



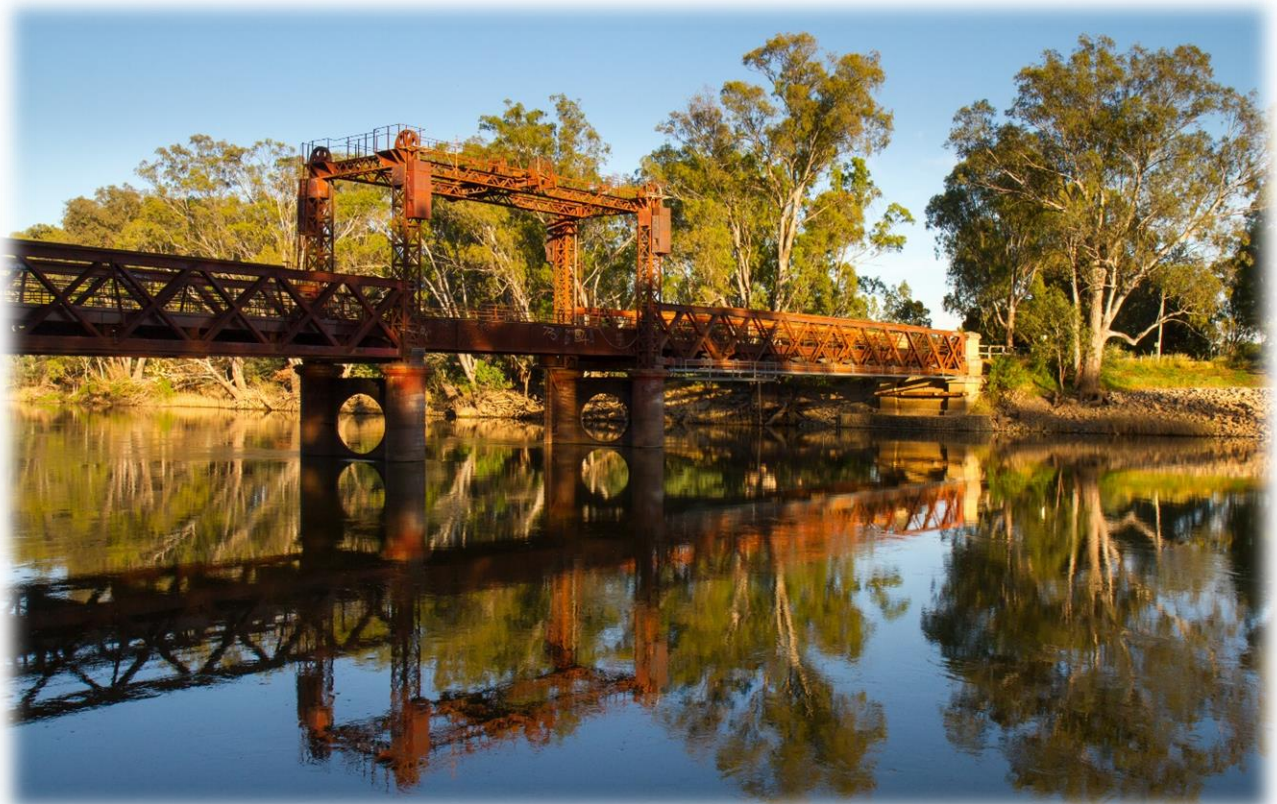
ORDINARY MEETING OF COUNCIL

Wednesday 18 November 2020

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 11 November, 2020** when the following business will be submitted:-

ITEMS OF BUSINESS

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

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday 18 November, 2020

BUSINESS PAPER

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

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

Nil

4. CONFIRMATION OF MINUTES

Recommendation: That the Minutes of the meeting held in the Council Chambers on Wednesday 21, October, 2020 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION

Nil

7. ITEMS FOR RESOLUTION

Council Meeting

18 November, 2020

7.1 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 October 2020,
- b) Confirm the accounts paid as per Warrant No. 10/20 totaling \$7,107,599.15, and
- c) Note the report on investments attached as **"Appendix 7.1-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 October 2020 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 October 2020.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 October 2021, totaling \$7,107,599.15 and will be submitted for confirmation of payment as per Warrant No. 10/20
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) October has seen a slight decrease in total funds held at the end of September. The decrease is roughly comparable with the same period last year and represents the general pattern in cash holdings over a year.

Total funds held are expected to increase over the November period as the second quarterly FAG instalment and rates instalments become due. Council currently has an additional \$5.5 million more in cash and investments than the same time last year.



f) Further information regarding Council's investments is attached to this Agenda as "Appendix 7.1-B".

Statement of Bank Balances as at 31 OCTOBER 2020

Bank Account Reconciliation

Cash book balance as at 1 OCTOBER 2020	\$ 13,631,383.37
Receipts for OCTOBER 2020	\$ 2,039,510.67
Term Deposits Credited Back	\$ -
	\$ 15,670,894.04

Less Payments Statement No 10/20

No Chq Payments	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 574,910.24
Electronic Funds Transfer (EFT) Creditors E035575-E035792	\$ 1,460,928.94
Term Deposits Invested	\$ 5,000,000.00
Loan repayments, bank charges, etc	\$ 71,759.97
Total Payments for OCTOBER 2020	\$ 7,107,599.15
Cash Book Balance as at 31 OCTOBER 2020	\$ 8,563,294.89

Bank Statements as at 31 OCTOBER 2020

Plus Outstanding Deposits	\$ 8,556,479.12
Less Outstanding Cheques/Payments	\$ 6,815.77
	\$ -
Reconciliation Balance as at 31 OCTOBER 2020	\$ 8,563,294.89

INVESTMENT REGISTER

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	133/17	181	**1.65%	24/11/2020	\$ 1,000,000.00	BBB+
AMP	125/16	182	**1.60%	30/11/2020	\$ 2,000,000.00	BBB+
AMP	144/19	365	**1.80%	23/03/2021	\$ 2,000,000.00	BBB+
AMP	136/18	365	**0.60%	19/10/2021	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	124/16	365	1.30%	13/05/2021	\$ 2,000,000.00	UNRATED
Bendigo Bank	141/18	364	*0.85%	13/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	142/18	365	*0.80%	26/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	146/20	365	*0.80%	28/09/2021	\$ 5,000,000.00	BBB+
Central Murray Credit Union	126/16	365	1.00%	31/08/2021	\$ 2,000,000.00	UNRATED
Defence Bank Limited	138/18	365	1.70%	10/01/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	102/14	364	1.65%	5/04/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	106/14	365	1.35%	29/06/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	146/19	365	0.80%	31/08/2021	\$ 2,000,000.00	BBB
G&C Mutual Bank	145/19	364	1.70%	6/04/2021	\$ 2,000,000.00	BBB-
NAB	143/18	365	1.45%	19/11/2020	\$ 2,000,000.00	AA-
					\$ 32,000,000.00	

Total Funds Held at 31 OCTOBER 2020

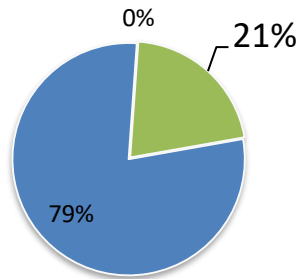
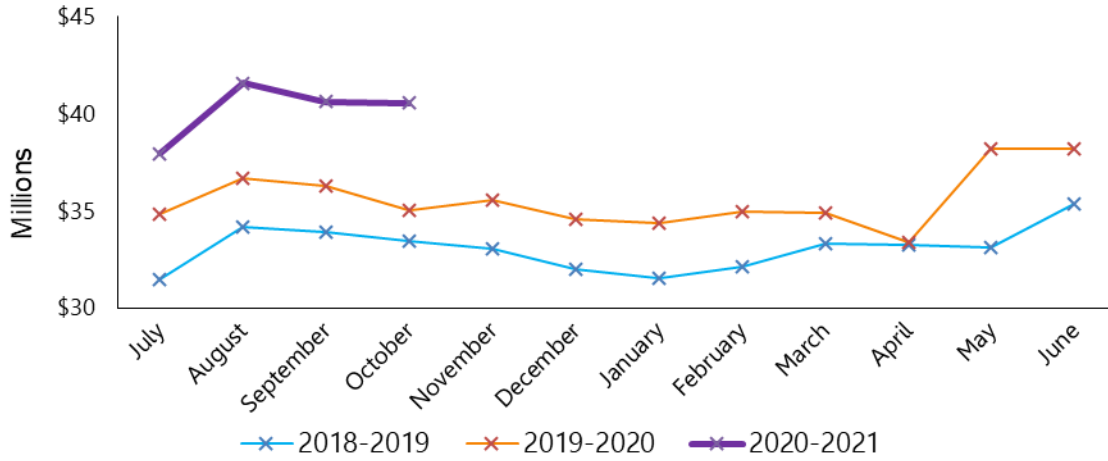
\$40,563,294.89

Tahlia Fry - Finance Manager

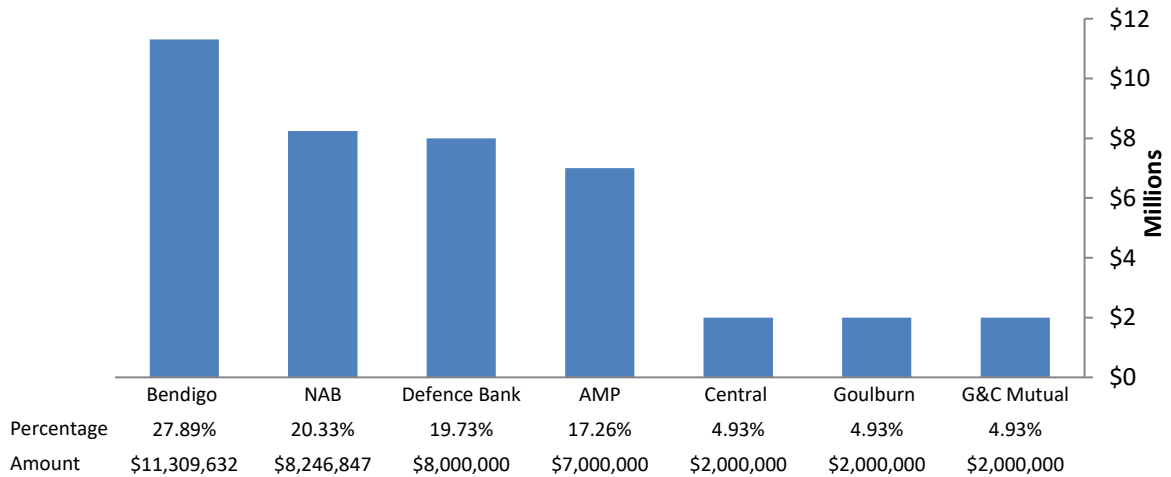
*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

Total Cash and Investments



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



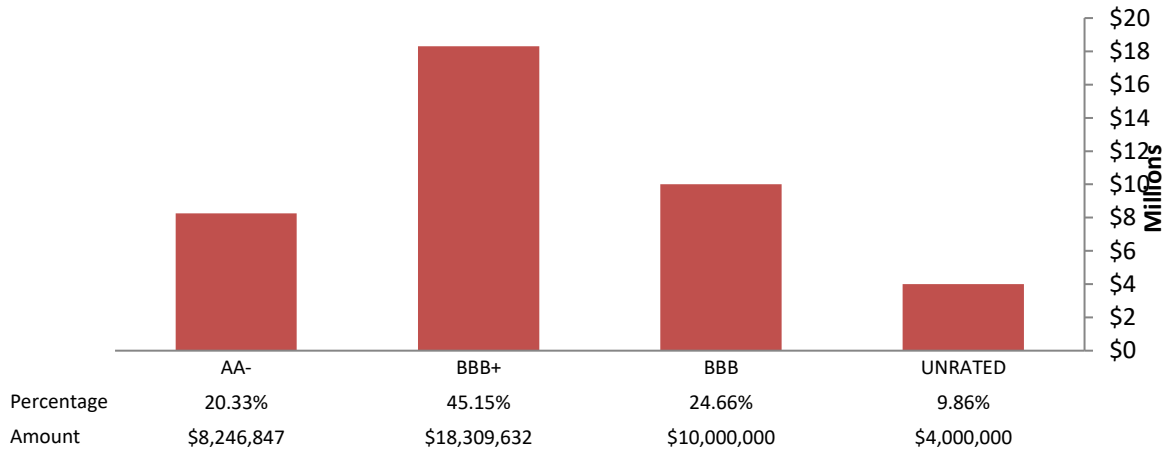


Term Deposits Credited Back				
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP BANK	365	\$ 2,000,000.00	**1.6%	19/10/2020

Term Deposits Invested / Reinvested				
Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
BENDIGO BANK	365	\$ 5,000,000.00	*0.80%	28/09/2021
AMP BANK	365	\$ 2,000,000.00	**0.60%	19/10/2021

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



Council Meeting

18 November 2020

7.2 Tocumwal Foreshore Committee of Management

Report by: General Manager, Rowan Perkins

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

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

President:	Ross Bodey
Vice President:	Bill Greig & Ron Peterson
Secretary/Treasurer:	Judy Carlon
Committee:	
	Bob Bowman
	Colin Jones
	Peter Bird
	Gary Hiles
	Mark Wileman
	Hugh Williamson

Report:

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

Council Meeting

18 November 2020

7.3 Integrated Planning and Reporting Timetable

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

Strategic Outcome: 2. Good government

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

Recommendation:

The Council adopt the following timetable to complete its review and development of its suite of Integrated Plans for implementation in the 2021 - 2022 financial year:

- 1) 9 December 2020 Capital Works inspection tour.
 - 2) 4 January 2021 Council Officers commence a review of the base case for the Long Term Financial Plan which will include a working draft of the Capital Works Program.
 - 3) 4 – 5 February 2021 2-day Corporate Workshop to be confirmed by the Council is the venue for the workshop – with two options proposed:
 - a) Berrigan Sports Ground or similar venue within the Berrigan Shire LGA – no overnight travel required
 - b) George Kerferd Hotel Beechworth or similar venue (regional and distance) with meeting / conference facilities and on site overnight accommodation
- Purpose of the Corporate Workshop will be to confirm the Council's requirements for its End of Term Report and provide its input into:
- a) the development of the Annual Operational Plan 2020 – 2021 and
 - b) review Resourcing Strategy (Long-term Financial Plan, reviewed Asset Management Strategy, and reviewed Workforce Development Plan).
- 4) 17 February 2021 the Council to adopt its draft Capital Works Program.
 - 5) 17 March 2021 Ordinary Council Meeting:
 - a) Reviewed Delivery Program 2017 – 2022 presented to the Council for initial comment.
 - 6) 21 April 2021 Council to:
 - a) Review Draft Operational Plan 2021 - 2022
 - b) Review Draft Rating and Revenue Policy 2021 – 2022; and
 - c) Review Draft Fees and Charges 2021 – 2022.
 - 7) 9 May 2021 endorse for public exhibition and comment the reviewed:

- a) Resourcing Strategy 2017 – 2027 inclusive of:
 - Long Term Financial Plan 2021 – 2031;
 - Workforce Development Plan 2017 – 2022; and
 - Asset Management Strategy 2021 – 2031.
 - b) Reviewed Delivery Program 2017 – 2022.
 - c) Draft Annual Operational Plan 2020 – 2021.
 - d) Draft Rating and Revenue Policy 2021 – 2022.
 - e) Draft Fees and Charges 2021 – 2022.
- 8) 16 June, 2021 adopt all of the above as:
- a) Its final suite of Integrated Plans inclusive of the Community Strategic Plan; and
 - b) Set 2021 – 2022 rates and charges by resolution.
- 9) 18 August 2020 the outgoing Council presents its End of Term Report.
-

Report:

Historically, at the November Council meeting, the Council considers the process and parameters to progress and finalise for the upcoming financial year the review of its Integrated Plans.

Set out in the above recommendation is what appears to be a logical process that draws together all of the components in this process. The development of these dates ensures that Council Officers have timeframes for the completion of the many elements required by the Integrated Planning and Reporting process and which are reflected on a day to day basis by Council's commitment to its Capital Works Program and Recurrent Operations.

Whilst the above are suggestions; there may also be a need to vary these timeframes as the process unfolds. For immediate Council, noting by the Council is the date of the Capital Works tour and schedule of the Corporate Workshop. The Capital Works tour provides the Council with an overview of the work scheduled in its current program of works and to highlight projects identified by Council Officers as needing consideration by the Council for subsequent inclusion a draft Capital Works Program.

Council Officers would benefit from Council guidance on the projects and topics in the Capital Works Tour and Corporate Workshop program. Also, agreement on the location of the corporate workshop. Option one within the Berrigan Shire with no overnight travel and accommodation or option two a regional venue requiring overnight travel and accommodation.

Council Meeting

18 November 2020

7.4 War Memorial, Hayes Park Berrigan

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

That the Council approve the proposed siting location for the Berrigan War Memorial in Hayes Park Berrigan as requested by the Berrigan RSL Sub –Branch Committee, north of the access driveway off Jerilderie Street to Lot 32 DP 1189220 Berrigan Caravan Park.

Report:

The Berrigan RSL Sub-Branch Committee is adamant to site a war memorial at Hayes Park, Berrigan.

The Committee has been successful in obtaining support from other local committees in Berrigan including:

- Berrigan Lions Club,
- Berrigan Conservation Group and Tidy Towns, and
- Berrigan & District Heritage Museum Committee

Letters of support from the committees above are attached as **“Appendix 7.4-A”**.

It is unclear the position of Berrigan District & Development Association as no formal letter has been received.

Below is an aerial photograph of the proposed siting location (the RSL’s site) and an alternative site (preferred by Council staff). The RSL Sub- Branch have also installed a temporary sign indicating the proposed location of the war memorial.



There are some concerns from staff as to locating the war memorial site within an active recreation area where Berrigan's youth congregate, furthermore BDDA have also expressed an interest in reserving an area of Hayes Park for a Half-Court Basketball Court adjacent to the proposed war memorial site of the RSL.

Staff are of the opinion that the war memorial would be better situated on the south end of Hayes Park where the existing garden bed is located. The existing garden bed would need to



be removed however, would create a reasonable buffer between the active recreation area and the war memorial.

The Council may consider suggesting to the RSL to locate the War Memorial at the Berrigan War Memorial Hall in Chanter Street or at outside the RSL Building in Jerilderie Street.

Details of the proposed war memorial are attached in **“Appendix 7.4-B”**.

It would seem reasonable for the Council to permit the RSL to locate the War Memorial in Hayes Park at the RSL’s suggested site given the majority of support from the local community group committees.



