



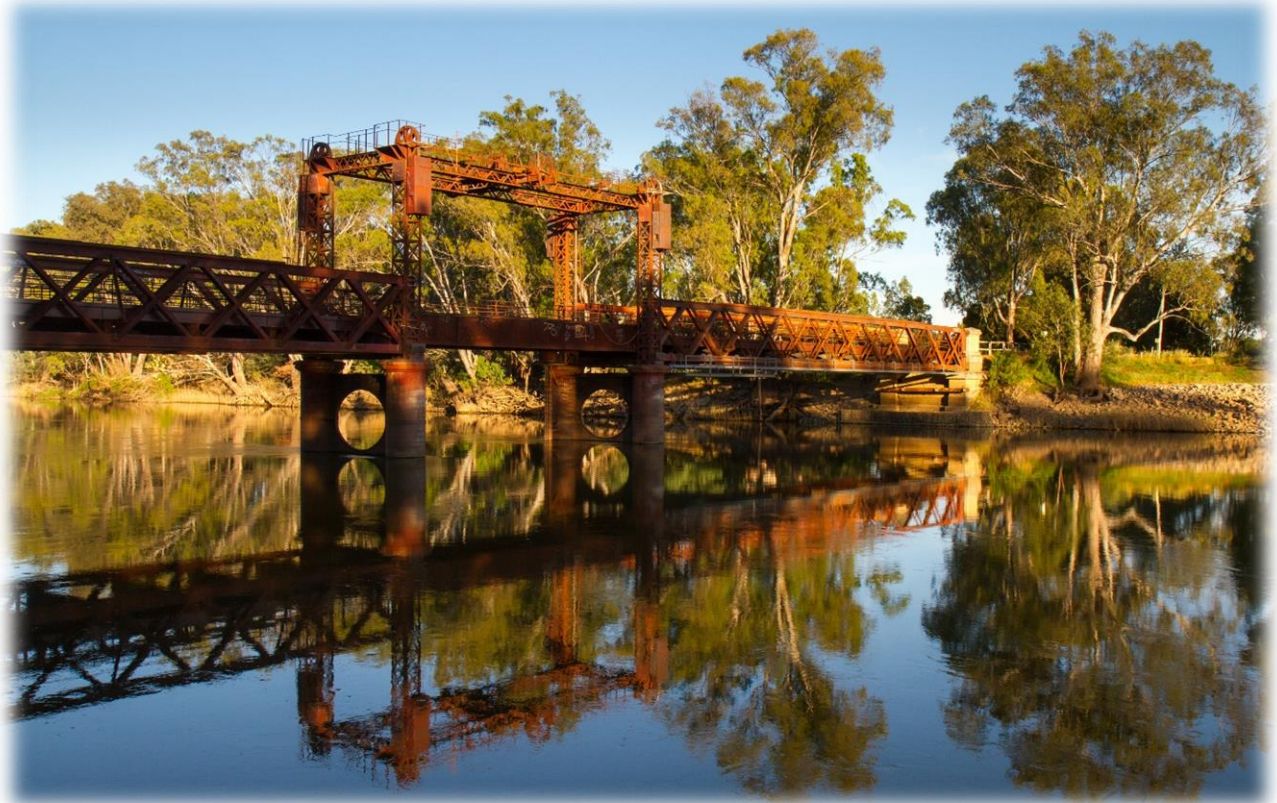
ORDINARY MEETING OF COUNCIL

Wednesday 20 October, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 20 October, 2021** when the following business will be submitted:-

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

KARINA EWER
CHIEF EXECUTIVE OFFICER



Council Meeting

Wednesday 20 October, 2021

BUSINESS PAPER

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

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

Recommendation: That the Minutes of the ordinary meeting held in the Council Chambers on Wednesday 15 September, 2021 and the Minutes of the extraordinary meeting held in the Council Chambers on Monday 27 September, 2021 be confirmed.

