-2019	\$ 9200.00	Active 8	Total 8
164/19/DA/D7	INGROUND CONCRETE SWIMMING POOL	1 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot1//DP1224006)	Mr B & Mrs K O'Dwyer	MR B T & MRS K L O'DWYER	Approved 05-06-2019	\$ 19500.00	Active 3	Total 3
165/19/DA/D1	NEW DWELLING & AIRCRAFT HANGAR	38 LIBERATOR PLACE, TOCUMWAL NSW 2714 (Lot34//DP1190777)	Mr Tom Bullas	MR T BULLAS	Approved 18-06-2019	\$ 350000.00	Active 12	Total 12
39/19/CD/M1	BV DWELLING	111 PEPPERTREE ROAD, LALALTY NSW 3644 (Lot214//DP752274)	Riches Homes & Improvement	MR L S ADKINS	Approved 07-06-2019	\$ 527000.00	Active 1	Total 1
166/19/DA/D5	RESIDENTIAL STORAGE SHED	50 COREE STREET, FINLEY NSW 2713 (Lot1//DP517390)	Shane Nunan	MR S NUNAN	Approved 14-06-2019	\$ 27000.00	Active 6	Total 6
167/19/DA/DM	40FT RELOCATABLE CONTAINER	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)	Peter Carter	BAROOGA SPORTS CLUB LIMITED	Approved 13-06-2019	\$ 0.00	Active 1	Total 2
169/19/DA/D1	BV DWELLING & ATTACHED GARAGE	4 BEATRICE COURT, BAROOGA NSW 3644 (Lot36//DP1102913)	Dennis Family Homes	MR J BONGO SON	Approved 19-06-2019	\$ 270362.00	Active 6	Total 6
174/19/DA/D6	ADDITIONS TO DWELLING	16 BERRIGAN ROAD, FINLEY NSW 2713 (Lot1/B/DP3407)	Mrs J Russell	MRS J RUSSELL	Amended 18-06-2019	\$ 220000.00	Active 1	Total 1
175/19/DA/D5	CARPORT	15-17 GOLF COURSE	Paul & Wendy	MR PA HARVIE &	Approved	\$ 10000.00	Active	Total

NOTIFICATION

## Items for Noting

	ROAD, BAROOGA NSW 3644 (Lot1/5/DP758057)	Harvie	MRS WJ HARVIE	25-06-2019			5	5
176/19/DA/DM	OPERATING BARBER SHOP 42-48 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot1//DP972176)	David Robert Prudden	MS H M RUIGROK	Approved 25-06-2019	\$ 1000.00	Active	5	Total 5
177/19/DA/DM	NEW INTERCHANGE & COACHES BOX 63 PINNUCK STREET, FINLEY NSW 2713 (Lot178//DP752299)	BERRIGAN SHIRE COUNCIL	DEPARTMENT OF LANDS	Approved 24-06-2019	\$ 50000.00	Active	4	Total 4

APPLICATIONS PENDING DETERMINATION AS AT 30/06/2019

Application No.	Date Lodged	Description	Property Location
139/19/DA/DM	10-04-2019	CAFE	221 NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot307//DP820153)
178/19/DA/D9	20-06-2019	15 LOT SUBDIVISION	LEWIS CRESCENT, FINLEY NSW 2713 (Lot24//DP1245044)
184/19/DA/D1	27-06-2019	BV DWELLING & ATTACHED CARPORT	24-26 BAROOGA STREET, BERRIGAN NSW 2712 (Lot4/11/DP758097)
185/19/DA/D5	28-06-2019	RESIDENTIAL STORAGE SHED	10 BRUTON STREET, TOCUMWAL NSW 2714 (Lot12//DP1067902)
186/19/DA/D5	28-06-2019	RURAL SHED	59 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot30//DP270154)