Council Meeting

18 November 2020

7.5 Berrigan Shire Council Information Guide

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation:

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



"Making an even better Berrigan Shire"

INFORMATION GUIDE

Government Information (Public Access) Act 2009

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

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

RESPONSIBLE AREA:

Corporate Services: Director Corporate Services, Matthew Hansen

COUNCIL REVIEW AND ADOPTION DATES:

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



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THE COUNCIL, ITS STRUCTURE AND FUNCTIONS

LEGAL IDENTITY

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

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

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

INTEGRATED PLANNING AND REPORTING

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

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

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

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

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

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

OUR PURPOSE

"Making an even better Berrigan Shire"

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

¹ Australian Bureau of Statistics 3218.0 Regional Population Growth 2018-19 (25 March 2020)

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

CORPORATE STRUCTURE AND FUNCTIONS

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

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

- Technical Services
- Corporate Services

Each department is responsible for the services as shown below:

Technical Services	Corporate Services
Roads, Bridges and Footpaths	Administration
Depot	Human Resources
Animal control	Finance
Stormwater drainage	Rates and charges
Parks and Gardens	Saleyards
Water and Sewerage	Recreation reserves
Environmental Health	Libraries
Building control	Public swimming pools
Waste control	Rural Fire Service
Town planning	Tourism
Council buildings	Cemeteries
Development	Caravan parks
Aerodrome	Social and cultural planning
Biosecurity	Community Bank

PREFACE

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

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

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

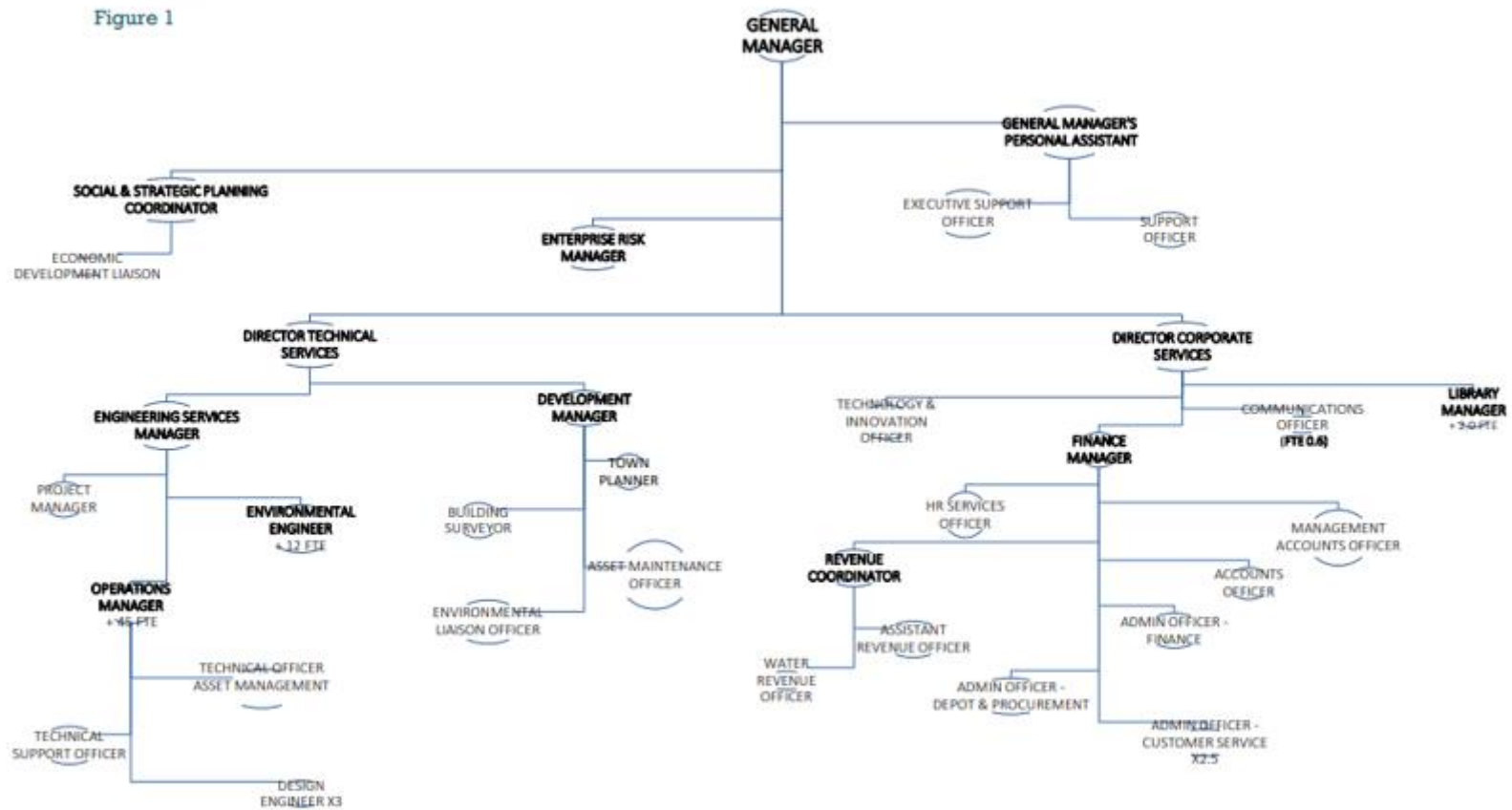


ROWAN PERKINS
GENERAL MANAGER



Organisational Structure

Figure 1



LOCAL GOVERNMENT AND THE PUBLIC

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

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

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

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

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

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

PARTICIPATION IN LOCAL GOVERNMENT

REPRESENTATION

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

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

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

Councillors serve a four-year term; the current Council was elected in September 2016 with Cr Roger Reynoldson elected in a by-election in July 2018. Berrigan Shire is not divided into wards and councillors are elected at large. The next election is scheduled for September 2021.²

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

The role of the Council is to:

1. Represent the community and advocate its viewpoint
2. Formulate policy and strategic direction and make decisions that will benefit the community as a whole

² The scheduled 2020 NSW local government elections were deferred for 12 months as a result of the COVID-19 pandemic

3. Oversee the implementation of policy and key strategic plans and review the performance of the organisation
4. Set and approve the Council budget



▲ **MAKING REPRESENTATIONS TO COUNCILLORS**

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

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

Cr Matthew Hannan (Mayor) M: 0409 893 142 E: mhannan@berriganshire.nsw.gov.au	Cr Daryll Morris (Deputy Mayor) M: 0448 130 292 E: daryll@berriganshire.nsw.gov.au
Cr John Bruce M: 0427 906 531 E: johnb@berriganshire.nsw.gov.au	Cr Roger Reynoldson M: 0428 852 063 E: rogerr@berriganshire.nsw.gov.au
Cr Denis Glanville M: 0407 445 803 E: denisg@berriganshire.nsw.gov.au	Cr Ross Bodey M: 0400 499 146 E: rossb@berriganshire.nsw.gov.au
Cr Colin Jones M: 0428 839 228 E: colinj@berriganshire.nsw.gov.au	Cr John Taylor M: 0409 414 936 E: johnt@berriganshire.nsw.gov.au



2018 - 2020

Back Row: Cr John Taylor, Cr Roger Reynoldson, Cr Daryll Morris, Cr John Bruce, Cr Denis Glanville

Front Row: Cr Ross Bodey, Fred Exton (Director Technical Services), Cr Matthew Hannan, Rowan Perkins (General Manager), Cr Colin Jones

Absent: Matthew Hansen (Director Corporate Services)

MEETINGS

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

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

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



PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

Some of these special committees or bodies are:

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

COUNCIL INFORMATION AND ACCESS TO INFORMATION

LIST OF COUNCIL DOCUMENTS AVAILABLE TO THE PUBLIC

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

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

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

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

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

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

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

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

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

HOW TO ACCESS INFORMATION THE COUNCIL HOLDS

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

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

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

ACCESS TO AND AMENDMENT OF COUNCIL RECORDS

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

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

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

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

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

Matthew Hansen
Director Corporate Services
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

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

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

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

You can contact the OIPC via:

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



Report:

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

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

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

- (1) An agency (other than a Minister) must have a guide (its "agency information guide") that:
 - (a) describes the structure and functions of the agency, and*
 - (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and*
 - (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the exercise of the agency’s functions, and*
 - (d) identifies the various kinds of government information held by the agency, and*
 - (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and*
 - (f) specifies the manner in which the agency makes (or will make) government information publicly available, and*
 - (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.**
- (2) An agency must make government information publicly available as provided by its agency information guide.*

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

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

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



The Agency Information Guide was last adopted by the Council in November 2019.

Changes made to the proposed Guide this year are largely cosmetic or updates of routine information.

Council Meeting

18 November 2020

7.6 Local Roads and Community Infrastructure Program

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council prepare and submit an application for funding under the Local Roads and Community Infrastructure Program:

- Replacement of netball courts
- Kerb and gutter uplift
- Drainage and resurfacing of car park - Apex Park, Berrigan.

Report:

In the 2020/21 Federal budget, Berrigan Shire Council has been allocated a second tranche of Local Roads and Community Infrastructure Program funding (LRCIP) totalling \$815,028.

While the program guidelines for this second tranche of LRCIP have not yet been released, the Federal Government has advised that all projects funded in this tranche must be physically complete by 31 December 2021 with funding available from 1 January 2021.

Council will need to determine which projects it would seek to fund under this program.

Guidelines

The program guidelines for the initial tranche stated

The intended outcomes of the LRCI Program are to:

- *provide stimulus to protect and create local short-term employment opportunities through funded projects following the impacts of the COVID-19; and*
- *deliver benefits to communities, such as improved road safety, accessibility and visual amenity.*

Eligible local road projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider how works can support improved road safety outcomes. This could include projects involving any of the following associated with a road:

- *traffic signs;*
- *traffic control equipment;*

- *street lighting equipment;*
- *a bridge or tunnel;*
- *a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);*
- *facilities off the road that support the visitor economy; and*
- *road and sidewalk maintenance, where additional to normal capital works schedules.*

Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Projects that involve the construction, maintenance and/or improvements to state/territory and crown owned land/assets and Commonwealth owned land/assets, can also be eligible projects where the Council can confirm that they have the authority of the land or asset owner to undertake the project at the nominated site(s) and the sites are accessible to the public (including natural assets).

These projects must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

In addition to the project guidelines, the indication from the Council and Councillors at previous meetings regarding future grant programs of this nature is that:

- The Council should focus on repair, replacement and upgrade of its existing assets rather than constructing new assets - consistent with the Council's existing Financial Strategy action 2.2. "Prioritise the renewal of existing assets over the development and delivery of new services"
 - The Council should consider using this type of funding for local roads as well as community infrastructure.
-

To meet the timeframe, projects will need to be “shovel ready” and preferably with consents in place now.

Projects

At the Strategic and Policy Workshop held on 4 November 2020, the Council identified the following projects as its priorities for funding under this program

Netball courts - The Council has a strategy to replace the netball courts at each of its Recreation Reserves with purpose-built courts with durable concrete bases and modern surfaces. The new courts at Berrigan, constructed in 2018, are the gold standard. The Tocumwal courts are built to a similar standard but require resurfacing. The Finley and Barooga courts both require replacement in the short to medium term.

The Finley courts have been designed and have been included in a pending grant application under the Office of Responsible Gambling Infrastructure Program. This program requires the Council (in partnership with the Finley Recreation Reserve Committee of Management) to match any grant funding dollar-for-dollar.

There are differences of opinion as to where any new netball courts at Barooga Recreation Reserve should be located. Until a location is determined, it is difficult to do the survey and design work to cost the proposal.

Kerb and gutter uplift - There are known issues with kerb and gutter infrastructure across all four towns. While these issues have existed for some time, they have not been able to compete in terms of priority with other road and drainage programs.

This project will allow the Council to address community concerns regarding kerb and gutter infrastructure, distribute funding across all four communities and is scalable - i.e. the amount of work can be adjusted to meet the available budget.

Drainage and carpark sealing at Apex Park, Berrigan - Earlier this year the Council completed a major upgrade of Apex Park in Berrigan including relocation and expansion of the playground and shelter as well as replacement of the car shelter and planting new trees. The upgrade has been well received by the Berrigan public.

While the new park looks attractive, the underlying infrastructure needs some work. The drainage in the car park area is poor and creates issues whenever there is rain. The car park surface is also poor and this creates access and amenity issues for local residents.

Fixing the drainage and constructing the car park would complete the Apex Park development.

The Council may wish to consider other projects for funding and/or undertake consultation with the community on appropriate projects.

Council Meeting

18 November 2020

7.7 Request for Assistance – Developer Concession

Report by: Revenue Coordinator, Michael Millar

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council grant a developer concession in line with its Statement of Revenue Policy for the lots listed below:

Assessment Number	Lot and Plan
01376-00000000-000	Lot 1 DP1262202
01377-00000000-000	Lot 2 DP1262202
01378-00000000-000	Lot 3 DP1262202
01379-00000000-000	Lot 4 DP1262202
01382-00000000-000	Lot 7 DP1262202
01383-00000000-000	Lot 8 DP1262202
01384-00000000-000	Lot 9 DP1262202
01385-00000000-000	Lot 10 DP1262202
01386-00000000-000	Lot 11 DP1262202
12969-00000000-000	Lot 12 DP1262202

Annual water and sewerage charges will be waived on these lots up to a maximum period of three (3) years, or until the lots are built upon, sold, leased or otherwise occupied (whichever is sooner)

Report:

National Plant Group has written to the Council seeking an exemption on their subdivided lots in Hamilton Street Finley until each lot is sold. A copy of their request is attached as “Appendix 7.7-A”. Also attached is correspondence with the Valuer General relating to an amalgamation request for the same properties.

The most straight forward manner of providing the developer with relief on their rates and charges is via a developer concession as per the Council’s Statement of Revenue Policy.

The Policy states:

Council may offer incentives in the form of rating waivers relative to annual water and sewerage charges to developers involved with multi-lot subdivisions.

Applications for developer concessions are as follows:

- Written application should be submitted to the Council prior to 31st May for consideration at the June ordinary meeting of Council
- Annual water and sewerage charges may be waived on the undeveloped lots of a subdivision, up to a maximum period of three (3) years, or until the lots are built upon, sold, leased or otherwise occupied (whichever is the sooner)
- No concessions under this section are given for Domestic Waste, Stormwater, Pedestal or Water Consumption Charges.

The notification of the subdivision was received by the Revenue Department from the New South Wales Valuer General on 28th April 2020. It appears that there has been some confusion from the Developer regarding the process for having Developer Concessions put in place. This has led to the delay in requesting consideration for developer concessions.

The total number of lots proposed to be sold is 9.

The cost to Council per year to offer this developer concession is

Fund	Amount
Water Access	\$4,959
Sewer Access	\$5,112

Council Meeting

18 November 2020

7.8 Themes for the 2021 Berrigan Shire Business Awards

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

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

Recommendation: That the themes for the 2021 Berrigan Shire Business Awards will be:

- Excellence in Innovation, Resilience or Growth
- Excellence in Shop Front and Online Integration
- The People's Choice Award for Excellence in Customer Service.

Report:

The internal advisory committee for the Business Awards consists of Rowan Perkins, Jo Ruffin, Jacq Davis, Michelle Koopman and Merran Socha. This group has met twice in the past six weeks to discuss the format for the 2021 Berrigan Shire Business awards.

After considering all the issues, it is recommended to proceed with the Business Awards in the current format accepting that the presentation dinner may need to be deferred if regulations at the time do not allow for such a gathering.

The 2021 Business Awards program will endeavor to give businesses a sense of optimism, inject some much-needed enthusiasm, and hope into the business community.

Following discussion at the November 2020 Strategy and Policy meeting the themes recommended for the 2021 Business Awards are:

- **Excellence in Innovation, Resilience or Growth**
Businesses nominated in this category should be able to demonstrate the introduction of innovation in product or process, resilience during adversity or business expansion and growth in the period from January 2019 to December 2020.
- **Excellence in shop front and online integration**
Business in nominated in this category should be able to demonstrate how they have integrated their physical business with an online business presence.
- **The People's Choice Award for Excellence in Customer Service.**



Businesses in this category are nominated by the community and will be voted on by the community.



Council Meeting

18 November 2020

7.9 Child-Safe Policy and Framework

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Revoke the Child Protection Policy dated 17 January, 2001; and
2. Adopt the Child Safe Policy and Framework included as below:



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CHILD-SAFE POLICY AND FRAMEWORK

Strategic Outcome:	Supported and engaged communities		
Date of Adoption:	18 November 2020	Minute Number:	
Date for Review:	20 November 2024		
Responsible Officer:	Enterprise and Risk Manager		
Document Control:	Replaces and revokes the Child Protection Policy 17 January 2001		
Delivery Program Link:	3.1.1.1 Support and promote the healthy development and wellbeing of children and young people		

1. POLICY STATEMENT

Berrigan Shire Council is committed to establishing and promoting a child safe organisation in accordance with the *Children's Guardian Act 2019*, and the Child Safe Standards. This Child Safe Framework (the Framework) is designed to provide guidance for all staff and volunteers around what is required to ensure:

- Conditions are created which reduce the likelihood of children being harmed;
- Conditions are created that increase the likelihood of identifying and reporting harm;
- Appropriate responses are made towards disclosures, allegations and suspicions of harm

2. PURPOSE

The Framework is designed to provide guidance for all Council workers, working with children, around what is required to ensure Berrigan Shire Council is providing a safe environment for children and young people and is meeting the requirements under the *Children's Guardian Act 2019*



3. SCOPE

This Framework relates to all contractors, volunteers and employees of the Berrigan Shire Council. Specifically, those workers who work within close proximity to children.

4. DEFINITIONS

Children are people aged under 18 years or a person apparently less than 18 years of age if the person's age cannot be proved.

Child Safe Standards are ten standards recommended by the Royal Commission following their inquiry into institutional responses to child sexual abuse and other related matters. Each standard is principle-based and focused on the outcome that the organization is seeking to achieve by implementing child safe strategies.

Emotional abuse is not a one off incident but rather a pattern of behaviour over a period. It affects a child's emotional, social, cognitive and intellectual development. It can include persistent behaviour by adults such as rejection, isolation, ignoring, hostility, yelling, criticism or exposure to family violence. It is the most common type of abuse experienced by children and is likely to be present alongside physical and sexual abuse.

Family violence exposure is when a child hears or sees a parent, sibling or other family member experience physical, sexual or emotional abuse. It could also be when a child sees the outcomes from the violence such as physical injuries to a person or damage to property.

Neglect is the failure to provide the basic necessities for emotional and physical development and wellbeing of a child. This includes food, safe and hygienic housing, appropriate clothing, access to medical treatment, personal hygiene and adequate supervision.

Physical abuse is when a child experiences deliberate physical injury or trauma. Most commonly it includes hitting but can also be biting, shaking, burning or poisoning. Under the Children's Guardian Act 2019, an assault can occur when a person intentionally or recklessly (i.e. knows the assault is possible but ignores the risk):

- Applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- Causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures



and regardless of whether the person actually intends to apply any force (apprehension of physical force).