5. MAYORAL MINUTES
6. NOTICES OF MOTION

6.1 Notice of Motion – Future Housing Requirements

By email to the Chief Executive Officer on 30 September, 2021, Cr Ross Bodey indicated that he intends to move the following motion:

That the Berrigan Shire Council retain ownership of Lots 29, Lot 31 and Lot 35 of the Lewis Crescent subdivision in the township of Finley until such time that the new Council has some research and discussions into the future housing requirements for the Berrigan Shire Council staff.

7. ITEMS FOR RESOLUTION

Council Meeting

20 October 2021

7.1 Action List Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

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

Report:

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

Council Meeting

20 October 2021

7.2 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2021,
- b) Confirm the accounts paid as per Warrant No. 09/21 totaling \$2,799,131.42, and
- c) Note the report on investments attached as **"Appendix 7.2-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 September 2021 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 30 September 2021.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 30 September 2021, totaling \$2,799,131.42 and will be submitted for confirmation of payment as per Warrant No. 09/21
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) September has seen funds decrease by \$1.6M compared to funds held at the end of August. This is in line with the general pattern in cash holdings over the year and is expected as Council continues to finalise large capital projects. Council expects funds to continue to decrease throughout the financial year due to the number of capital projects currently underway.

Council currently has an additional \$1.3M in cash than the same period last year, although some of the addition in cash holdings is attributable to the payment of the Financial Assistant Grant in advance.

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

Statement of Bank Balances as at 30 SEPTEMBER 2021

Bank Account Reconciliation

Cash book balance as at 1 SEPTEMBER 2021	\$15,556,469.70
Receipts for SEPTEMBER 2021	\$ 1,150,659.54
Term Deposits Credited Back	\$ -
	<u>\$16,707,129.24</u>
<i>Less Payments Statement No 09/21</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 962,490.03
Electronic Funds Transfer (EFT) Creditors E038110-E038283	\$ 1,769,761.84
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 66,879.55
Total Payments for SEPTEMBER 2021	<u>\$ 2,799,131.42</u>
Cash Book Balance as at 30 SEPTEMBER 2021	<u>\$13,907,997.82</u>
<i>Bank Statements as at 30 SEPTEMBER 2021</i>	\$13,900,824.42
Plus Outstanding Deposits	\$ 7,173.40
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 SEPTEMBER 2021	<u>\$13,907,997.82</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	136/18	365	**0.60%	19/10/2021	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	182	**0.30%	22/11/2021	\$ 1,000,000.00	BBB+
AMP	SEWER	144/19	365	**0.30%	23/03/2022	\$ 2,000,000.00	BBB+
AMP	GENERAL	125/16	365	**0.35%	31/05/2022	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	GENERAL	124/16	365	0.40%	13/05/2022	\$ 2,025,954.84	UNRATED
Bendigo Bank	WATER	141/18	364	*0.30%	13/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*0.30%	26/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.30%	28/09/2022	\$ 5,000,000.00	BBB+
Central Murray Credit Union	GENERAL	126/16	365	0.40%	31/08/2022	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	102/14	365	0.50%	6/04/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	146/19	365	0.30%	31/08/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.55%	18/11/2021	\$ 2,000,000.00	AA-
						<u>\$ 28,025,954.84</u>	