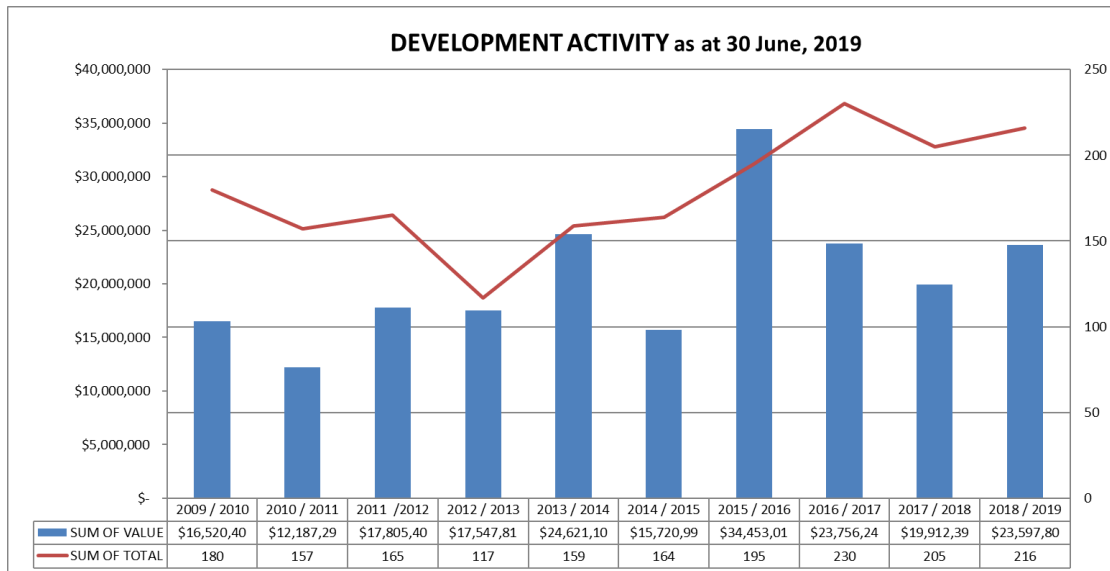
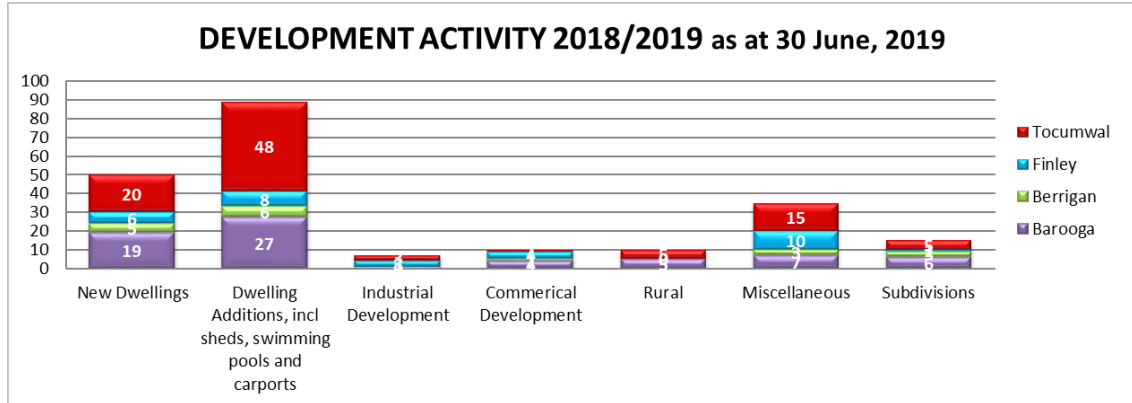
## TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (June)	Year to Date	This Month's Value (June)	Year to Date Value
<i>Development Applications (DA)</i>	15	178	\$1,953,662	\$19,838,133
<i>Construction Certificates (CC)</i>	12	122	\$1,651,786	\$194,584,722
<i>Complying Development Certificates (CDC)</i>	1	38	\$527,000	\$3,759,674
<i>Local Activity (s.68)</i>	8	86		

OTHER CERTIFICATES ISSUED FOR JUNE 2019

	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	
	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total	JUNE	Year Total
BAROOGA	4	72	0	1	0	1	0	0	0	0	1	6
BERRIGAN	4	66	0	2	0	16	0	1	0	0	0	1
FINLEY	3	94	0	7	1	11	0	5	0	0	0	6
TOCUMWAL	4	104	0	5	0	3	0	0	0	3	0	6
<b>TOTAL</b>	<b>15</b>	<b>336</b>	<b>0</b>	<b>15</b>	<b>1</b>	<b>31</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>19</b>

Items for Noting



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**Items requiring Council Resolution**

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**7. CLOSED COUNCIL**

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

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

The matters and information are the following:

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

**7.1 T08/18/19 CONSTRUCTION & REFURBISHMENT OF THE FINLEY RUGBY & SOCCER FACILITY**

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

**Items requiring Council Resolution**

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- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or

**7.2 TOCUMWAL AERODROME SUBDIVISION**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

**7.3 TENDER C020/19 – RECYCLABLES ACCEPTANCE & SORTING**

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

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or

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

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

**7.1 T08/18/19 CONSTRUCTION & REFURBISHMENT OF THE FINLEY RUGBY & SOCCER FACILITY**

**7.2 TOCUMWAL AERODROME SUBDIVISION**

**7.3 TENDER C020/19 – RECYCLABLES ACCEPTANCE & SORTING**

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

**Items requiring Council Resolution**

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Open Council resumed at .....

**RESOLUTIONS FROM THE CLOSED COUNCIL MEETING**

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

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Items requiring Council Resolution

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**8. MAYOR'S REPORT**

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

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Items requiring Council Resolution

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**DELEGATES' REPORT**

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Items requiring Council Resolution

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10. GENERAL BUSINESS

RESOLUTION