Reportable Conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded –

(a) a sexual offence – a sexual offence is an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- sexual touching of a child;
- a child grooming offence;
- prediction, dissemination or possession of child abuse material.

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

(b) sexual misconduct – the Children’s Guardian Act 2019 defines sexual misconduct to mean any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence) and provides the following example:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications;
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

(c) ill-treatment of a child – is conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhumane or cruel

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

(d) neglect of a child – means a significant failure – by a person with paternal responsibility for the child, or an authorised carer or an employee if the child is in the employee’s care – to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child.



Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where the failure is likely to cause harm. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

(e) *an offence under section 43B or 316A of the Crimes Act 1900:*

"Failure to reduce or remove risk of child becoming victim of child abuse"

"Concealing a child abuse offence"

Sexual abuse *is when an adult, child or adolescent uses their power and authority to involve a child in sexual activity. Sexual activity includes sexual intercourse and also a range of sexual behaviours that can be physical, verbal or emotional.*

Worker – *The Council will use the same definition under the Work Health and Safety Act 2011, and includes a person who carries out work in any capacity for the Council including work as an employee, volunteer, contractor, sub-contractor, work experience student or trainee, but for the purposes of this Framework also extends to Councillors.*

5. POLICY IMPLEMENTATION

The Council has four objectives for ensuring the Child Safe Standards are adopted and used to guide decision making. These are:

1. All Council workplaces and events where children are present and encouraged to participate will be managed in accordance with the Child Safe Standards;
2. All workers involved in delivering services to children will understand their roles and expected standards of behaviour in relation to keeping children safe from all types of abuse and neglect;
3. All Council endorsed activities or events (including camps and excursions funded and/or supported by Council) will demonstrate compliance with the Child Safe Standards as a requirement to receive funding or support;
4. Existing and proposed Council facilities where children congregate, or frequent will be assessed for suitability and safety in accordance with Child Safe Standards and recommendations.



5.1 Child Safe Standards

The Child Safe Standards that make up the Framework together with examples of how we will apply these standards are listed below:

Standard	Statement	How do we do this?
Standard 1	<i>Child safety is embedded in organisational leadership, governance and culture.</i>	<i>The Council demonstrates a commitment to child safety through documentation, continuous review and improvement, behaviours and attitudes, that prioritise the safety of children</i>
Standard 2	<i>Children participate in decisions affecting them and are taken seriously.</i>	<i>Children will be consulted and encouraged to put their views forward on Council projects and services that affect them and their families</i>
Standard 3	<i>Families and communities are informed and involved.</i>	<i>Information around the Council's child safe practices are promoted and made available through a variety of mediums, and feedback reviewed and enacted where appropriate</i>
Standard 4	<i>Equity is upheld and diverse needs are taken into account.</i>	<i>Diversity and inclusion will be considerations with Council projects and services; Staff will be trained to recognise and understand and respect the diverse needs of children, and adapt services accordingly</i>
Standard 5	<i>People working with children are suitable and supported.</i>	<i>Recruitment of workers working with children will emphasise child safety; Appointment will require probity checks and induction around child safety procedures</i>



Standard	Statement	How do we do this?
Standard 6	<i>Processes to respond to complaints of child abuse (or other concerns) are child-focused.</i>	<i>Specific procedures in accordance with the Office of the Children’s Guardian Reportable Conduct Scheme, and Mandatory Reporting under the Crimes Act 1900 are compliant and child-focused.</i>
Standard 7	<i>Staff are equipped with the knowledge, skills and awareness to keep children safe, through continual education and training.</i>	<i>All staff working with children will be required to undergo training to equip them with the knowledge required to enact the Child Safe Standards, and will be required to continually refresh their knowledge</i>
Standard 8	<i>Physical and online environments minimise the opportunity for abuse or other kinds of harm to occur.</i>	<i>Risks associated with physical and online environments are identified and mitigated where possible without compromising a child’s right to privacy and healthy development</i>
Standard 9	<i>Implementation of the Child Safe Standards is continuously reviewed and improved.</i>	<i>The Council’s focus is on continual improvement. Various mechanisms are used to continuously review the processes around child safety including document review, regular meetings and customer complaint systems.</i>
Standard 10	<i>Policies and procedures document how the organisation is child safe.</i>	<i>Policies and procedures supporting child safety are developed in accordance with legislation and the Child Safe Standards, under Council’s Integrated Management System, and are designed to be accessible and easily understood.</i>

5.2 Risk Management

Risks associated with each standard are identified and assessed, and mitigation strategies established in accordance with the Council’s Risk Management Policy and Framework. The risks will consider gaps in current practices against the requirements under each standard, and identify strategies in accordance with legislation and best practice.



Risk assessments will also form part of ongoing reviews and continuous improvement procedures.

Identified risks and control measures will be included in the Council's corporate Risk Register.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Children's Guardian Act 2019*
- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Work Health and Safety Act 2011*
- *Crimes Act 1900*
- *Local Government Act 1993*

6.2 Council documents

- [Berrigan Shire Council Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Berrigan Shire Council Children, Young People and Families Strategy 2020 – 2024](#)
- [Berrigan Shire Council Library Services Strategy 2016](#)

6.3 Other resources

- [A guide to the Child Safe Standards - NSW Office of the Children's Guardian](#)

Report:

Following the Royal Commission into institutional responses to child sexual abuse, changes to child protection legislation were established. These changes vary by state. Broadly, all NSW residents have a responsibility to report known or suspected incidents of child abuse, however some workplaces and service providers have additional responsibilities.

The additional responsibilities for the Berrigan Shire Council are due to our pools and library services, volunteers that work within those services; any events that we hold specifically for children (and any volunteers working at those events who are in direct contact with children), or events that we may promote or have a direct association with that involve children.

These extra responsibilities involve:

- ensuring that anybody that works for Council in direct contact with children obtain or show evidence of, a working with children check (WWCC). This includes paid staff, volunteers, and contractors. Our responsibility also includes establishing a process whereby WWCCs are reviewed by the Office of the Children's Guardian;
- establishing a reportable conduct process whereby Council staff who become aware of an issue involving a child, committed by a member of staff – recently or historically, report the issue to the Head of the Relevant Entity (HRE), which is the General Manager. The General Manager will then follow the process through in consultation with the Office of the Children's Guardian.

Meeting these extra responsibilities involves making some changes to our processes, developing procedures, expanding the knowledge of our staff, and promoting Council to the community as a child safe organisation. The Office of the Children's Guardian has established ten Child Safe Standards, which are to be used to guide workplaces in making the appropriate changes.

The attached Child Safe Policy and Framework (policy) outlines what we will do to ensure we are meeting our obligations and adopting the ten child safe standards. This includes:

- demonstrating commitment to child safety through documentation, continuous review and improvement, behaviours and attitudes that prioritise the safety of children;
 - consulting with children and encouraging them to put their views forward on Council projects and services that affect them and their families;
 - promoting Council's child safe practices through a variety of mediums, reviewing feedback and making changes where required;
 - giving consideration to diversity and inclusion in Council projects; and training staff to recognise, understand and respect the diverse needs of children, and adapting services accordingly;
-

- conducting appropriate checks on workers working with children;
- developing procedures on reportable conduct processes;
- equipping staff with the required knowledge to enact the child safe standards;
- identifying risks and mitigating where possible;
- focusing on continually improving child safety processes;
- developing policies and procedures to support child safety and meet legislative obligations.

This policy is the first step towards integrating child safety into our processes. Further developments will include:

- development of procedures
- training
- child safety promotion



Council Meeting

18 November 2020

7.10 Equal Employment Opportunity Policy and Plan

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke the Equal Employment Opportunity Policy and the Equal Opportunity Plan adopted 16 April 2014; and
2. Adopt the Equal Employment Opportunity Policy and the Equal Opportunity Plan set out below:



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EQUAL EMPLOYMENT OPPORTUNITY POLICY

Strategic Outcome:	Good government		
Date of Adoption:	18 November 2020	Minute Number:	
Date for Review:	20 November 2024		
Responsible Officer:	Director Corporate Services		
Document Control:	Replaces and revokes the Equal Employment Opportunity Policy adopted 16 April 2014.		
Delivery Program Link:	2.1.3. Council operations and financial management support ethical transparent and accountable corporate governance		

1. POLICY STATEMENT

Berrigan Shire Council has a statutory obligation and is committed to the principles of Equal Employment Opportunity (EEO) and ensuring employment practices and workplace decisions are fair and free from discrimination. This policy is developed in line with legislation, and Council's Social Justice Framework.

2. PURPOSE

The purpose of this policy is to outline Council's commitment to EEO, ensuring Council's procedures and processes are fair and do not disadvantage people because they belong to marginalised groups (EEO target groups).

3. SCOPE

This policy relates to all Berrigan Shire Council workers including volunteers, work experience students, contractors and prospective job applicants. EEO applies to:

- Access to employment
- Conditions of employment
- Workplace decisions
- Performance evaluation
- Training and career development opportunities

4. DEFINITIONS

Disability, under the *Disability Discrimination Act 1992*, is defined as:

- The total or partial loss of the person's bodily or mental functions; or



- Total or partial loss of a part of the body; or
- The presence in the body of organisms causing disease or illness; or
- The presence in the body of organisms capable of causing disease or illness; or
- The malfunction, malformation or disfigurement of a part of the person's body; or
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour, and includes a disability that:
 - Presently exists; or
 - Previously existed but no longer exists, or
 - May exist in the future (including because of a genetic predisposition to that disability); or
 - Is imputed to a person.It also includes behaviour that is a symptom or manifestation of the disability.

Diversity, according to the Diversity Council of Australia refers to the mix of people in an organization, that is, all the differences between people in how they identify in relation to their:

- Social Identity e.g. Aboriginal and/or Torres Strait Islander background, age caring responsibilities, cultural background, disability status, gender, religious affiliation, sexual orientation, gender identity, intersex status, and socio-economic background.
- Professional Identity e.g. profession, education, work experiences, organizational level, functional area, division/department, and location.

Equal Employment Opportunity (EEO) means equitable access to jobs and benefits and services for all employees and prospective employees in the workplace. EEO aims to ensure fair and equitable outcomes in all areas of employment which relate to recruitment, selection, access to information, supervision and management.

EEO is about:

- Fair practices in the workplace;
- Management decisions being made without bias;
- Recognition and respect for the social and cultural backgrounds of all staff and customers;
- Employment practices which produce staff satisfaction, commitment to the job and delivery of quality services to customers;
- Improving productivity by guaranteeing that:
 - Skilled staff are retained



- o Training and development are linked to employee needs and customer needs; and
- o The workplace is efficient and free from harassment and discrimination.

Inclusion, according to the Diversity Council of Australia refers to getting the mix of people in an organization to work together to improve performance and wellbeing. Inclusion in a workplace is achieved when a diversity of people (e.g. ages, cultural backgrounds, genders, perspectives) feel that they are:

- Respected for who they are and able to be themselves
- Connected to their colleagues and feel they belong
- Contributing their perspectives and talents to the workplace; and
- Progressing in their career at work (i.e. have equal access to opportunities and resources)

Social justice is about inclusivity and fairness. It is based on four interrelated principles of equity, rights, access and participation. In the workplace, it is based on the idea that all people should be able to compete for employment or opportunity on the basis of their ability to do the job. In particular, it is about being more inclusive and focusing on those groups most likely to be marginalised or in vulnerable situations such as Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds, people with disabilities, older people, women and young people.

5. POLICY IMPLEMENTATION

5.1 Responsibilities

Council is responsible for ensuring:

- All staff selection and appointments are based on merit;
- Workplace conditions and career opportunities are fair and equitable;
- All employees are given assistance to achieve their full potential with respect to their positions;
- The workplace is free from unlawful discrimination;
- Equity of access to training and career development.

Workers

Whilst workers have rights, they also have responsibilities to ensure:

- They work to the best of their ability and in line with Council's Values and Code of Conduct;
- The skills and talent of other workers are recognised, and actions are taken to prevent discrimination of others in the workplace;



- The differences amongst fellow workers and customers such as cultural and social diversity are respected;
- All people are treated fairly.

Managers/Supervisors

Whilst Managers and Supervisors are afforded the same rights as all staff members, they have additional responsibilities to ensure:

- That all work practices and behaviours are fair;
- The work environment is free from all forms of unlawful discrimination;
- Employees are consulted on decisions that affect them;
- All employees are provided with equal opportunity to be considered for available jobs, higher grade duties, job rotation schemes and flexible working arrangements;
- Selection processes are transparent and the methods used are consistent;
- All employees are provided with equal access to fair, prompt and confidential processes to deal with complaints and grievances;
- All employees are given equal access to relevant training and development opportunities;
- Training and development needs of EEO Target Groups are identified and assistance is provided to help them gain access to training and development opportunities;
- Participate in learning opportunities and seek feedback to help manage staff effectively;
- Address actions in the EEO Plan to achieve specific EEO outcomes.

5.2 EEO Plan

The requirement for the Council to establish an EEO Plan is included in the *NSW Local Government Act 1993*.

The EEO Plan outlines Council's objectives towards achieving legislative compliance, eliminating discrimination in the workplace, and building a culture of diversity and inclusivity. The EEO Plan is reviewed, with outcomes reported annually in Council's Annual Report.

5.3 Breaches of Policy

It is Council's responsibility to ensure the EEO practices are adhered to and any incidents of discrimination are addressed. Reports of incidents relating to discrimination will be handled in accordance with the Council's Discrimination, Workplace Bullying and Harassment Policy.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

- Disability Discrimination Act 1992
- Fair Work Act (Cwealth) 2009
- NSW Anti-Discrimination Act 1977



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- NSW Local Government Act 1993
 - Sex Discrimination Act 1984
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulations 2017
 - Local Government (State) Award 2020
 - Berrigan Shire Council Code of Conduct
 - Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021
 - Berrigan Shire Council Social Justice Framework
 - Berrigan Shire Council Privacy Management Plan
 - Berrigan Shire Council Equal Employment Opportunity Plan
 - Discrimination, Workplace Bullying and Harassment Policy
 - Employee Assistance Program Policy
 - Internal Reporting Policy
 - Salary Policy
 - Social Media Policy
 - Training and Development Policy
 - Work Health and Safety Policy
 - Berrigan Shire Council Human Resource Manual

Equal Employment Opportunity Plan



Berrigan Shire 2020



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BSC Equal Employment Opportunity
Plan

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Introduction

The Berrigan Shire, and surrounding LGAs are diversely populated. People come from a wide range of ethnic and cultural backgrounds, with different religious beliefs, sexual orientation, disability, family responsibilities, socio-economic backgrounds, life and work experiences. Berrigan Shire Council is committed to capturing the talents, knowledge, skills and expertise of this wide ranging community to meet its workforce needs and to create a culture and work environment where this diversity is encouraged and celebrated.

This is the Berrigan Shire Council's Equal Employment Opportunity Plan (EEOP), which builds on Council's previous Equal Employment Opportunity Management Plan, and is developed to meet the requirements of the *Local Government Act 1993* (the 'Act') S344-345, and to complement Council's *Active Ageing & Disability Inclusion Strategy and Action Plan*, and *Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021*.

This EEOP expands on the objectives identified in previous plans, incorporates the principles of workplace inclusion and diversity, and addresses the objectives of the *Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021*.

Purpose

The purpose of this EEOP is to expand on Council's existing practices promoting equal employment opportunity, by committing to embed further, the principles of inclusivity and diversity into the workplace. By embedding these principles, we mirror the objectives for our community as outlined in the *Active Ageing and Disability Inclusion Framework* of:

1. Disabled residents and older people leading active and rewarding lives as valued members of the community;
2. A whole of Council response to liveability and inclusion ensuring that individuals and carers using Council services make decisions which support, irrespective of cognitive, physical, or sensory impairment and at all ages the economic independence and social wellbeing of disabled and older residents.

The EEOP will also identify additional opportunities and outline actions for our entire workforce to adopt, that will support the development and growth of our workplace culture. The Council's aim is to promote an enviable workplace culture, rich in respect and acceptance which also reflects the values of our community.



Definitions

Disability, under the *Disability Discrimination Act 1992*, is defined as:

- The total or partial loss of the person's bodily or mental functions; or
- Total or partial loss of a part of the body; or
- The presence in the body of organisms causing disease or illness; or
- The presence in the body of organisms capable of causing disease or illness; or
- The malfunction, malformation or disfigurement of a part of the person's body; or
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour, and

includes a disability that:

- Presently exists; or
- Previously existed but no longer exists or
- May exist in the future (including because of a genetic predisposition to that disability); or
- Is imputed to a person

It also includes behaviour that is a symptom or manifestation of the disability.

Diversity, according to the Diversity Council of Australia refers to the mix of people in an organization, that is, all the differences between people in how they identify in relation to their:

- Social Identity e.g. Aboriginal and/or Torres Strait Islander background, age caring responsibilities, cultural background, disability status, gender, religious affiliation, sexual orientation, gender identity, intersex status, and socio-economic background.
- Professional Identity e.g. profession, education, work experiences, organizational level, functional area, division/department, and location.

Equal Employment Opportunity (EEO) means equitable access to jobs and benefits and services for all employees and prospective employees in the workplace. EEO aims to ensure fair and equitable outcomes in all areas of employment which relate to recruitment, selection, access to information, supervision and management.

EEO is about:

- Fair practices in the workplace;
- Management decisions being made without bias;
- Recognition and respect for the social and cultural backgrounds of all staff and customers;
- Employment practices which produce staff satisfaction, commitment to the job and delivery of quality services to customers;
- Improving productivity by guaranteeing that:



-
- Skilled staff are retained
- Training and development are linked to employee needs and customer needs; and
- The workplace is efficient and free from harassment and discrimination.

Inclusion, according to the Diversity Council of Australia refers to getting the mix of people in an organization to work together to improve performance and wellbeing. Inclusion in a workplace is achieved when a diversity of people (e.g. ages, cultural backgrounds, genders, perspectives) feel that they are :

- Respected for who they are and able to be themselves
- Connected to their colleagues and feel they belong
- Contributing their perspectives and talents to the workplace; and
- Progressing in their career at work (i.e. have equal access to opportunities and resources)



Item Requiring Council Resolution



Legislative Requirements

Under the Act, Council is required to report on EEO in the Annual Report. The purpose of this is to demonstrate how Council is achieving the objectives of the Act, which are:

- To eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in Councils, and
- To promote equal employment opportunity for women, members of racial minorities, and persons with disabilities.