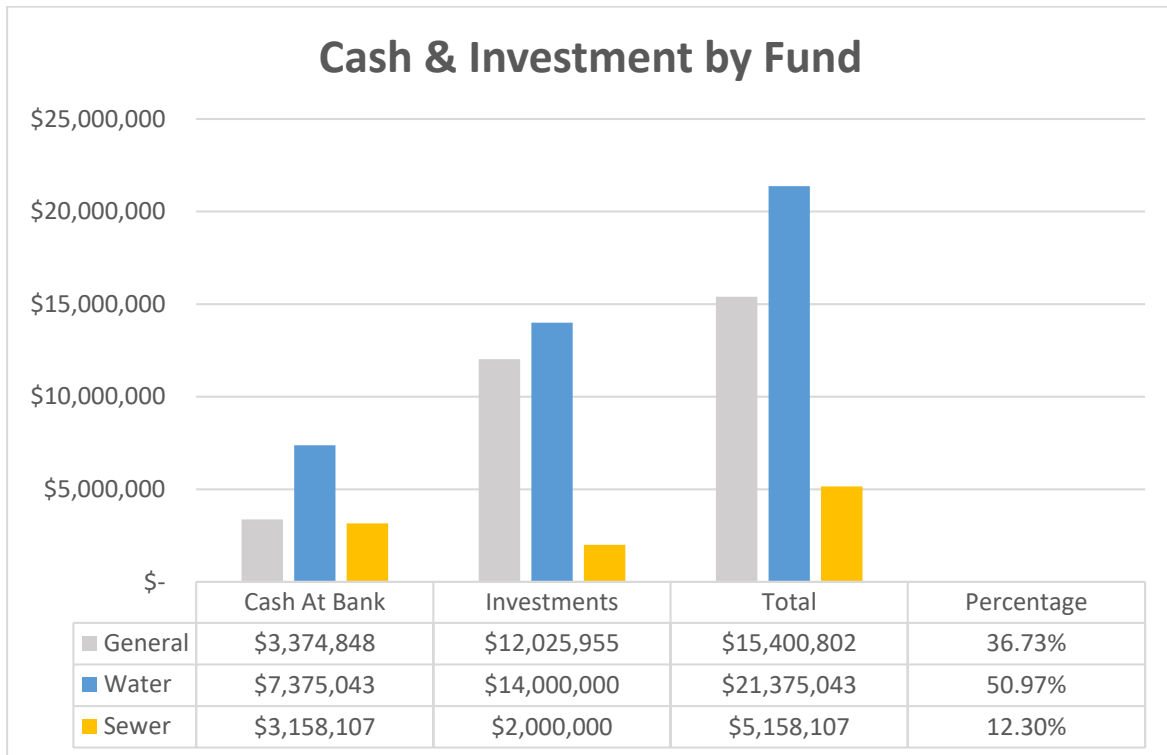
Total Funds Held at 30 SEPTEMBER 2021 **\$41,933,952.66**

Tahlia Fry - Finance Manager

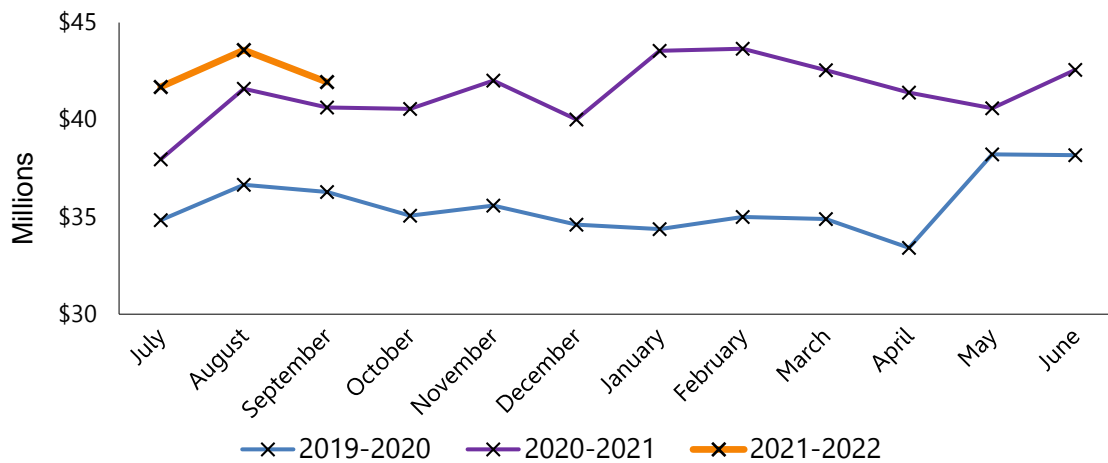
*The Council also receives an additional 0.25% commission

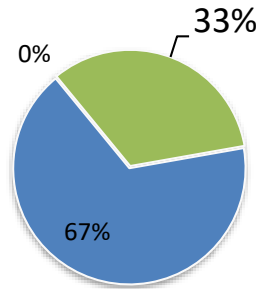
**The Council also receives an additional 0.20% commission