In addition to the Act, additional legislation that supports the requirements of EEO in the workplace include:



Legislation	Areas of concern
Racial Discrimination Act (Cwlth) 1975	<i>Race, colour, national or ethnic origin, family responsibilities</i>
Age Discrimination Act (Cwlth) 2004	<i>Discrimination in employment, education, etc.</i>
Sex Discrimination Act (Cwlth) 1984	<i>Sex, marital status, pregnancy, sexual harassment</i>
Disability Discrimination Act (Cwlth) 1992	<i>Disability includes physical, sensory, intellectual and psychiatric impairment, mental illness and presence in the body of a disease-causing organism.</i>
Australian Human Rights Commission Act (Cwlth) 1986	<i>Race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital or relationship status, impairment, mental/intellectual or psychiatric disability, physical disability, nationality, sexual orientation, and trade union activity or imputation of one of the above grounds.</i>
Anti-Discrimination Act (NSW) 1977	<i>Race (including colour), nationality, descent and ethnicity, ethno-religious or national origin, sex, sexuality, age, marital or domestic status, pregnancy, parenthood, breastfeeding, disability, physical impairment, intellectual impairment, homosexuality, transgender, carer.</i>



Workforce Profiling

In comparison to other government sectors in New South Wales, local government has a lower percentage of women¹. This is prominent in fulltime employment within Rural and Rural Remote Councils, and was seen primarily in engineering, plant operation, labouring and construction positions.

Females generally have greater representation in occupations such as office management and administration.

Berrigan Shire Council is representative of this data. As of 1st June, 2020, males made up 74% of Council's staff. Of the 26% of female staff, positions held included management roles in finance, risk, economic development, town planning, social and strategic planning, and library, as well as administrative and library assistant positions.

Whilst administration positions within Council, which were historically an area of female bias (LGNSW, 2018), had expanded to include males, there was no female representation in engineering, construction or labouring.

¹ Local Government Workforce and Future Skills Report New South Wales, September, 2018 comparison by gender, full time and part time, and urban or rural and rural remote Councils. Information obtained during Local Government Skills Shortage Survey 2017.



Integrating Equal Employment Opportunity Principles

Whilst Council has a legal obligation to address EEO principles, we are also progressing towards a more integrated approach. We are expanding our strategic actions to include diversity as part of workforce development, and as a reflection of our community's expectations.

Increasingly, Council as a service provider is expected to remain abreast of new developments, address community needs particularly in the sphere of accessibility to Council facilities and services, and accordingly make adjustments. We expect the same of our business community.

As an organisation, we need to mirror those expectations. We need to look for ways to diversify and accommodate our workforce. According to the NSW Public Service Commission, "a diverse workforce increases the recruitment pool and overall capability, and encourages innovation" (NSW Public Service, 2012).

Key Strategies

The key strategies for Council to achieve compliance with the Act, and to promote workforce diversity are:

- *Have representation in Council's workforce of people from EEO groups;*
- *Review appointment, promotion and job transfer policies and procedures to ensure they conform with EEO principles;*
- *Review conditions of employment practices to ensure they conform with EEO principles;*
- *Prevent discrimination, bullying and harassment of our workers;*
- *Review learning and development policies and practices to ensure they conform with EEO principles and to increase participation in staff training and development opportunities by EEO target group members.*



Outcomes

As part of Council's workforce planning, it is imperative that we align our actions to our outcomes. As part of integrating EEO principles, we need to ensure that the actions in the *Workforce Development and Management Plan* are aligned to our EEO outcomes.

Those outcomes are:

- 1. Increased awareness of equal employment opportunity principles including strategies for work groups to achieve workforce diversity;**
- 2. Workplaces are free from employment practices that are biased or discriminate unlawfully against employees;**
- 3. The organisational culture values diversity and the work environment is free from racial and sexual harassment.**

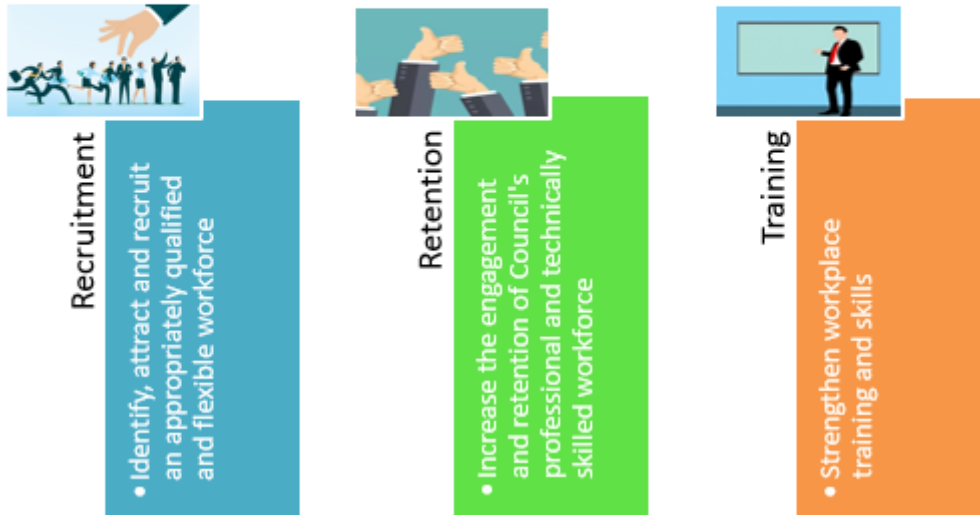


Evidence suggests that diversity can have a significant impact on business outcomes if the skills of different groups are better utilised (NSW Public Service, 2012)



Workforce Development and Management Plan

Under the three pillars of workforce development; attraction/recruitment, retention, and training; outlined in the *Workforce Development and Management Plan*, objectives have been identified as follows:



Each workforce development objective has an identified action. Not all workforce development actions lend themselves to incorporating EEO principles, but where this is possible, those identified workforce development actions will have an EEO action associated.

These EEO actions are designed to achieve our outcomes, complement what the Council is trying to accomplish in workforce development, and to embed the principles of diversity and inclusion.



EEOP Strategic Actions



Recruitment					
Workforce Development Plan Objective	EEO Strategy	EEO Action	Result	Measuring the Outcome	Responsibility
Identify, attract and recruit an appropriately and flexible workforce	Have representation in Council's workforce of people from EEO groups	Expand the promotion of services within the Shire to attract employees including: <ul style="list-style-type: none"> Disability support services; Childcare; Access to facilities And promote Council as an Equal Employment Opportunity employer.	Access to a wider range of potential employees;	Review of vacancies and appointment statistics including assessing advertising mediums used, and wording	ERM/HRSO
		Continue to explore the recruitment of migrant workers;	Representation of EEO Groups within Council's workforce;		
		Explore the options of establishing a regular program of accommodating workers on a limited tenure basis.	Difficult professional positions filled with qualified applicants		



Retention					
Workforce Development Issue	EEO Strategy	EEO Action	Result	Measuring the Outcome	Responsibility
Increase the engagement and retention of Council's professional and technically skilled workforce	Review appointment, promotion and job transfer policies and procedures to ensure they conform with EEO principles	Design and implement a job shadowing program to encourage staff from EEO groups, and work experience students, to participate as part of their development;	Career opportunities made available for internal staff including: <ul style="list-style-type: none"> • Job succession; • Participation by female staff in training and awareness programs 	Participation in job shadowing program; Requests for training	ERM/HRSO
		Hold career development programs specifically for female staff to assist in developing their careers and recognise their potential.		Numbers of female staff taking up program opportunities	ERM/HRSO
		Review positions, and remove barriers to promoting members of EEO target groups.	Position descriptions for outdoor staff are reviewed with female applicants encouraged to apply	No. of female staff employed in outdoor positions	DTS
		Review positions and opportunities for EEO groups, including: <ul style="list-style-type: none"> • Job share arrangements for new parents; • Job redesign for workers as they age. 	Job-share arrangements in place.	No. of job share positions in place.	DCS/DTS
	Workforce plan developed identifying activities suitable for ageing workers		Plan in place; No. of workers employed under the plan.	ERM/HRSO DCS/DTS	
Review conditions of employment practices to ensure they conform with EEO principles	Review current practices, renegotiate conditions if appropriate, and establish formal policies and procedures based on EEO principles for each of the following: <ul style="list-style-type: none"> • Tenure • Part-time work 	Procedures for HR Manual in place under IMS	No. of staff employed in accordance with procedures.	ERM/HRSO	



Retention					
Workforce Development Issue	EEO Strategy	EEO Action	Result	Measuring the Outcome	Responsibility
		<ul style="list-style-type: none"> Exit interview Job share arrangements 			
	Prevent discrimination, bullying and harassment of our workers	Review Council policies and procedures to ensure they remain compliant and demonstrate best practice. Issue documentation to all staff including policies, procedures and guidelines.	Policy reviewed and adopted; Procedures updated for HR Manual; Information disseminated to all staff.	Complaints dealt with expediently under procedures; Feedback sought from staff.	ERM/DCS



Training					
Workforce Development Issue	EEO Strategy	EEO Action	Result	Measuring the Outcome	Responsibility
Strengthen workplace training and skills.	Review learning and development policies and practices to ensure they conform with EEO principles and to increase participation in staff training and development opportunities by EEO target group members.	Ensure that effective EEO awareness courses are available for: <ul style="list-style-type: none"> • Management and Overseers • HR and payroll staff • Staff involved in the induction process 	Increased awareness of the benefits of workplace diversity and inclusion.	No. of staff completed training.	ERM/HRSO
		Ensure learning and development opportunities are inclusive and accessible, specifically tailoring programs to assist older workers.	Increased number of staff participating in training programs	No. of older staff completing training.	ERM/HRSO
		Provide flexible training options for all staff particularly in consideration of carer and parental responsibilities.	Training opportunities expanded to allow: <ul style="list-style-type: none"> • Training in place (time put aside each working day); • On-line training modes 	No. of staff completing training	ERM/HRSO Managers
		Provide training on bullying and harassment in the workplace to all staff.	Increased awareness of bullying and harassment obligations	No. of staff completing training; No. of complaints	ERM/HRSO



References

Local Government Act 1993

Berrigan Shire Council (2017) *Active Ageing & Disability Inclusion Strategy and Action Plan*

Berrigan Shire Council (2019) *Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021*

Local Government NSW (2018) *Local Government Workforce and Future Skills Report New South Wales*

NSW Public Service, C. (2012). *Promoting Workforce Diversity*. www.psc.nsw.gov.au.

Report:

In accordance with the *Local Government Act 1993* (the Act), Council must prepare and implement an equal employment opportunity (EEO) management plan that includes, amongst other provisions, the devising of policies and programs that:

- a) Eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in councils, and
- b) Promote equal employment opportunity for women, members of racial minorities and persons with disabilities.

In 2014, Council adopted the Equal Employment Opportunity Policy (the policy), and the Equal Employment Opportunity Plan (the plan) that met the requirements under the Act, and outlined Council's objectives in achieving legislative compliance, and eliminating discrimination in the workplace.

Both the policy and the plan have been reviewed and updated.

The policy has been updated to reflect changes in legislation, and Council's continued commitment to ensuring that equal employment opportunity requirements are met. However the policy has also been expanded to include the principles of diversity and inclusion.

Diversity and inclusion go beyond EEO in that it is more than regulatory responsibility, and more about seeking out opportunities to diversify the workforce.

The key elements of diversity and inclusion are culture and attitude. Focusing on these and helping our workforce look at management processes differently, and consider the benefits of a more diverse workforce not only helps Council achieve its EEO objectives, it can also improve our overall outcomes, and develop a more accepting and tolerant workplace culture.

The plan has also been developed incorporating the principles of diversity and inclusion and details what actions are required to meet Council's EEO requirements, and address actions in the Workforce Development and Management Plan.

Where possible, EEO actions have been assigned to actions within the Workforce Development and Management Plan, and will be used to report on outcomes annually in the Annual Report.



Council Meeting

18 November 2020

7.11 Investment Policy

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

- Revoke its Investment Policy adopted on 20 November 2019; and
- Adopt the Investment Policy set out below:

**14****INVESTMENT**

Strategic Outcome:	Good government	
Date of Adoption:	19 November 2020	Minute Number:
Date for Review:	17 November 2021	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Investment Policy adopted 20 November 2019	
Delivery Program Link:	2.1.3.1 <i>Coordinate Council investments, financial management, financial operations and processing.</i>	

1. POLICY STATEMENT

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

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

2. PURPOSE

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

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

The Council's Financial Strategy 2016 commits the Council to the following action:

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

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment



portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

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

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

3. SCOPE

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

4. DEFINITIONS

Credit risk	the risk that an institution or a product the Council has invested in fails to pay the interest and/or repay the principal of an investment
Market risk	the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices
Liquidity risk	the risk the Council is unable to redeem the investment at a fair price within a timely period
Maturity risk	the risk relating to the length of term to maturity of the investment – the longer the term, the greater the length of exposure and risk to market volatilities
Reinvestment risk	the risk that future cash flows—either interest or the final return of principal—will need to be reinvested in lower-yielding investments
Preservation of Capital	the requirement for preventing losses in an investment portfolio's total value (considering the time value of money)
Diversification	setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk
Liquidity	ensuring that funds are available in a timely manner to meet the Council's cash flow requirements without the unanticipated, and potentially disadvantageous, sale of investment products



Financial instrument any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity

5. POLICY IMPLEMENTATION

5.1 Delegation of authority

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

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

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

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

5.2 Prudent person standard

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

5.3 Ethics and conflicts of interest

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

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

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

5.4 Approved investments

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



5.5 Prohibited investments

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

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

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

5.6 Local economic benefit

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

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

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

5.7 Local economic benefit

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

Risks will be assessed with resultant investment decisions authorised by the General Manager, or in accordance with Delegated Authority.

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

- Credit risk
- Market risk
- Liquidity risk



- Maturity risk
- Reinvestment risk

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

- Preservation of Capital
- Diversification
- Liquidity

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

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

5.8 Investment advisor

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

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

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

5.9 Measurement



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

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

5.10 Benchmarking

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

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

5.11 Reporting and reviewing investments

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

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

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

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

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

5.12 Policy review

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

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



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

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Compliance

All investments are to comply with the following

- [Local Government Act 1993](#)
- Local Government (General) Regulation 2005
- Ministerial Investment Order
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

6.2 Relevant Council documents

- Long Term Financial Plan
- Financial Strategy 2016
- Fraud Control Policy
- Fraud Control Plan
- Risk Management Policy and Framework
- Code of Conduct
- Internal Reporting Policy
- Statement of Business Ethics

Report:

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

This policy is required to be reviewed annually. It was last reviewed in November 2019.

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

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

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

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

A broader review of this policy should be conducted in parallel with the current review of the Council's financial strategy underway. This broader review will need to reflect the changes in the local, national and international economic environment since the last Financial Strategy review in 2016.

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

The Council may wish to consider modifying or deleting the section of the proposed policy relating to "Local Economic Benefit". There is no evidence that this clause in the policy has any influence on decisions by banks and other institutions on services provided in Berrigan Shire.

The Council currently has around \$40m under investment at present.



Council Meeting

18 November 2020

7.12 Asset Accounting Policy

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke the Asset Accounting Policy adopted on 17 July 2019
2. Adopt the Asset Accounting Policy set out below:



p8

ASSET ACCOUNTING

Strategic Outcome:	Good government		
Date of Adoption:	19 November 2020	Minute Number:	
Date for Review:	17 November 2021		
Responsible Officer:	Director Corporate Services		
Document Control:	Replaces and revokes the Asset Accounting Policy adopted 19 June 2019		
Delivery Program Link:	2.1.3.1 <i>Coordinate Council investments, financial management, financial operations and processing.</i>		

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. DEFINITIONS

Accumulated Depreciation 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:	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	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. it's 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	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.
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:	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: <ul style="list-style-type: none">• 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	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 maybe constant, increasing, decreasing or variable.



Practically completed	Projects 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.
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	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	The process of determining the value of an asset.
Written down value	Refer to Carrying amount above

5. POLICY IMPLEMENTATION

5.1 Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of and compliance with this policy, its notes and guidelines.



Position	Directorate	Responsibility
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	<p>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.</p> <p>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.</p> <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.

5.2 Recognition

5.2.1 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

5.2.2 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
- 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.

5.2.3 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

5.2.4 Network 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.

5.2.5 Intangible assets

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

5.2.6 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.



5.3 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 Council's 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

5.4 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.

5.4.1 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.

5.4.2 Capitalisation

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



- a) The amount exceeds the asset recognition threshold; and
- b) 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

5.5 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.

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

5.6 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.

5.7 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

5.8 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.

5.9 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.

5.10 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.

5.11 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

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

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

6.2 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

6.3 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
- NSW Treasury TPP 14-01 Accounting Policy: Valuation of Physical Non-Current Assets at Fair Value

6.4 Industry guidelines

- 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



APPENDIX 1- ASSET RECOGNITION THRESHOLDS

Asset Class	Asset Category	Examples	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
Capital Works in Progress			All	N/A	At Cost	N/A
Plant and Equipment	Plant & Equipment	Major plant (graders, loaders, etc.), fleet vehicles (cars, utes, etc.) and minor plant (chainsaws, mowers etc.)	>\$2,000	5-15	Historical Cost	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 100m² 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.



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	Formation, pavement, surface, kerb & gutter, crash barrier, road island	>\$10,000	20-60	Fair Value	Cost approach and Current Replacement cost
	Bridges & Culverts	Deck, abutment, substructure	>\$10,000	50-100	Fair Value	Current Replacement cost
	Footpaths	Pathway, cycleway, footbridge	>\$10,000	40	Fair Value	Current Replacement cost
	Bulk Earthworks (non-depreciable)	Formations / Levee banks	>\$10,000	20	Fair Value	Historical cost / current replacement cost



Asset Class	Asset Category	Examples	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
Stormwater Drainage	Stormwater Drainage	Culverts, channels, detention basins, headwalls, pipes, pits, flood warning system	>\$10,000	80-100	Fair Value	Current Replacement cost
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	Telemetry, monitoring	>\$10,000	15-20	Fair Value	Current replacement Cost
	Treatment plant	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	Current replacement Cost
	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



Asset Class	Asset Category	Examples	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
	Sewer/ Effluent	Treatment Plant Mechanical and electrical components, civil structures	>\$10,000	10-100	Fair Value	Current replacement Cost
Swimming Pools		Pool shell, tiling	>\$5,000	50	Fair Value	Current replacement Cost
Other Open Space / recreational		Playground equipment, boating facility, fences, gates, outdoor furniture, lighting, barbeques, bike racks, stairs, shelters	>\$5,000	20	Fair Value	Current replacement Cost
Other Assets:						
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
Reinstatement, rehabilitation and restoration assets						
Tip assets			All	25-80	Historical cost	N/A
Quarry assets			All	25-80	Historical cost	N/A



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: (i) total gains or losses for the period recognised in profit or loss (at line item level) (ii) total gains or losses for the period recognised in other comprehensive income (at line item level) (iii) purchases, sales, issues and settlements (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.
		✓	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.



Report:

The purpose of the Council's Asset Accounting Policy is to provide guidance, clarity and consistency to Council staff 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.