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

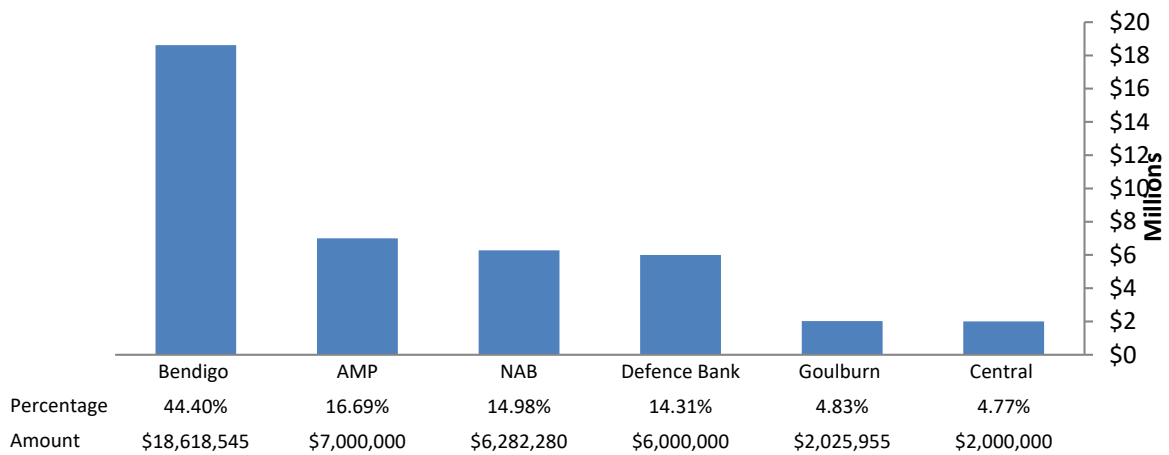


Total Cash and Investments





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



Term Deposits Credited Back

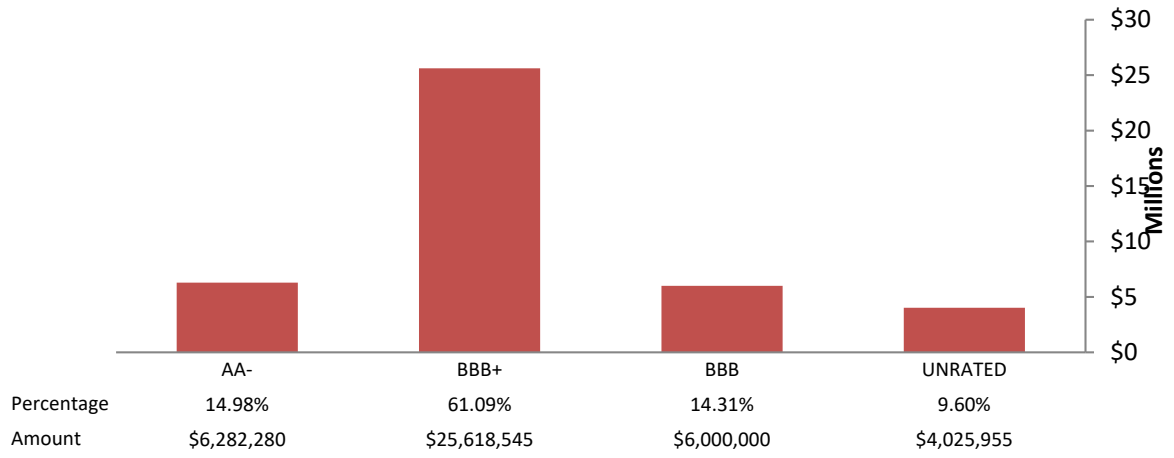
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
CMCU	365	\$ 2,000,000.00	1.00%	31/08/2021
DEFENCE BANK	365	\$ 2,000,000.00	0.80%	31/08/2021
BENDIGO BANK	365	\$ 2,000,000.00	*0.85%	12/09/2021
BENDIGO BANK	365	\$ 2,000,000.00	*0.80%	26/09/2021
BENDIGO BANK	365	\$ 5,000,000.00	*0.80%	28/09/2021

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
CMCU	365	\$ 2,000,000.00	0.40%	31/08/2022
DEFENCE BANK	365	\$ 2,000,000.00	0.30%	31/08/2022
BENDIGO BANK	365	\$ 2,000,000.00	*0.30%	12/09/2022
BENDIGO BANK	365	\$ 2,000,000.00	*0.30%	26/09/2022
BENDIGO BANK	365	\$ 5,000,000.00	*0.30%	28/09/2022

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



Council Meeting

20 October 2021

7.3 Tourism Strategy Review

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the Council undertake an immediate review of the 2019 – 2023 Tourism Strategy.

Report:

The Council's 2019 – 2023 Tourism Strategy is not due for review for another two years. The strategy was adopted in the pre-COVID19 era where the visitor economy was strong and visitor numbers were growing, an operating environment that tourism and associated retail businesses had enjoyed since a strong turnaround for the Murray region in 2012.

The Strategy framework in the 2019 – 2023 Strategy outlined the role of the Council within Tourism as the provider of infrastructure, the MRT Digital platform and transport communications and Infrastructure. The investment by the Council in new public toilets, town entries, the Tocumwal and Barooga Foreshores and the Tocumwal Skate Park were key achievements in providing necessary infrastructure to support the visitor economy.

The COVID19 Pandemic and the associated business closures and border restrictions that commenced in late March 2020 have dramatically changed the situation. Visitation dropped sharply, with over 70% of expected revenue never being expended and months of advanced bookings being canceled or postponed. After a tentative recovery in November 2020, 2021 has presented even more challenges. From the 1st of January 3 week border closure, to the present time, the uncertainty has decimated cash flow in all tourism related businesses and left most struggling to keep the doors open.

Tourism is the second highest employing industry in the Berrigan Shire however, it has been overtaken in the past 12 months by Health Care and Social Assistance and is close to being overtaken by construction. We have solid evidence that 60% of the spending in our communities is what is termed *Visitor Local Spend*. To have this industry so dramatically compromised, and without a plan for recovery, will have ramifications through the whole community.

The action plan of the Berrigan Shire Tourism Strategy was devised in a time of growth and does not equip the Council to respond to the new challenges of rebuilding and competing in a changed tourism environment. It is essential that a review of the Tourism Strategy is undertaken as a matter of urgency.

Council Meeting

20 October 2021

7.4 Christmas Office Closure and December Council Meeting

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

- Close the Shire Offices from 4:00pm on Friday 24 December, 2021 reopening on Tuesday 4 January, 2022 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- Close the Shire Libraries from close from business on Friday 24 December, 2021 and reopening on Tuesday 4 January, 2022 with those days not being public holidays or weekends being deducted from staff leave entitlements.

Report:

The Council has a Policy of closing the Shire Office between Christmas and New Year with those days not being public holidays; weekends etc. being deducted from staff leave entitlement.

This year, if implemented as per the Policy the Shire Office will close on Friday 24 December, 2021 at 4:00pm and reopen on Tuesday 4 January, 2022.

In relation to the Libraries these generally follow the Council's adopted office closure, though closing at normal close of business. It is therefore suggested that Libraries also close after normal business on Friday 24 December, 2021 and reopen on Tuesday 4 January 2022.

The outdoor staff will maintain a skeleton staff to attend to essential maintenance and emergencies. Normal on-call arrangements will apply through contact with the general office telephone number.

Council Meeting

20 October 2021

7.5 Audit, Risk & Improvement Committee Charter

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 ARIC Charter adopted 18 August, 2021;
2. Adopt the ARIC Terms of Reference, included as "**Appendix 7.5-A**"

Report:

Following the report to the Council meeting on 18 August, 2021, the NSW Office of Local Government, and Department of Planning, Industry and Environment released the second draft guidelines on "*Risk Management and Internal Audit for local councils in NSW*".

These guidelines have been developed in response to the feedback from the discussion paper, "*A New Risk Management and Internal Audit Framework for Local Councils in NSW*" which was released in 2019.

Whilst some changes have been made, the Office of Local Government are seeking views and feedback from Councils and other stakeholders before finalising them, with submissions due by 26 November, 2021.