Council Meeting

18 November 2020

7.13 Accounting Policy

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke the Accounting Policy adopted on 17 July 2019
2. Adopt the Accounting Policy set out below:



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ACCOUNTING

Strategic Outcome:	Good government		
Date of Adoption:	19 November 2020	Minute Number:	
Date for Review:	17 November 2021		
Responsible Officer:	Director Corporate Services		
Document Control:	Replaces and revokes the Accounting Policy adopted 19 June 2019		
Delivery Program Link:	2.1.3.1 <i>Coordinate Council investments, financial management, financial operations and processing.</i>		

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.

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

3. SCOPE

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



4. DEFINITIONS

AASB	Australian Accounting Standards Board
OLG	NSW Office of Local Government
The Code	The Local Government Code of Accounting Practice and Financial Reporting as issued annually by OLG.

5. POLICY IMPLEMENTATION

5.1 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* 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

5.2 Significant accounting estimates and judgements

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.

5.2.1 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

- a) estimated fair values of infrastructure, property, plant and equipment
- b) estimated tip remediation provisions
- c) employee benefit provisions



5.2.2 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.

5.2.3 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

5.3 **Income**

5.3.1 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.



5.3.2 User charges and fees

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

5.3.3 Interest and investment income

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

5.3.4 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.

5.3.5 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, 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

5.4 Expenses

5.4.1 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.

5.4.2 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.

5.4.3 Depreciation, amortisation and impairment

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



Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives.

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

5.4.4 Other expenses

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

5.5 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.

5.6 Investments

5.6.1 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

5.6.2 Held-to-maturity



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

5.6.3 Recognition and derecognition

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

5.7 **Receivables**

5.7.1 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.

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.

5.7.2 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 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.

5.8 Inventory and other assets

5.8.1 Raw inventory 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

5.8.2 Inventory held for distribution

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

5.8.3 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

5.9 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.

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

5.9.1 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.

5.9.2 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



5.9.3 Rural Fire Service assets

Under section 119 of the *Rural Fire Services Act 1997*, "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 plant and equipment assets. Land and buildings are recognised.

5.10 Payables and borrowings

5.10.1 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.

5.10.2 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.

5.11 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.

5.11.1 Employee benefits - short term

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.

5.11.2 Employee benefits - long term

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

5.11.3 Tips and quarries - 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.

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

5.11.4 Tips and quarries - 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.

5.12 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.

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.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

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

6.2 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

6.3 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
- NSW Treasury TPP 14-01 Accounting Policy: Valuation of Physical Non-Current Assets at Fair Value

6.4 Industry guidelines

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

Report:

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.

Council Meeting

18 November 2020

7.14 Berrigan Shared Plant – Request for Financial Assistance

Report by: General Manager, Rowan Perkins

Strategic Outcome: 3. Supported and engaged communities

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

Recommendation:

That the Council advise Berrigan Community Golf & Bowls Club, Berrigan Sportsground Committee of Management and Berrigan Tidy Towns and Conservation Committee of Management that, in relation to their proposed joint plant purchase, it will:

1. Refer \$107,000 for consideration in its 2021/2022 budget; and
2. Submit the joint plant purchase proposal for any appropriate grant funding opportunities that may become available.

Report:

The Council has received a request for financial assistance of approx. \$107,000 from Berrigan Community Golf & Bowls Club, Berrigan Sportsground Committee of Management and Berrigan Tidy Towns and Conservation Committee of Management to fund the purchase of a new tractor, finishing mower, slasher and greens mower for common use by the three entities. A copy of the joint letter is circulated with this agenda as **"Appendix 7.14-A"**.

The request that would result in the sharing of the equipment has some merit and has at times been promoted by the Council itself.

Whilst the request has some merit there are also some practical issues to be resolved around the proposal, not the least of which being that the Council within its current budget does not have the capacity to fund the proposal.

Other immediate issues include:

- Who will actually own the plant and therefore be responsible for insurance, registration etc. this issue has some consequence because two of the entities are Council Committees of Management and one is a Registered Club
- Who will maintain the equipment?
- How will the equipment be shared?



Whilst the above issues can be resolved there does not appear to be any substance to them at present.

Given the above it is suggested that the Council could consider the request as a part of its next budget process and also submit the request as a part of any appropriate grant program.

Council Meeting

18 November 2020

7.15 Request for Assistance – Tocumwal Golf & Bowls Club

Report by: General Manager, Rowan Perkins

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation:

The Direction of the Council is sought.

Report:

The Council has received a request from the Tocumwal Golf & Bowls Club for assistance with repairing or upgrading its internal road ways. The Club believes that the entrance from Golf Links Drive is a hazard for walkers with continual edge deterioration and there are apparently general issues with potholes.

The Club is seeking, at least, that the Council provide the materials for such repairs.

A copy of the letter of request from the Club is circulated with this agenda as “**Appendix 7.15-A**”.

I am referring this request for several reasons.

Firstly, the request is effectively for private works.

The Local Government Act sets out the requirements in relation to private works as set out below:

67 Private works

(1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.

Note—

Examples of the kind of work that a council might carry out under this section include—

- paving and roadmaking*
 - kerbing and guttering*
 - fencing and ditching*
 - tree planting and tree maintenance*
-

- *demolition and excavation*
- *land clearing and tree felling*
- *water, sewerage and drainage connections*
- *gas and electricity connections.*

(2) A council must not carry out work under this section unless—

(a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or

(b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.

(3) A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2)(b) in its next annual report.

(4) A report of work to which subsection (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying—

- *the person for whom the work was carried out*
- *the nature of the work*
- *the type and quantity of materials used*
- *the charge made for those materials*
- *the total of the number of hours taken by each person who carried out the work*
- *the total amount charged for carrying out the work (including the charge made for materials)*
- *the reason for carrying out the work.*

(5) This section does not apply to work carried out by a council, or by two or more councils jointly, for another council or for a public authority.

(6) This section does not apply to any graffiti removal work carried out by a council in accordance with Part 4 of the Graffiti Control Act 2008.

In relation to (2) (a), above, the relevant section of the Local Government Act states:

610A Application of Division

(1) This Division applies to a fee charged by a council for any service relating to the following activities—

- (a) the operation of an abattoir,
 - (b) the operation of a gas production or reticulation service,
-

(c) the carrying out of a water supply or sewerage service (other than a service provided, or proposed to be provided, on an annual basis for which the council is authorised or required to make an annual charge under section 501),

(d) **the carrying out of work under section 67,**

(e) the carrying out of graffiti removal work under section 11 of the Graffiti Control Act 2008,

(f) any other activity prescribed by the regulations for the purposes of this subsection.

(2) This Division does not apply to a fee charged by a council for a service relating to the following activities—

(a) the issuing of a certificate under Part 4A of the Environmental Planning and Assessment Act 1979,

(b) an activity prescribed by the regulations for the purposes of this subsection.

610B Fees to be determined in accordance with pricing methodologies

(1) A council may determine a fee to which this Division applies only in accordance with a pricing methodology adopted by the council in its operational plan prepared under Part 2 of Chapter 13.

(2) However, a council may at any time determine a fee otherwise than in accordance with a pricing methodology adopted by the council in its operational plan, but only if the determination is made by a resolution at an open meeting of the council.

The effect of the above is if the Council wishes to agree to the request it must do so in accordance with its adopted Fees and Charges or, if wishes to provide the requested works on a concessional basis, then this must be at a cost determined by the Council itself.

The Council's Fees and Charges do not specify actual rates for privates given the diversity of works to which such fees and charges may apply.

The Council does however have a policy related to charging for private works which is set out below:



Policy

75 USER FEES AND CHARGES POLICY

Version 02

File Reference No: 12.049.1

Strategic Outcome: Good government

Date of Adoption: 15/03/2017

Date for Review: 17/03/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

Berrigan Shire Council offers a range of services for which it is entitled to charge a fee or charge. This policy provides guidance to Council and its staff regarding the setting of those user fees and charges – inside the statutory restrictions of the *Local Government Act 1993* and other legislation.

The setting of user fees and charges is the only major revenue source over which the Council generally has full and free influence, inside legislation. As such, while user fees and charges may only be a small part of the Council's overall revenue, the setting of those fees and charges play an important part in the Council's budget, long term planning and financial sustainability.

2. PURPOSE

The purpose of this policy is to:

- Develop a framework for setting user fees and charges in a systematic, transparent, consistent and justifiable manner, based on relevant, reliable and robust costing information
- Provide guidance to Council staff on:
 - principles for fee and charge setting and their relationship to service delivery objectives;
 - appropriate fee and charge setting methods, including factors to be considered in determining the required level of cost recovery;
 - procedures for assuring compliance with competitive neutrality requirements;
 - procedures for monitoring service costs and fees and charges.



Policy

- **Transparency:** the nature and use of the service is understood by users.
- **Effectiveness:** the fees provide value for money for users.
- **Clarity:** users are clear about when & how fees apply.
- **Equity:** the fees are fairly applied across a range of users.
- **Ethics:** users with special service needs are not charged exorbitant fees directly in accord with the cost of higher servicing requirements.

6.3 Costing and recovery

The Council will review and where necessary, enhance its current cost allocation practices by developing a costing model and related processes to allocate indirect cost and recognising and reporting the full cost of their services.

While full cost recovery represents the optimum pricing outcome, it is important to note that there will be situations where it is appropriate for the Council to recover less than the full cost, or not to recover costs through fees and charges at all.

For example, where:

- users receive only some of the benefits of the service, with the balance going to external, unrelated third parties.
- social policy or access considerations outweigh the objectives of full cost recovery.

Fee setting decisions must be evidence based and demonstrate consideration of:

- both the direct and indirect cost of goods and services to establish the full cost and
- "Best Value" principles including:
 - accessibility,
 - affordability, and
 - the efficient cost of services.
- The level of commercial risk, if any, borne by the Council.

6.4 Rationales

Every fee or charge set by the Council will be based on a clear fee setting rationale. This rationale will be shown for each fee in the Fees and Charges Register.

The rationales applicable include:

- **Statute Limited** – Priced at the figure stipulated by law as applicable to this activity.



Policy

- **Cost Recovery** – Priced so as to return full cost recovery for the activities provided.
- **Commercial Basis** – Priced to cover the cost of the item plus a commercial mark-up.
- **Community Service Obligation** – Priced at below the cost of providing this activity as provision of the activity meets a social or economic objective of the Council.

The Council will also identify those fees where the maximum amount charged does not cover the cost to the Council of providing the service.

6.5 Price setting model

Taking into account the above, the Council will use the following price setting model when setting its fees and charges.

$$P = C - G + M - S - D$$

Where:

P – The price ultimately charged by the Council to the user

C – The full cost (direct and indirect) of providing the goods or service

G – Any grants provided by third parties to fund the provision of the goods or service

M – A commercial margin (may be zero)

S – Any subsidy provided by the Council to meet a social or economic objective.

D – A mandatory discount applied to reduce the fee to an amount mandated by law

6.6 Goods and Services Tax (GST)

The Council will use its best endeavours to determine the Goods and Services Tax (GST) status for each user fee and charge that it sets. However there may be fees and charges for which the Council is unable to confirm the GST status.

Accordingly, if a fee that is shown as being subject to GST is subsequently found not to be subject to GST, then that fee will be amended by reducing the GST to nil.



Policy

Conversely, if the Council is advised that a fee which is shown as being not subject to GST becomes subject to GST, then the fee will be increased but only to the extent of the GST.



Policy

6.7 Council services provided by delegated authorities

The Council has delegated care, control and management of some of its facilities such as Recreation Reserves, Swimming Pools and Public Halls to volunteer committees of management established under the provisions of s355 of the *Local Government Act 1993*.

The delegation to these committees includes the power to set the fees and charges relating to the use of these facilities.

While these committees are not expected to follow the fee setting model established in this policy, they should be guided by the general principle of full cost recovery where possible and the other specific fee setting principles where appropriate.

7. RELATED POLICES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government Regulation 2005*
- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*
- *Companion Animals Act 1998*
- *Government Information (Public Access) Act 2009*
- *A New Tax System (Goods and Services Tax) Act (Cwth) 1999*
- National Competition Policy guidelines

7.2 Other plans, policies and strategies

- Long Term Financial Plan
- Financial Strategy 2016
- Social Justice Framework
- Commercial Credit Policy
- A Guide to Developer Contributions for Water and Sewer

The Policy suggests that in most cases it is expected that such works are provided at profit rather than as a concession and further it requires consideration of the National Competition Policy the intent of which is to preclude public service providers from effectively undercutting private providers due to their public status i.e. tax exemptions etc.

Secondly, the Council has resisted providing such services to private entities or services provided by other levels of government for a variety of reasons including:

- Disputes about differing expectations about the quality of work provided;
- Availability of alternative service providers;
- Widespread community benefit; and
- The ability of the requesting organization to deal with the matter itself.

Thirdly, it is not practical to meet the request through the provision of materials only and the Council would need to actually execute the works itself or engage a contractor to do so.

Fourthly the Club has, over many years sought quotes from the Council to reseal its internal roads to arrest the failure in road condition and has never proceeded with the works.

Given that the Council will be required to reallocate resources from its own delayed routine works and maintenance program and also its extensive grant program commitments to estimate the value of the required works if it is to proceed in accordance with S67 of the Local Government Act I am seeking direction as to whether the Council wants to entertain the request at all or whether it wants to decline the request or whether it should refer the Club to a private provider of such services.

It may also be possible to consider the request for any suitable future grant programs.

Council Meeting

18 November 2020

7.16 Christmas Events - Contribution

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Make a \$1,000 contribution to fund Christmas events in 2020 to:
 - a. Barooga Advancement Group
 - b. Berrigan and District Development Association
 - c. Finley Chamber of Commerce, Industry and Agriculture
 - d. Tocumwal Chamber of Commerce and Tourism;
2. Include this allocation in the Council's proposed operating budget for 2021/22 and forward;
3. Withhold payment of the contribution to the Tocumwal Chamber of Commerce and Tourism until an acquittal for the 2019 contribution is returned and approved by the General Manager.

Report:

At its ordinary meeting held on 20 November 2019, the Council made the following resolution:

***RESOLVED** Crs Bruce and Jones that the Council allocate \$1000 per town for Christmas events to the Chambers etc. per annum and the Chambers etc. to report back on how the funds were utilised*

Over the past month, the Council has received requests for funding for 2020 from Berrigan, Finley and Tocumwal. Before making any payment, Council staff are seeking clarification on some issues.

1. Are the funds to be used on events or on decorations or on both? Council staff suggest that the funds are best used on events however this has been difficult for chambers this year
2. Is this to be an annual allocation (and included in the Council's budget) or was the 2019 payment a "one-off". The Council did not include this allocation in its 2020/21 operating budget.



3. As required in the resolution above, Barooga, Berrigan and Finley all reported back to the Council on the use of the contributed funds. Tocumwal did not. Council staff recommend that the Tocumwal Chamber of Commerce and Tourism should provide an adequate acquittal of the 2019 contribution before a 2020 contribution is made.

Prior to 2012, the Council had a formal policy on financial contributions to the Chambers for Christmas decorations.

Council Meeting

18 November 2020

7.17 Half Cost Scheme 01-20-21 Coree Street, Finley – Footpath
Construction West Site, Ulupna Street to Tongs Street

Report by: Assets & Operations Manager, Gary George

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

In accordance with Council's policy: *Contributory Footpath And Kerb And Gutter Schemes Policy* pursuant to clauses 217, 218 & 219 of the Roads Act 1993, proceed with the construction of footpath along Coree Street, Finley (West side, Ulupna St to Tongs St) and make a charge on abutting property owners in accordance with the Schedule for Scheme 01-20-21 as set out below

SCHEDULE: SCHEME NO. 01-20-21

COREE STREET, FINLEY FOOTPATH CONSTRUCTION (WEST SIDE, ULUPNA STREET TO TONGS STREET)



Lot , Sec, DP	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl. GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
Lot 175 DP752283	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
Lot 15 DP39698	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
Lot 176 DP752283	50.00%	16.30	\$1,799.52	\$899.76	\$89.98	\$989.74	\$899.76
Lot 172 DP752283	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
Lot 14 DP39698	25.00%	31.20	\$3,444.48	\$861.12	\$86.11	\$947.23	\$2,583.36
Lot 6 DP39698	25.00%	27.60	\$3,047.04	\$761.76	\$76.18	\$837.94	\$2,285.28
Lot 5 DP39698	25.00%	28.80	\$3,179.52	\$794.88	\$79.49	\$874.37	\$2,384.64
Lot 4 DP528080	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot 3 DP528080	50.00%	18.80	\$2,075.52	\$1,037.76	\$103.78	\$1,141.54	\$1,037.76
Lot 2 DP528080	50.00%	18.30	\$2,020.32	\$1,010.16	\$101.02	\$1,111.18	\$1,010.16
Lot A DP412207	50.00%	30.50	\$3,367.20	\$1,683.60	\$168.36	\$1,851.96	\$1,683.60
Lot 8 DP262013	50.00%	26.30	\$2,903.52	\$1,451.76	\$145.18	\$1,596.94	\$1,451.76
Lot 7 DP262013	50.00%	19.80	\$2,185.92	\$1,092.96	\$109.30	\$1,202.26	\$1,092.96
Lot 6 DP262013	50.00%	13.70	\$1,512.48	\$756.24	\$75.62	\$831.86	\$756.24
Lot 5 DP262013	50.00%	15.60	\$1,722.24	\$861.12	\$86.11	\$947.23	\$861.12
Lot 4 DP262013	50.00%	15.30	\$1,689.12	\$844.56	\$84.46	\$929.02	\$844.56
Lot 14 Sec 21 DP758412	25.00%	24.00	\$2,649.60	\$662.40	\$66.24	\$728.64	\$1,987.20
Lot 13 Sec 21 DP758412	50.00%	19.10	\$2,108.64	\$1,054.32	\$105.43	\$1,159.75	\$1,054.32
Lot 12 Sec 21 DP758412	50.00%	15.10	\$1,667.04	\$833.52	\$83.35	\$916.87	\$833.52
Lot 11 Sec 21 DP758412	50.00%	17.30	\$1,909.92	\$954.96	\$95.50	\$1,050.46	\$954.96
Lot 10 Sec 21 DP758412	50.00%	12.90	\$1,424.16	\$712.08	\$71.21	\$783.29	\$712.08
Lot 9 Sec 21 DP758412	50.00%	19.00	\$2,097.60	\$1,048.80	\$104.88	\$1,153.68	\$1,048.80



Lot 8 Sec 21 DP758412	50.00%	14.60	\$1,611.84	\$805.92	\$80.59	\$886.51	\$805.92
Lot 7 Sec 21 DP758412	50.00%	18.70	\$2,064.48	\$1,032.24	\$103.22	\$1,135.46	\$1,032.24
Lot 6 Sec 21 DP758412	50.00%	16.50	\$1,821.60	\$910.80	\$91.08	\$1,001.88	\$910.80
Lot 5 Sec 21 DP758412	25.00%	24.30	\$2,682.72	\$670.68	\$67.07	\$737.75	\$2,012.04
Lot 12 DP522713	25.00%	40.20	\$4,438.08	\$1,109.52	\$110.95	\$1,220.47	\$3,328.56
Lot 2 DP514565	50.00%	18.20	\$2,009.28	\$1,004.64	\$100.46	\$1,105.10	\$1,004.64
Lot 1 DP514565	50.00%	22.00	\$2,428.80	\$1,214.40	\$121.44	\$1,335.84	\$1,214.40
Lot B DP361573	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
Lot A DP361573	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
Lot 11 DP544109	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
Lot 12 DP544109	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
Lot 1 DP322860	50.00%	16.90	\$1,865.76	\$932.88	\$93.29	\$1,026.17	\$932.88
Lot 5 DP667749	50.00%	20.10	\$2,219.04	\$1,109.52	\$110.95	\$1,220.47	\$1,109.52
TOTAL		720.10	\$79,499.04	\$ 34,889.16	\$ 3,488.92	\$ 38,378.08	\$ 44,609.88

Estimated full unit rate is \$90.00 excluding GST per square metre, inclusive of survey, design, construction and supervision.

Report:

Footpath construction along Coree Street, Finley from Ulupna Street to Tongs Street (on the west side) programmed in the Berrigan Shire Council 2020-21 financial year budget.

The total estimate for the installation of footpath is \$79,499.04.

An estimated breakdown of the proposed footpath half cost scheme is detailed below in this report.

Most of these works were planned to be partially funded from contributions from owners in accordance with Council's policy '*Administration of Contributory Footpath and Kerb and Gutter Schemes* pursuant to clauses 217, 218 & 219 of the Roads Act 1993'.

The proposed footpath works have been identified in the Pedestrian Access and Mobility Plan adopted by Council on 16th July, 2014 and in the Draft 2020 plan as being required to provide connectivity for pedestrian routes. While there are always equity issues related to contributions for footpath construction and usage, Council is restricted by the Roads Act in application of charges and has developed its policy around these restrictions.

Affected owners have been advised of the proposed works and contributions in accordance with the policy and were asked to advise Council of their agreement or otherwise to participate in the scheme.

A total of 35 property owners will be affected by the scheme. To date there has been 9 response questionnaires received opposing and 6 in favour of the proposed scheme.

Copies of those Questionnaire responses received are attached as "**Appendix 7.17-A**".

Set out below are the details of Scheme: 01-20-21 along with a map showing the affected properties.

A site meeting has not been held currently due to COVID restrictions, a letter went out to the 30 residents to invite to express their concerns at a Zoom meeting 10/11/20 at 4:00pm, which no one attended, and this meeting was closed at 4:15pm. We had one resident ring up about this zoom meeting in which she declined to attend for she had already expressed her concerns with the questionnaire.

Half Cost Break Down

HCS01-20-21 Coree Street Finley – Concrete Footpath: Tongs Street to Ulupna Street Map



Council Meeting**18 November 2020****7.18 Trainee Administration Officer - Finance**

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Endorse the action of the General Manager in amending the staff structure to include a permanent full-time position of Trainee Administration Officer – Finance, and
2. Include a budget provision for this position in the 2020/21 financial year and beyond.

Report:

Under the *Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021*(the Workforce Plan), Council has identified several key factors affecting our attraction, retention and training of staff. These have included our ageing workforce and difficulty attracting younger applicants, and difficulty attracting and retaining professional staff.

Objectives outlined in the plan include:

- 2.1.3.5.1 Identify, attract and recruit an appropriately qualified and flexible workforce;
- 2.1.3.5.2 Increase the engagement and retention of Council's professional and technically skilled workforce
- 2.1.3.5.3 Strengthen workplace training and skills

Actions identified in the plan to meet our objectives include:

- Continue Council support of traineeships;
- Investigate opportunities for partnerships with TAFE and school based traineeships;
- Develop a traineeship program by establishing roles/ targeted at school leavers/students for both indoor and outdoor workplaces;

Due to changes in the compliance and reporting framework for NSW Local Government, including but not limited to the Audit Office of NSW assuming responsibility for local government audit, there has been a remarkably significant increase in the workload of Council's corporate services staff. This is likely to continue to increase as the new Audit, Risk and Improvement Requirements come into effect.

Due to these increases in administrative and finance workloads, Council has witnessed a marked increase in the utilization of casual staff, and of course the costs associated with that. As a result of this and financial support offered by the Federal Government for traineeships, an opportunity has been identified to not only address resource shortages, but to address the actions identified in the Workforce Plan.

It is proposed to offer a new employment opportunity within the Corporate Services function of Council specifically for a Berrigan Shire Council school-leaver. The opportunity will be a full-time position as well as a traineeship.

The traineeship will require the incumbent to complete a Certificate IV in Finance over a two year period, through NSW TAFE utilizing the services offered at Finley TAFE, as well as working at the Council providing assistance and gaining experience across the functions of the Corporate Services team. The incumbent will gain experience working within the finance and customer service teams.

The new position will work 70 hours per fortnight encompassing time spent at Finley TAFE for study commitments. It is expected the new position will cost Council in the vicinity of \$50,000 per annum including all employment on-costs, with 50% of this funded by the Federal Government.

It is requested the Council endorse this change in staffing structure.

Council Meeting**18 November 2020****7.19 Financial Review November 2020**

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Note the first quarterly review of the 2019/20 budget and vote the funds contained therein as shown in **"Appendix 7.19-A"**.
2. Note the Quarterly Budget Review Statement attached also as **"Appendix 7.19-B"**.

Report:

Circulated with the Agenda as Appendix A is the Quarterly Financial Review for the period 1 July 2020 to 30 September 2020. This report takes into account all known factors and work variations until 30 September 2020 and later where possible, including budget allocations for the 2020/21 financial year.

The report shows distribution of funds allocated to capital works in the original 2019/20 budget allocated to the specific jobs identified in the capital works program.

It also shows any brought-forward amounts as approved in the final review of the 2019/20 budget. The variations showed in the far-right column of the report shows changes to line budgets after the effect of any brought-forward amount has been considered.

The revised budget deficit is \$209,317.

Note that this deficit would be \$779,317 without the Council drawing down on \$570,000 in working capital as per the Council's decision at the July 2020 ordinary meeting of the Council.

The most significant change in this review relates to the payment in advance of 50% (\$2.2m) of the Council's 2020/21 Financial Assistance Grant (FAG). This amount was received in June 2019, hence it shows in the large cash surplus brought forward from 2019/20 and is also reflected in the decreased revenue budgeted for 2020/21. In an overall sense, it has no impact on the Council's cash result – it is a timing issue.

The other significant changes are the inclusion of a series of large scale grant funded programs and other projects as identified in the report to the ordinary Council meeting in July and subsequently.

Council staff are still preparing the 2019/20 financial statements and there are likely to be subsequent changes to this financial position as a result. The Council will have a more complete picture at its next quarterly review.

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

JOB/GL CODE	TITLE/DESCRIPTION	AMOUNT		COMMENT
1001-0337	DONATIONS	10,000	U	Council approved donation to Southern Riverina Irrigators
1010-0180	ADVERSE EVENTS PLAN DC2	30,000	U	Allocation of budget for Drought Communities 2
1200-1952	ADVERSE EVENTS PLAN DC2	17,500	F	Grant funded project
1200-1954	OLG Grant - ESPL Funding	71,813	F	Allocate grant funds to budget
3800-1950	BUILDING BETTER REGIONS JERSEY BBRF3	80,000	F	Allocate grant funds to budget
3670-1502	SALE OF SCRAP METAL	16,333	F	Over budget
4110-1601	SECT. 64 CONT. WATER - BGA	16,074	F	Contributions over and above budget (to reserve)
4110-1604	SECT. 64 CONT. WATER - TOC	18,279	F	Contributions over and above budget (to reserve)
1710-0196	LIBRARY INSURANCE	12,827	U	Additional expenditure recognised
1710-0215	LIBRARY CLEANING	11,259	U	Additional expenditure recognised
1714-0505	TOC HISTORICAL AERO MUSEUM THAM	234,950	U	Allocation of budget for THAM
1714-0508	TOC WAR MEMORIAL HALL UPGRADE	19,560	U	Allocation of budget for THAM
6200-1957	TOC HISTORICAL AERO MUSUEM GRANT THAM DC2	405,000	F	Allocate grant funds to budget
1717-0252	BGN SPORTSGROUND TOILETS SAFP	58,727	U	Allocation of grant expense budget
1717-0501	BGA LED LIGHT UPGRADES SCCF3	268,905	U	Stronger Country Communities funded project
1717-0502	BGN LED LIGHT UPGRADES SCCF3	268,905	U	Stronger Country Communities funded project
1717-0503	FIN LED LIGHT UPGRADES SCCF3	268,905	U	Stronger Country Communities funded project
1717-0505	TOC LED LIGHT UPGRADE LRCIP	304,000	U	LRCIP funded project
1717-0510	BGA REC RESERVE CHANGE ROOMS	77,000	U	Contribution to Barooga Football Netball Club
6500-1959	LED LIGHTING UPGRADE SCCF3 GRANT	564,798	F	Grant funding recognised
6500-1970	TOC SPORTSGROUND LED UPGRADE LRCIP	304,000	F	Grant funding recognised
1718-0237	BGA ADVENTURE PARK DC2	96,871	U	Drought Communities 2 project
1718-0554	MURRAY ST FIN OPEN SPACE PARK	400,528	U	Council approved budget for Murray St Finley Open Space Park

JOB/GL CODE	TITLE/DESCRIPTION	AMOUNT		COMMENT
1718-0555	BERRIGAN HAYES PARK SCCF3	22,078	U	Allocation of budget for Stronger Country Communities
1718-0556	BGA LIONS PARK UPGRADE LRCIP	50,000	U	Allocation of budget for LRCIP
6600-1605	TOC FORESHORE BUILDING CONTRIBUTIONS	60,000	F	Grant funding recognised
6600-1607	TOC COM DEV COMMITTEE CONTRIBUTION	20,000	F	Grant funding recognised
6600-1952	BAROOGA ADVENTURE PARK DC2	44,500	F	Grant funding recognised
6600-1953	BERRIGAN HAYES PARK SCCF3	48,441	F	Grant funding recognised
1924-0510	LAND ACQUISITIONS TOCUMWAL	850,000	U	Purchase of car park land (funded form reserve)
6600-1968	BGA LIONS PARK IMPROVEMENT LRCIP	50,000	F	Grant funding recognised
6600-1969	FIN MURRAY STREET O/SPACE PARK LRCIP	230,528	F	Grant funding recognised
7100-1950	RURAL LOCAL ROADS GRANT (RLR) (FAG)	746,758	U	To account for FAG paid in advance
7100-1959	FIXING LOCAL ROADS GRANT	988,050	F	Grant funding recognised
7500-1953	TOC GOLF CLUB PATH LRCIP	75,000	F	Grant funding recognised
7500-1954	BGA LAWSON DRIVE PATH LRCIP	78,000	F	Grant funding recognised
7500-1955	BAROOGA TO COBRAM PATH LRCIP	140,000	F	Grant funding recognised
7700-1601	TOC AERODROME MUSEUM CONTRIBUTIONS THAM	120,000	F	Contribution recognised
7700-1827	AERODROME - SALE OF LAND	54,302	F	Sale of land in Aerodrome
7700-1828	AERODROME - SALE OF LAND (MARGIN)	29,528	F	Sale of land in Aerodrome
8300-1952	TOWN CBD REFURBISHMENTS DC2	75,000	F	Grant funding recognised
8400-1952	BUSINESS DEVELOPMENT DC2	158,000	F	Grant funding recognised
8600-1950	FINLEY SALEYARDS HVSP	281,500	F	Grant funding recognised
8850-1330	BENDIGO BANK AGENCY COMMISSIONS	30,000	F	Allocate Bendigo bank commissions not in budget
8900-1505	PRIVATE WORKS TECH SERVICES GST FREE	14,648	F	Increase in Private works revenue
9200-1950	FINANCAL ASSISTANCE GRANT (FAG)	1,831,157	U	To account for FAG paid in advance

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

Quarterly Budget Review Statement

The September Quarterly Budget Review Statement is attached as Appendix B

The QBRS is designed to:

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

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

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

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

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

Statements

The QBRS consists of six statements:

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

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

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

- The first column shows the Council’s original budget as reflected in the Management Plan adopted by the Council in June.
- The next five columns show budget changes previously approved by the Council. In this case, this reflects Council’s works brought forward from 2019/20 and other internal adjustments.
- The Revised Budget column shows the Council’s budgeted result prior the changes adopted by the Council in the September quarter review.
- The highlighted Variations this Quarter column shows the effect of the changes adopted by the Council at the review; and
- The Projected Year End Result shows the Council’s current position.
- Finally, the actual YTD figures show what the Council’s actual result for the quarter. As the Council raises much of its rate revenue at the start of the financial year, this will be significantly more than the projected result for the year.

The September QBRs shows the Council is estimating to return an operating **deficit** after capital items for the 2020/21 year of \$1.458m; a decrease from the initial estimate of a \$0.797m operating surplus – this deficit is entirely a result of the decision by the Federal Government to pay 50% of the 2020/21 FAG in June 2020. There was a corresponding increase in the 2019/20 operating surplus.

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

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

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

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

The significant change this quarter is the inclusion of a series of grant funded projects.

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

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

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

The changes in this statement largely reflect the additional brought forward surplus and the FAG advance payment

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

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

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

The Debt Service Ratio is higher than previous years, reflecting the Council’s planned borrowings.

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

The third indicator shows that the Council’s projected asset renewal ratio is 346%. This is well above the Fit for the Future benchmark of 100% for this ratio.

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

8. ITEMS FOR NOTING

Recommendation: that Items for Noting numbered 8.1 to 8.8 inclusive be received and noted.

Council Meeting

18 November 2020

8.1 NSW / Victoria Cross Border MOU

Report by: General Manager, Rowan Perkins

Strategic Outcome: 4. Diverse and resilient business

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

Report:

The Council has received the following advice, inter alia, from James McTavish – NSW Cross-Border Commissioner and Regional Town Water Supply Coordinator:

You are most likely aware that the Offices of the NSW and Victorian Cross-Border Commissioners have been leading the work to negotiate and finalise a broad, whole of government Memorandum of Understanding to address issues which impact on people who live, work and operate businesses in our border communities, and who face day-to-day inconsistencies between respective state government services, policies and laws.

I am pleased to advise that the NSW and Victorian Governments have signed the inaugural NSW – Victoria Memorandum of Understanding (MoU) for Cross-Border Collaboration and have attached this agreement for your information. The agreement will be posted to respective NSW and Victorian Government websites shortly.

This agreement establishes a framework for closer collaboration between the NSW and Victorian Governments and is focussed on finding practical solutions to improve economic and social outcomes for our border communities, and means that some long standing issues such as the recognition of trade qualifications and licences, cross-border planning and infrastructure delivery, transport accessibility and connectivity, and access to health and education services can be addressed in a systematic, transparent and accountable manner.

The MoU is structured in a similar fashion to other agreements that NSW has with Queensland and the ACT, with a top level agreement identifying the purpose, objectives, responsibilities, accountabilities, and priorities. Central to the MoU is improving the ability for

government agencies to share information and work with their colleagues across the border to address cross-border issues in an open, collaborative manner.

The MoU also requires the development of an annual worklist which articulates the actions and projects under three key priority areas: improved service delivery, simplifying regulation for residents and businesses, and joint regional development opportunities. To ensure the activities of both governments adequately reflect the needs of people who live in border communities, in coming weeks Luke and I will be seeking advice and information from regional stakeholders, and be using this advice to develop the annual worklist. I will email NSW stakeholders next week to formally seek advice and information around priority issues and actions, and will distribute a strawman worklist for consideration. In advance of this I invite you to consider which issues should be addressed, and how appropriate outcomes are best achieved.

The creation of the MOU is, potentially, a positive step in resolving unnecessary red tape for border residents. Previous attempt to resolve such issues have usually failed because of the inability of States to compromise their own positions.

A copy of the MOU is circulated with this agenda as **“Appendix 8.1-A”**.

Council Meeting

18 November 2020

8.2 NSW Rural Fire Service Red Fleet

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Report:

Following a resolution of the Council at its ordinary meeting held on 16 September 2020, the Mayor wrote to the Auditor General for NSW, Ms Margaret Crawford - to advise her of the Councils' concerns regarding the accounting treatment of NSW Rural Fire Service "red fleet" plant.

Please find attached as "**Appendix 8.2-A**" a response from the Auditor General to this letter.

Council Meeting

18 November 2020

8.3 Half Cost Footpath Schemes

Report by: General Manager, Rowan Perkins

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Report:

At the Corporate Workshop in February, in my presentation on the review of the Pedestrian Access and Mobility Plans, I raised the issue of costs to landowners in contributing to footpath construction impeding the process of constructing the right footpath in the right location. The fact that landowners know they will have to contribute colours their vision on the actual need for the footpath network.

The process of developing the PAMP should be an open one with all stakeholders made aware of the content and given the opportunity to voice their views and have them considered by Council prior to adoption of the plans.

Once the PAMPs are adopted Council should endeavour to implement the construction of the paths in the priorities agreed in the plan. This construction program should be subject to Council's budget constraints but should not be constrained or amended simply because the residents of the street object when the contributory scheme is commenced.

Historically Council has recouped a percentage of the cost of new footpaths from the property owner pursuant to Section 217 of the Roads Act 1993 as set out below:

[ROADS ACT 1993 - SECT 217 Roads authority may recover cost of paving, kerbing and guttering footways](#)

[ROADS ACT 1993 - SECT 217](#)

[Roads authority may recover cost of paving, kerbing and guttering footways](#)

[217 ROADS AUTHORITY MAY RECOVER COST OF PAVING, KERBING AND GUTTERING FOOTWAYS](#)

(1) The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.

(2) The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine.

(3) The owner of land the subject of such a determination becomes liable to pay the amount determined on receiving notice of that amount.

(4) This section does not apply to the renewal or repair of any paving, kerb or gutter in respect of which contributions have previously been paid and does not apply to the Crown as regards public open space.

(5) In this section, a reference to a gutter includes, in the case of a roadway that is laid to the kerb in a permanent manner, a reference to such part of the roadway as is within 450 millimetres of the kerb.

The Council has also adopted a policy attached as **Appendix "8.3-A"** to guide the application of this section and the relevant part is set out below:

40 CONTRIBUTORY FOOTPATH AND KERB AND GUTTER SCHEMES

6.4. How the Council will charge landholders

6.4.1. Allocation of costs

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

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

The Council may choose to allocate an amount less than the total cost to one or more of the affected properties. This may occur where technical issues associated with the site raise the cost of the works significantly above the normal costs incurred.