It is intended that a submission will be prepared, however in the interim, these changes have been included in the new Terms of Reference for the Audit, Risk and Improvement Committee (ARIC), and feedback from the Council regarding councillor membership acknowledged and removed.

In summary, the changes between the two draft guidelines are as follows:

- More principles based approach to reduce prescription and assist Councils and ARICs to focus on desired outcomes;
- New tiered ARIC model for metropolitan, regional and rural/remote councils and joint organisations and county councils with reduced prequalification requirements to better reflect the different needs of councils and their ability to attract ARIC members
- More flexibility in ARICs' role

- More information about ARICs' new assurance role in relation to integrated planning and reporting, service delivery and performance measurement
- Clearer links between the ARIC and the governing body to ensure the governing body receives maximum value from ARIC's expertise
- Reduced ARIC costs
- Revised term limits to make it easier to appoint ARIC members
- New information about ARICs' role and key relationships with other stakeholders
- ARIC members can have more local government experience
- Stronger ARIC member appointment and induction processes
- Enhanced leadership role for the chair over the ARIC and ARIC meetings
- More flexibility for councils regarding confidentiality of ARIC agendas and minutes
- ARIC given unrestricted access to Chief Executive Officer and senior staff only – access to other staff requires Chief Executive Officer's approval
- New 'further resources' section that provides examples/templates/information regarding implementation of ARICs

Risk management

- More 'principles-based' approach to remove prescription and assist councils to focus on desired outcomes
- Clarification on how risk management requirements apply to joint organisations and county councils, and the role of internal audit and ARICs in risk management
- New ability for shared arrangements for county councils and joint organisations to reduce costs
- More flexibility in implementation and workforce resourcing
- More accountability by the council to the governing body and ARIC for risk management
- New 'further resources' section that provides examples/templates/information regarding risk management implementation

Internal audit

- More 'principles-based' approach to remove prescription and assist councils to focus on desired outcomes
- Clarification of dual reporting line to the ARIC and Chief Executive Officer
- More flexibility to implement the internal audit function within council's existing organisational structure and attract internal audit staff
- Shared arrangements simplified

- New ability for ARIC Chair to refuse a person's future access to internal audit information where they make unauthorised disclosures of internal audit information
- Performance review process streamlined to reduce costs
- New 'further resources' section provides templates, examples, checklists, tools etc that can be used when performing audits and assessing the performance of the internal audit function

Attestation

- Annual attestation to key non-negotiable requirements of the Guidelines
- Chief Executive Officer to consult with ARIC on annual attestation before it is published (co-signing removed)
- Increased accountability and transparency

Timelines

- All councils must appoint an ARIC from 4 June 2022
- All councils have until 2024 to establish their risk management framework and internal audit function – attestation commences 2024
- Councils have until 2027 to ensure ARIC membership complies with the Guidelines, allowing councils to transition into the new membership requirements as and when membership of existing ARICs expire – attestation commences 2027.

The Terms of Reference has been based on the model Terms of Reference and represents the requirements for Berrigan Shire Council as a Tier 1 Council which includes one prequalified member, two independent members, and as per Council's request, no councillor representation.

Despite changes to the guidelines, Council staff still have some concerns and these will be documented in the submission and provided to Council for adoption. However, regardless of where the guidelines currently sit, Council will continue in the process of forming an ARIC within the new revised Terms of Reference.

Council Meeting

20 October, 2021

7.6 Drug and Alcohol Free Workplace Policy

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 Drug and Alcohol Free Workplace Policy adopted 21 October, 2009;
2. Adopt the Drug and Alcohol Free Workplace Policy below:



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DRUG AND ALCOHOL FREE WORKPLACE POLICY

Strategic Outcome:	Good government		
Date of Adoption:	17 February 2021	Minute Number:	
Date for Review:	19 February 2025		
Responsible Officer:	Enterprise and Risk Manager		
Document Control:	Replaces and revokes the Drug and Alcohol Free Workplace Policy adopted 21 October, 2009		
Delivery Program Link:	2.1.3.5 <i>Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan.</i>		

1. POLICY STATEMENT

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

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

2. PURPOSE

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

Council's aims are to:

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

3. SCOPE

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



4. DEFINITIONS

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

5. POLICY IMPLEMENTATION



5.1 Alcohol and Illicit Drugs Use

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

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

5.2 Prescribed Medication

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

5.3 Alcohol and Illicit Drugs in the Workplace

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

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

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

5.4 Approved functions

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



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

5.5 Testing Providers

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

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

5.6 Testing Procedures

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

5.6.1 Pre-employment

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

5.6.2 Suspicion

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

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

5.6.3 Incident-specific testing

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



5.6.4 Random testing

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

5.6.5 Self-reported

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

5.6.6 Refusal to be tested

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

5.7 **Tocumwal Aerodrome (DAMP)**

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

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

5.8 **Contractors**

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



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

5.9 Volunteers

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

5.10 Test Results and Further Action

5.10.1 Negative Result

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

5.10.2 Non-negative Result

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

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

5.10.3 Positive Result

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

5.10.4 Returning to Work

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

5.11 Rehabilitation/EAP

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



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

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

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

5.12 Confidentiality

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

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

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

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

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

Report:

In 2009, following a workplace incident, Council introduced the Drug and Alcohol Free Workplace Policy. The premise of this policy was to change the culture around the consumption of alcohol on worksites at the end of the working week or for a function such as Christmas drinks; a long standing tradition at most workplaces.

The incident was a wakeup call, emphasising the risks to workers and highlighting Council's exposure to liability. The changes introduced by the policy were to prohibit the consumption of alcohol or drugs on any Council worksite or during Council work hours, prohibit the consumption of alcohol whilst wearing the Council uniform, and introduce drug and alcohol testing based upon suspicion or following an incident.

The focus on managing the effects of drugs and alcohol on staff has gathered momentum throughout various industries. The roots of this are embedded in mine management with mandatory and random drug and alcohol testing a regular risk control method.

On the 1st October, 2018 the Heavy Vehicle National Law was amended to provide that every party in the heavy vehicle transport supply chain has a duty to ensure the safety of their transport activities. Specifically, this relates to the safety of the vehicle, adherence to laws governing road use, fatigue management, securing of loads, safe loading/offloading, and drug and alcohol management. A requirement is to "regularly check and verify drivers are fit to drive, both physically and mentally, and not affected by drugs or alcohol or both"¹. A suggestion is to regularly conduct testing programs, and random testing where practicable.

Under the Civil Aviation Safety Regulations, Part 99B, aviation organisations must have a Drug and Alcohol Management Plan (DAMP) in place. Where the aviation organisation is classified as a microbusiness, i.e. is not engaged in public transportation or has no more than ten micro-business employees, the organisation can apply for an exemption and elect to adopt the Civil Aviation Safety Authority (CASA) plan. The testing requirements of the plan are to conduct drug and alcohol testing where there is suspicion, following an incident, or a requirement of returning to work following a positive test result. Random testing is at the behest of the microbusiness.

The NSW Resources Regulator responsible for mining and quarrying legislation, conclude that drugs and alcohol are a significant hazard, and recommend that a drug and alcohol management plan be put in place, and in addition to voluntary self-testing, testing performed upon reasonable belief, and post-incident testing, a random testing program should be implemented.²

¹ Master Code – V1.0 A registered industry code of practice under section 706 of the Heavy Vehicle National Law

² Fitness for Work – drugs and alcohol, NSW Resources Regulator, January, 2018.

Whilst the above regulators suggest random testing rather than making it mandatory, it has become a control measure that has warranted consideration. With Council staff performing work under the National Heavy Vehicle Regulator, CASA and the NSW Resources Regulator, it has become increasingly difficult to continue to justify not implementing a random testing program. In addition, recent legal advice on the current policy revealed the policy to be more aspirational than enforceable particularly in regard to drug use and therefore tighter wording in the consequence area had to be reviewed.

So with the above recommendations from stakeholders, legal advice, and the increase in organisations, including neighbouring Councils, introducing random drug and alcohol testing, we have revisited the policy.

Discussions have taken place with managers, Council's Consultative Committee, Union Representatives, and Work Health and Safety Representatives to develop the attached policy.