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

6.5.2. Payment and collection

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

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

The typical cost for a property where a standard width footpath is constructed would be \$1500 to \$2000 and although they are generously allowed to pay this over 3 years there is always considerable objection from landowners that do not want to contribute.

There are genuine objections from property owners that would suffer hardship and Council has provisions for dealing with these in a sensitive fashion.

However, the main objection raised is that the charge is simply unfair as the property owners do not agree that they will receive any benefit from the path and that it will not add value to their property.

It is also regularly claimed that it is unfair the properties on one side of the street should have to pay their allocated portion and the properties on the other side of the street do not have to pay anything even though they will also have access to the footpath.

In recent times there have been occasions when Council has bowed to the objections and not proceeded with the construction of the footpath or agreed to construct the footpath without applying the charge.

This inconsistency makes it difficult for staff to advise landowners and to justify why they have to participate in the schemes.

In an attempt to find a workable solution for the future there are a few options explored below for Council consideration:

Current Position

Staff are in the process of reviewing the Pedestrian Access and Mobility Plans for each of the towns and this process is the subject of two separate reports presented for consideration at this workshop.

The draft PAMPs have estimated costs for completion of the footpath network to the proposed standards recommended and copies of the estimates are set out below for reference.

In summary the recommended works ignoring paths that do not require a contribution are:

Town	Total Cost	Owners Cost
Barooga	\$593,520	\$147,364
Berrigan	\$351,600	\$115,346
Finley	\$649,200	\$223,850
Tocumwal	\$528,800	\$187,484
TOTAL	\$2,123,120	\$674,044

The draft budget for new footpath construction is currently:

Year	Total Cost	Owners Cost
20-21	\$128,000	\$48,000
21-22	\$148,000	\$48,000
22-23	\$75,000	\$35,000
23-24	Nil	Nil
24-25	Nil	Nil
TOTAL	\$351,000	\$131,000
AVERAGE ANNUAL	\$70,200	\$26,200

At the budgeted level of funding it would take 30 years to complete the works proposed in the draft PAMPs but assuming expenditure levels can be restored to around \$150,000 annually we can also assume that the level of contributions we are talking about would be around \$50,000 annually.

Option 1 – Forego Contributions

Obviously the simplest option as it would only require amendment to the Contributory Schemes Policy to remove footpaths.

The downsides are:

- It would put a \$50,000 hole in Council’s annual budget with no way of replacing the funding;
- It may not be considered equitable by owners that have paid contributions in the past.

Option 2 – Seek a Special Rate Variation

A special rate variation could be sought to allow the lost income to be recouped by increasing the rates charged to all residential ratepayers.

This would allow the level of income to be maintained.

Downsides are:

- *The effort and expense required to make application for a special rate variation would be excessive for the \$50,000 to be recouped each year.*
- *The equity issue remains.*

Option 3 – Seek an Amendment to the Local Government Act or Roads Act

The direction agreed at the Corporate Workshop was to write to the relevant Minister and seek changes to the Roads Act to allow for contributions for footpaths to be levied on owners on both sides of streets where only one footpath is to be constructed.

This is the current situation in Victoria where Councils are able to levy Special Rates and Charges where Council considers there is special benefit to the persons required to pay the special rate or charge. The relevant clause of the Victorian Local Government Act is set out below:

Special rate and special charge

- (1) A Council may declare a special rate, a special charge or a combination of both only for the purposes of—*
- (a) defraying any expenses; or*
 - (b) repaying (with interest) any advance made to or debt incurred or loan raised by the Council—*

in relation to the performance of a function or the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge.

Special rates or charges can be applied to particular works or services (such as footpaths, roads, kerbs and channels, or drains) and for providing services like promotion, marketing or economic development.

If the NSW Local Government Act was amended to include similar provisions it would allow Council to determine who would receive the special benefit from construction of the footpath and set proportionate charges for contributions.

This would also protect the income stream and while not totally addressing the equity issues it would be easier to present a supporting argument to residents that have already contributed on the basis that Council has moved to a fairer system of charging.

A draft letter is attached at the end of this report for consideration should Council wish to pursue this option.

Downsides are:

- The State would have to be convinced to change the Roads Act and/or the Local Government Act;*
- The timelines to effect such changes would probably be extensive;*
- Determining the benefit and who receives it and should therefore be subject to the charge can be complex and difficult to justify;*
- There would be a need for an independent body to assess objections to the Councils determination of the degree of benefit.*

Option 4 – Seek Grant Funds to Complete Footpath Works

It may be possible to package all PAMPS proposals into a single project and procure grant funds for the completion.

This would reduce the time frame for completion of the works and reduce the cost to both Council and the affected landowners.

Downsides are:

- These works may not fit the criteria for grant programs;*
- If there is a grant program for which such a program was eligible it may require up to a 1:1 contribution from Council and this would result in Council having to find the matching funds within the period of the grant.*

Draft Letter

To

Premier

Minister for Local Government

Minister for Roads and Transport

Minister for Regional Transport and Roads

Landowner Contributions to the Cost of Footpath Construction

Council writes to request your consideration to making changes to NSW Legislation to provide a more equitable method of recouping the costs of construction of new footpaths from benefiting landowners.

Currently Councils can charge the adjoining landowner up to half of the cost of construction of a footpath that is constructed on a public road in front of their property pursuant to Section 217 of the Roads Act 1993 as set out below:

ROADS ACT 1993 - SECT 217 Roads authority may recover cost of paving, kerbing and guttering footways

ROADS ACT 1993 - SECT 217

Roads authority may recover cost of paving, kerbing and guttering footways

217 ROADS AUTHORITY MAY RECOVER COST OF PAVING, KERBING AND GUTTERING FOOTWAYS

- (1) The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (2) The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine.*
- (3) The owner of land the subject of such a determination becomes liable to pay the amount determined on receiving notice of that amount.*
- (4) This section does not apply to the renewal or repair of any paving, kerb or gutter in respect of which contributions have previously been paid and does not apply to the Crown as regards public open space.*
- (5) In this section, a reference to a gutter includes, in the case of a roadway that is laid to the kerb in a permanent manner, a reference to such part of the roadway as is within 450 millimetres of the kerb.*

For the majority of residential streets footpaths are only planned to be constructed on one side of the street and are intended for use by residents of both sides of the street. The current provisions for recouping a portion of the cost from landowners is inequitable as although residents on both sides of the street are obtaining the benefit of a paved footpath only the landowners on the side of the street that it is constructed can be legally charged a contribution.

While it is agreed that the residents on the side that has the footpath constructed will receive a little more benefit in that they do not have to cross the road to use the footpath, it is contended that those on the other side of the street should also have to contribute.

As an example only – The Victorian Local Government Act has the following provisions for the declaration of special rates and charges that provide far more flexibility for Councils that is currently afforded in NSW by the Roads Act.

Special rate and special charge

- (1) A Council may declare a special rate, a special charge or a combination of both only for the purposes of—*
- (a) defraying any expenses; or*
 - (b) repaying (with interest) any advance made to or debt incurred or loan raised by the Council—*

in relation to the performance of a function or the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge.

Special rates or charges can be applied to particular works or services (such as footpaths, roads, kerbs and channels, or drains) and for providing services like promotion, marketing or economic development.

Berrigan Shire Council is not professing that this is the answer but does request that the NSW Government give consideration to amending the Roads Act 1993 to provide flexibility for Councils to charge properties on either side of the street for footpath construction costs or remove the current provisions from the Roads Act 1993 and provide more flexible provisions in the Local Government Act 1993 for recouping part of the cost of works that are of specific benefit to landowners.

Looking forward to you positive response in relation to this important matter.

Yours faithfully

General Manager



APPENDIX 2 - NOMINATED PROJECTS

2020 PAMP BAROOGA

Concrete Paths

PROJECT	LENGTH	TOTAL COST	OWNERS COST	
Priority Level 1				
Priority Level 2				
<i>Golf Course Road/ Gormley Court - Adventure Playground to Swing Bridge</i>	650	130000	0	<i>Grant Project?</i>
<i>Cobram Road - Reconstruct Shared Path</i>	2000	400000	0	<i>RMS?</i>
<i>Lawson Drive - Swing Bridge to Buchanans Road</i>	360	43200	4840	
	540	64800	26532	
Priority Level 3				
<i>Vermont Street – South side Golf Course Road to McFarland Street</i>	190	22800	9152	
<i>McFarland Street – Vermont Street to Barinya Street</i>	280	33600	13904	
<i>Barinya Street – McFarland Street to Banker Street</i>	200	24000	10560	
<i>Barinya Street – Brooks Avenue to Wiruna Street</i>	210	25200	9328	



<i>Wiruna Street – Barinya Street to Amaroo Avenue</i>	500	60000	15840
<i>Brooks Avenue – Botanical Gardens to Barinya Street</i>	46	5520	2428.8
<i>Amaroo Avenue – Wiruna Street to Hughes Street</i>	210	25200	11088
<i>Kamarooka Street – Snell Road to Nangunia Street</i>	445	53400	22616
<i>Snell Road – Sports Centre to Takari Street</i>	479	95800	21076
<i>Golf Course Road – Vermont Street to Burkinshaw Street</i>	700	140000	15400
TOTAL		1123520	147364.8

APPENDIX 2 - NOMINATED PROJECTS

2020 PAMP BERRIGAN

Concrete Paths

PROJECT	LENGTH	TOTAL COST	OWNERS COST
Priority Level 1			
Priority Level 2			
<i>Jerilderie Street and Stafford Street- From Greggerys Road to Recreation Reserve. Links town with Reserve.</i>	500	60000	15400



Item For Noting

<i>Momalong Street - Davis Street to Jerilderie Street</i>	<i>110</i>	<i>13200</i>	<i>5808</i>	
<i>Mitchell Street - Chanter Street to Budd Street.</i>	<i>220</i>	<i>26400</i>	<i>7876</i>	
<i>Budd Street - Drummond Street to Cobram Street</i>	<i>295</i>	<i>35400</i>	<i>15576</i>	
<i>Jerilderie Street - East side from Momalong Street to Orr Street</i>	<i>650</i>	<i>78000</i>	<i>24640</i>	<i>Part in Park Redevelopment</i>
<i>Priority Level 3</i>				
<i>Nangunia Street – Jerilderie Street to Denison Street</i>	<i>215</i>	<i>25800</i>	<i>6622</i>	
<i>Flynn Street – Stafford Street to Drohan Street</i>	<i>290</i>	<i>34800</i>	<i>15312</i>	
<i>Drohan Street – Flynn Street to Drummond Street</i>	<i>90</i>	<i>10800</i>	<i>2376</i>	
<i>Drummond Street – Drohan Street to Corcoran Street</i>	<i>190</i>	<i>22800</i>	<i>9152</i>	
<i>Barooga Street – Carter Street to Gregory’s Road</i>	<i>140</i>	<i>16800</i>	<i>6512</i>	
<i>Mary Street – Jerilderie Street to William Street</i>	<i>110</i>	<i>13200</i>	<i>2904</i>	
<i>Creed Street – Nangunia Street to Robertson Street</i>	<i>120</i>	<i>14400</i>	<i>3168</i>	
<i>TOTAL</i>		<i>351600</i>	<i>115346</i>	



Gravel Paths

PROJECT	LENGTH	TOTAL COST	OWNERS COST
Priority Level 3			
<i>Racecourse Road - Cobram Street to Jerilderie Street</i>	970	38800	
<i>Denison Street – Nangunia Street to Osborne Street</i>	480	19200	
<i>Creed Street – Robertson Street to Momalong Street</i>	200	8000	
<i>Momalong Street – Denison Street to Cemetery</i>	760	30400	
TOTAL		66000	0



APPENDIX 2 - NOMINATED PROJECTS

2020 PAMP FINLEY

Concrete Paths

PROJECT	LENGTH	TOTAL COST	OWNERS COST
Priority Level 1			
<i>Dawe Avenue. Access to Pre-school, park, Hospital, Aged Care.</i>	350	40000	15000
Priority Level 2			
<i>Coree Street - Tuppal Street to Wollamai Street</i>	200	24000	6160
<i>Coree Street - Pinnuck Street to Ulupna Street</i>	200	24000	8800
<i>Donaldson Street - Dawe Avenue to Scoullar Street</i>	120	14400	6336
<i>Scoullar Street- Donaldson Street to Aged Care Residences</i>	70	8400	3696
<i>Tocumwal Street -Wollamai Street to Tuppal Street</i>	200	24000	9680
<i>Tuppal Street - South side, Tocumwal Street to Denison Street</i>	215	25800	5676
<i>Murray Street - East side - Newell Highway Crossing to Murray Hut Drive</i>	320	38400	16896
<i>Tongs Street - Burke Street to Murray Street</i>	540	64800	26532
Priority Level 3			
<i>Warmatta Street- Finley Street to Howe Street</i>	215	25800	10252
<i>Finley Street - Wollamai Street to Townsend Street</i>	880	105600	45584
<i>Osborne Street- Finley Street to Howe Street</i>	215	25800	10252



Item For Noting

<i>Lewis Crescent - Finley Street to Malone Mews</i>	55	6600	1694	<i>Railway Park Project?</i>
<i>Lewis Crescent - Railway Park south to Finley Street</i>	390	46800	5280	<i>Railway Park Project?</i>
<i>Drainage Basin - Lewis Crescent to Endeavour Street</i>	160	19200	0	<i>Railway Park Project?</i>
<i>Coree Street - Ulupna Street to Tongs Street</i>	840	100800	42592	
<i>Endeavour Street - Connections from car parks to public amenities</i>	50	6000	0	
<i>Atkinson Street - Murray Street to Hampden Street</i>	260	31200	6864	
<i>Hampden Street - Atkinson Street to Murray Hut Drive</i>	370	44400	17556	
<i>Bridget Street - Hampden Street to Kelly Street</i>	230	27600	11264	
<i>Murray Hut Drive - Hampden Street to Murray Street</i>	90	10800	2376	
TOTAL		674400	223850	
 Gravel Paths				
		TOTAL	OWNERS	
PROJECT	LENGTH	COST	COST	
Priority Level 3				
<i>Tongs Street - Cemetery to Burke Street</i>	270	10800		
<i>Mary Lawson and Old Fire Track Park - Tongs Street to Endeavour Street</i>	670	26800		
<i>Railway Reserve - Wollamai Street to Scoullar Street</i>	720	28800		
TOTAL		66400	0	



APPENDIX 2 - NOMINATED PROJECTS

2020 PAMP TOCUMWAL

Concrete Paths

PROJECT	LENGTH	TOTAL COST	OWNERS COST	
Priority Level 1				
<i>Jerilderie Street - from end of Concrete path to Kelly Street.</i>	260	52000	0	
<i>Dean Street - from Hillson Street to Deniliquin Road</i>	75	15000	3300	
Priority Level 2				
<i>Levee - Bridge Street to road bridge</i>	220	44000	0	<i>Grant</i>
<i>Bridge Street - Tuppal Road to Levee</i>	370	44400	9768	<i>Part Grant</i>
<i>Hennessy Street - Town Beach Road to Morris Street</i>	160	19200	7348	
<i>Charlotte Street - Bruton Street to Hennessy Street</i>	410	49200	10824	
<i>Kelly Street - Charlotte Street to Jerilderie Street</i>	550	66000	7260	
<i>Falkiner Street - Charlotte Street to Hannah Street</i>	410	49200	19448	
<i>Bruton Street – Anthony Avenue to Hannah Street</i>	270	32400	14256	
<i>Hannah Street – Bruton Street to Hennessy Street</i>	430	51600	20504	



<i>Jerilderie Street – Kelly Street to Golf Course entry</i>	1750	350000	0	<i>Grant</i>
Priority Level 3				
<i>Hill Street – Murray Street to Dean Street</i>	420	50400	17776	
<i>Sugden Street – George Street to Hill Street</i>	450	54000	23760	
<i>Hannah Street – Hennessy Street to Kelly Street</i>	390	46800	10296	
<i>Kelly Street – Hannah Street to Charlotte Street</i>	430	51600	21604	
<i>Murray Street – West side Finley Street to George Street</i>	550	66000	24640	
TOTAL		974800	187484	
Gravel Paths				
	LENGTH	TOTAL COST	OWNERS COST	
Priority Level 3				
<i>Murray Street – George Street to Racecourse Road</i>	670	26800		
<i>Racecourse Road – Murray Street to Racecourse Entry</i>	700	28000		
<i>Bruce Birrell Drive – Bruton Street to Racecourse Road</i>	1120	44800		
TOTAL		99600	0	

Following consideration of the above report, the Council resolved that a request be made to the NSW Government via correspondence to the Premier, the Minister for Local Government, the Minister for Roads and Transport and the Minister for Regional Transport and Roads for NSW Legislation to be amended to provide a more equitable method of recouping the costs of construction of new footpaths from benefiting landowners.

The Council has received a response from the Minister for Local Government which is circulated with this agenda as **"Appendix 8.3-B"**.

The contents of the Ministers letter is considered self-explanatory an it is appreciated that the Minister is attempting to highlight a possible solution for the Council from within her area of responsibility, however the use of special rating provisions is not considered a realistic solution as any amounts raised by the use of such rates in included in the rates cap and would actually reduce the Council's ability to continue with footpath construction works specifically and other programs generally.

Council Meeting**18 November 2020****8.4 Code of Conduct Complaints Report**

Report by: Director Corporate Services, Matthew Hansen

Strategic Outcome: 2. Good government

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

Report:

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

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

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

A copy of this report for the year ending 31 August 2020 is attached as **"Appendix 8.4-A"**.

Through an oversight on my behalf in my role as Complaints Coordinator, this report was not made to the Council in previous years. The report however has been made each year to the Office of Local Government as per Clause 11.2 of the Procedures.



To this end, please find attached as “**Appendix 8.4-B**” a copy of the report for the year ending 31 August 2019.

Council Meeting

18 November 2020

8.5 Request to Support Release of Water for Recreation Purposes

Report by: General Manager, Rowan Perkins

Strategic Outcome: 3. Supported and engaged communities

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

Report:

The Council has received a request from Swan Hill Rural City Council to support its proposal to have the Commonwealth Environmental Water Holder release part of its water holding for use on recreation facilities that are short of water and due to the current COVID-19 restrictions do not have adequate funds to purchase additional water.

The request states that the impacted facilities do not hold adequate water holdings to meet their annual needs and usually supplement these by temporary water purchases.

Whilst not stated, it is assumed that the request proposes that the requested water releases would be provided free of charge.

The request raises a number of issues including:

I believe that the CEWH is restricted in its ability to use environment water for other uses;

Temporary water is available for purchase and it may be more effective and a lot quicker for the Council itself to support this approach (i.e. the Council to purchase temporary water for use on the impacted facilities);

It is unclear how controllers of other facilities that are not impacted in this way would view the use of environmental water for this purpose;

Why the relevant States, as the imposers of the COVID-19 restrictions have not been requested to support these facilities as a part of the existing support programs.

It is not recommended that the Council support the request however if the Council wishes to do so it could resolve along the lines requested in the correspondence from Swan Hill Rural City Council which is circulated with this agenda as **“Appendix 8.5-A”**.

Council Meeting

21 October 2020

8.6 T12/20/21 – Supply and Install Electrical Distribution Infrastructure, Jersey Street, Tocumwal

Report by: Project Manager, Nathan O'Connell

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Report:

This tender is for T12/20/21 - Supply and install electrical distribution infrastructure, Jersey Street, Tocumwal

In accordance with the delegation from Council the General Manager has:

1. accepted the tender submission from Great Southern Energy Pty Ltd for the supply and install electrical distribution infrastructure, Jersey Street, Tocumwal, for a contact sum of \$319,372.49 including GST;
2. signed the contract documents on behalf of Council in relation to 1 above; and
3. appointed the Director of Technical Services as the Contract Superintendent.

The tender is a quality assured, lump sum contract.

This is one part of the total upgrade to the Jersey Street precinct.

The total project estimated cost is \$968,760.00 with funding of \$484,380.00 being allocated through the Building Better Regions Fund – Infrastructure Projects Stream package. The balance of project cost is to be funded by Council.

Tenders closed at 2:00pm Wednesday 21st October, 2020 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:

- Tenderer 1. BOSCHETTI INDUSTRIES
- Tenderer 2. COBRAM ELECTRICAL & DATA PTY LTD
- Tenderer 3. GREAT SOUTHERN ENERGY PTY LTD
- Tenderer 4. THE TRUSTEE FOR PERCY HV UNIT TRUST

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	5
2. Compliance with Specification	4	5
3. Track Record	4	2
4. Quality Systems	4	2
5. Availability of Appropriate Skills & Resources	4	2
6. Work Health & Safety Considerations	4	3

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

Council Meeting

18 November 2020

8.7 T11/20/21 – Design & Construction – Sporting Facilities Upgrade to LED Lighting

Report by: Project Manager, Nathan O'Connell

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Report:

This tender is for T11/20/21 - Design & Construction – Sporting Facilities Upgrade to LED Lighting

In accordance with the delegation from Council the General Manager has selected Purtle Electrical Pty Ltd as the Preferred Tenderer for the Design & Construction – Sporting Facilities Upgrade to LED Lighting to enable negotiations regarding scope of works and contract price to meet Council budget requirements.

Subject to satisfactory negotiations the General Manager will:

1. sign the contract documents on behalf of the Council in relation to 1 above; and
2. appoint the Director of Technical Services as the Contract Superintendent.

The tender is a quality assured, lump sum contract.

Funding of \$564,799.00 has been allocated through the NSW Stronger Country Communities and \$304,000.00 has been allocated through the Local Roads and Community Infrastructure Program. Council has also committed \$240,000.00.

Council staff shall negotiate with the preferred tenderer on changes to the scope and price and it is anticipated that this will result in the lighting for Barooga and Finley netball courts being deleted and the final contract price being within \$12,500 ex GST of the budget amount.

Tenders closed at 2:00pm Wednesday 14th October, 2020 and at the time of closing a total of 15 submissions were received.

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

- | | |
|-------------|---|
| Tenderer 1. | COBRAM ELECTRICAL & DATA – CONFORMING |
| Tenderer 2. | COBRAM ELECTRICAL & DATA – ALTERNATIVE OPTION |
| Tenderer 3. | DEARAUGO & LEA COMMUNICATIONS |

Tenderer 4.	GS & BD ELECTRICS
Tenderer 5.	HAVENCORD T/A CONNOR ELECTRICAL SERVICES
Tenderer 6.	JRC ELECTRICAL SERVICES
Tenderer 7.	KOALITY DOWNUNDER SERVICING
Tenderer 8.	MURRAY RIVER ELECTRICAL
Tenderer 9.	O'BRIEN ELECTRICAL SERVICES
Tenderer 10.	POSITIVE ELECTRICAL SERVICES
Tenderer 11.	QA ELECTRICAL
Tenderer 12.	PURTLE ELECTRICAL PTY LTD
Tenderer 13.	REES ELECTRICAL
Tenderer 14.	WATTERS ELECTRICAL OPTION 1
Tenderer 15.	WATTERS ELECTRICAL OPTION 2

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	5
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

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

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of Purtle Electrical Pty Ltd 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.

Council Meeting

18 November 2020

8.8 Development Determinations for Month of October 2020

Report by: Executive Support Officer, Rebecca Ware

Strategic Outcome: 2. Good government

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

Report:

APPLICATIONS DETERMINED FOR OCTOBER 2020

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	Active	Total
45/21/DA/D7	X2 INGROUND FIBREGLASS SWIMMING POOLS	(NO NAME) (NO TYPE), NSW (Lot1//DP286078)	Poolside Cobram	MR SD ROE & MS KM FARRELL	Approved 09-10-2020	\$ 114000.00		31	31
53/21/DA/D2	SHED & PET FOOD BUSINESS	1-11 TONGS STREET, FINLEY NSW 2713 (Lot13//DP599158)	Mr Anthony Jolley	MR A J JOLLEY	Approved 21-10-2020	\$ 25000.00		8	29
55/21/DA/D2	NEW TOCUMWAL FORESHORE BUILDING	DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)	BERRIGAN SHIRE COUNCIL	BERRIGAN SHIRE COUNCIL	Approved 21-10-2020	\$ 1600000.00		4	28
56/21/DA/DM	QUARRY	ENNALLS ROAD, BAROOGA NSW 3644 (Lot3//DP850758)	Chris Kelly	MR BR AND MRS JM STILLARD	Approved 01-10-2020	\$ 0.00		13	13
57/21/DA/D5	RESIDENTIAL STORAGE SHED	46 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot37//DP1250358)	David Conrick	MR DN CONRICK AND MRS SL CONRICK	Approved 16-10-2020	\$ 15000.00		24	24
58/21/DA/DO	RURAL SHED	76 QUICKS ROAD, BAROOGA NSW 3644 (Lot301//DP1009000)	Craig Brown	MR CA BROWN & MRS JL BROWN	Approved 20-10-2020	\$ 10000.00		26	26
60/21/DA/DO	RURAL SHED	155 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot2//DP1242015)	Paul & Kristen Crick	MR PM & MRS KS CRICK	Approved 20-10-2020	\$ 28000.00		22	22
61/21/DA/D1	BV DWELLING & ATTACHED GARAGE	26 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot122//DP1070311)	Dennis Family Homes	MS CL CLARK AND MR NK BLAKELOCK	Approved 30-10-2020	\$ 268453.00		30	30
63/21/DA/D5	RESIDENTIAL STORAGE SHED	80 BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1250358)	KENNEDY BUILDERS	MR AC KENNEDY & MRS LM KENNEDY	Approved 01-10-2020	\$ 5000.00		8	8
62/21/DA/D2	3 MOBILE FOOD VAN	24-30 VERMONT STREET, BAROOGA NSW 3644 (Lot5/5//DP758057)	Scott Davidson	MR MN THOMAS AND MR BS TEASDALE	Approved 21-10-2020	\$ 0.00		0	20

64/21/DA/D5	RESIDENTIAL STORAGE SHED	10 WHITE AVENUE, TOCUMWAL NSW 2714 (Lot25//DP262468)	Nicole Eddy	MS NL EDDY	Approved 20-10-2020	\$ 8000.00	Active 0	Total 19
68/21/DA/D1	BV DWELLING & ATTACHED GARAGE	5 PINEWOOD LANE, TOCUMWAL NSW 2714 (Lot14//DP285573)	F & S Miccio P/L	MR S G WILLIAMS	Approved 09-10-2020	\$ 328300.00	Active 11	Total 11
69/21/DA/D8	AVIATION MUSEUM	205 BURMA ROAD, TOCUMWAL NSW 2714 (Lot51//DP1246486)	MS Construction Pty Ltd	BERRIGAN SHIRE COUNCIL	Approved 26-10-2020	\$ 565862.00	Active 19	Total 19
13/21/CD/M4	CARPORT	138 QUICKS ROAD, BAROOGA NSW 3644 (Lot1//DP1109525)	Robert Hall	MR R A HALL & MRS M A HALL	Approved 01-10-2020	\$ 8000.00	Active 2	Total 2
70/21/DA/D1	BV DWELLING & ATTACHED GARAGE	42 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot39//DP1250358)	KENNEDY BUILDERS	MS N G DOW	Approved 12-10-2020	\$ 292065.00	Active 8	Total 8
71/21/DA/D1	BV DWELLING ATTACHED CARPORT & RESIDENTIAL STORAGE SHED	5 BEATRICE COURT, BAROOGA NSW 3644 (Lot35//DP1102913)	MS Constructions Pty Ltd	MR DMA MATTHEWS AND MRS LK MATTHEWS	Approved 21-10-2020	\$ 322313.00	Active 15	Total 15
14/21/CD/M4	PERGOLA	7 ISABEL AVENUE, BAROOGA NSW 3644 (Lot19//DP1071667)	Mr Peter O'Kane	MR P J O'KANE AND MS L E NYE	Approved 14-10-2020	\$ 9000.00	Active 2	Total 2
73/21/DA/D3	EXTENSION OF GRAIN HANDLING FACILITY	92 STRATHVALE ROAD, BERRIGAN NSW 2712 (Lot1//DP1222893)	Mcnaughts Grain & Fertilizer Pty Ltd	MCNAUGHTS GRAIN & FERTILIZERS PTY LTD	Approved 21-10-2020	\$ 20000.00	Active 7	Total 7
74/21/DA/D5	RESIDENTIAL STORAGE SHED	69 HUGHES STREET, BAROOGA NSW 3644 (Lot9//DP1257753)	MS Constructions Pty Ltd	MR AJ STEED AND MS JE HUMPHRIES	Approved 18-10-2020	\$ 19000.00	Active 3	Total 3
76/21/DA/D1	BV DWELLING & ATTACHED GARAGE	9 GYPSIE CRESCENT, BAROOGA NSW 3644 (Lot47//DP1110847)	Afonso Building Solutions Pty Ltd	B P AND B I NOONAN AND BRYBUT PTY LTD	Approved 21-10-2020	\$ 264685.00	Active 6	Total 6

APPLICATIONS PENDING DETERMINATION AS AT 31/10/2020

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN ROAD TOCUMWAL NSW 2714 (Lot7002//DP1019579)
168/20/DA/DM	19-05-2020	5MW SOLAR PV ARRAY	BROOCKMANNS ROAD, FINLEY NSW 2713 (Lot61//DP1053533)
40/21/DA/DM	14-08-2020	4.95MW SOLAR FACILITY BROUGHANS ROAD	BROUGHANS ROAD, FINLEY NSW 2713 (Lot126//DP752299)
59/21/DA/D9	16-09-2020	2 LOT SUBDIVISION/BOUNDARY REALIGNMENT	2521 MULWALA-BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot96//DP752280)

65/21/DA/D5	23-09-2020	RESIDENTIAL STORAGE SHED	11 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot13//DP1194758)
67/21/DA/D5	24-09-2020	RESIDENTIAL STORAGE SHED	62 HAMPDEN STREET, FINLEY NSW 2713 (Lot18//DP238395)
72/21/DA/DM	12-10-2020	CHANGE OF USE OF STRUCTURE	4-6 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot5/28//DP758981)
75/21/DA/D6	13-10-2020	ADDITIONS TO DWELLING, CARPORT, INTERNAL FITOUT OF SHED AND TREE REMOVAL.	6 MOORE STREET, TOCUMWAL NSW 2714 (Lot6/7//DP6464)
77/21/DA/D3	13-10-2020	STORAGE SHED	103-105 HOWE STREET, FINLEY NSW 2713 (Lot3//DP251191)
80/21/DA/D1	16-10-2020	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot6//DP286078)
81/21/DA/DM	20-10-2020	AMENITIES BUILDING	OLD ADCOCKS ROAD, TOCUMWAL NSW 2714 (LotE//DP108419)
82/21/DA/D5	26-10-2020	GARAGE	6 BARINYA STREET, BAROOGA NSW 3644 (Lot239//DP752274)

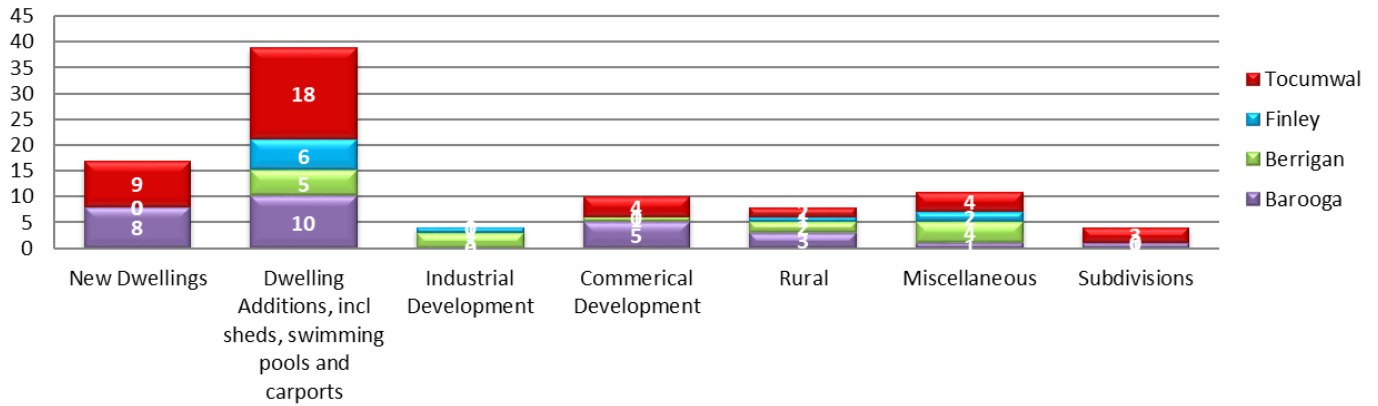
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (October)	Year to Date	This Month's Value (October)	Year to Date Value
Development Applications (DA)	18	80	\$3,885,678	\$9,381,340
Construction Certificates (CC)	11	58	\$2,092,663	\$6,003,088
Complying Development Certificates (CDC)	2	13	\$17,000	\$1,255,915
Local Activity (s.68)	5	26	0	0

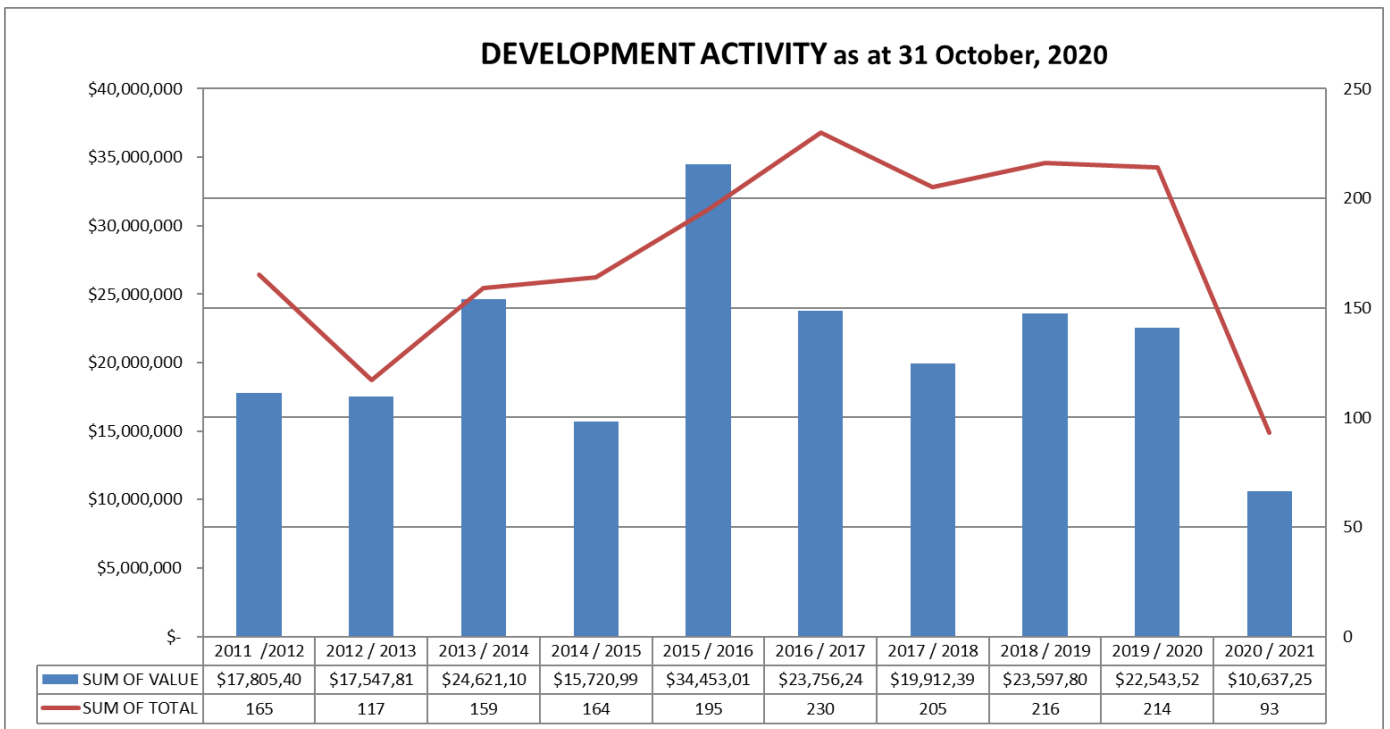
OTHER CERTIFICATES ISSUED FOR OCTOBER 2020

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total	OCT	Year Total
BAROOGA	8	39	0	0	0	1	0	0	0	0	0	2
BERRIGAN	4	25	0	0	0	4	0	0	0	1	0	1
FINLEY	20	43	0	0	0	3	0	0	0	0	0	0
TOCUMWAL	10	38	1	2	0	0	0	0	0	0	0	5
TOTAL	42	145	1	21	0	8	0	0	0	1	0	8

DEVELOPMENT ACTIVITY 2020/2021 as at 31 October, 2020



DEVELOPMENT ACTIVITY as at 31 October, 2020



9. CLOSED COUNCIL

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

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

9.1 T12/20/21 – Supply and Install Electrical Distribution Infrastructure, Jersey Street, Tocumwal

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or

It is not in the public interest to reveal the commercial information provided by the consultant.

9.2 T11/20/21 – Design & Construction – Sporting Facilities Upgrade to LED Lighting

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

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it, or

It is not in the public interest to reveal the commercial information provided by the consultant.

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

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

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

Open Council resumed at

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

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



10. COMMITTEES

11. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.

12. DELEGATES REPORTS

13. BUSINESS ARISING

14. CLOSE OF MEETING