Due to concerns raised around possible drug use amongst staff, the policy has been revised to include, amongst other testing regimes already adopted, a random drug and alcohol testing program to be performed by an outsourced contractor, with in-house testers to be trained to perform all other testing requirements. The policy will also extend to cover contractors performing work on behalf of Council, who are present on worksites at the time of random testing.

It is anticipated that a contracted provider will perform random testing approximately four times per year. This will involve obtaining a random set of employee numbers through the HR Co-ordinator. These will then be matched to employees; managers will be asked to advise if these employees are at work, and the worksite where these employees are located. The contractor will proceed to the worksite and conduct testing. If contractors are present at the worksite, they will also be required to undergo testing.

Any employee or contractor who returns a non-negative result will be required to undergo a second test which will be sent to an external laboratory for assessment. They will be required to leave the worksite, will be driven home, and will be required to refrain from attending work until the second sample's results are received. A management program will be developed for employees returning positive results which will include drug and alcohol counselling, and further testing. This will be a requirement for the employee to remain employed by Council. Contractors will be required to demonstrate to Council how their employees will be managed before returning to Council's worksites.

In-house testers will be utilised to perform post-incident testing where required, suspicion testing, and testing as part of an employee's return to work drug and alcohol management plan.

The initial cost to Council for the outsourced random testing program will be approximately \$4,000 which will include training for managers and employees (this is still to be confirmed). It is anticipated that a minimum of 20 tests will be conducted at one random testing session at a cost of \$99.00 per test. Any second samples will be charged at \$169.00 per test.

Costs for in-house testing training and testing are still to be determined.

Council Meeting

20 October 2021

7.7 Staff Remuneration Review Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

- Revoke its Staff Remuneration Policy adopted on 19 August 2020, and
- Adopt the Staff Remuneration Policy set out below:



Policy

44

STAFF REMUNERATION REVIEW

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	20 October 2021	Minute Number:	
Date for Review:	17 September 2025		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Staff Remuneration Review Policy adopted 19 August 2020		
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing		

1. POLICY STATEMENT

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

2. PURPOSE

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

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

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

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

3. SCOPE



Policy

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

4. POLICY IMPLEMENTATION

4.1 Review

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

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

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

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

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

5. RELATED LEGISLATION, POLICIES AND STRATEGIES

5.1 Legislation and external guidelines

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

5.2 Council policies and guidelines

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



Policy

6. RECORDS MANAGEMENT

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

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

7. REVIEW AND EVALUATION

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

8. DOCUMENT AVAILABILITY

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

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

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

*Berrigan Shire Council
56 Chanter Street
Berrigan NSW 2712*

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

9. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
0.2	14/09/2021	draft Policy document	Matt Hansen



Policy

APPENDICES

NIL

DRAFT

Report:

Berrigan Shire Council has in place a [Staff Remuneration Policy, available on the Council's website](#).

The aim of the policy is to provide the Council with some assurance that all payments made to Council's executive-level staff were authorised and in line with their approved remuneration packages.

This review is ordinarily carried out by the contract auditors simultaneous with their audit of the annual financial statements on behalf of the NSW Audit Office.

This policy was scheduled for review in 2024 however changing circumstances have brought this review forward.

1. This year, the New South Wales Audit Office (NSWAO) has ruled that that it will not allow its contracted Council auditor to undertake this work. The NSWAO considers paid contracted work outside the audit of the financial statements may compromise the independence of the Council's auditor
2. The NSW Government's mandate requiring all Councils to appoint an Audit Risk and Improvement Committee (ARIC) within 12 months following the local government elections in December
3. The Chief Executive Officer's review of the Council's corporate structure and foreshadowed changes to salary packaging arrangements

To address these matters, Council staff have prepared a revised policy with the following suggested changes.

- Extending the scope of the review to include the CEO, all Director-level positions (no matter their title) and the delegated Responsible Accounting Officer (currently the Finance Manager)
- Referring the review to the new ARIC for inclusion in their work plans as an internal audit responsibility. Reviews of this nature are inside the remit of internal audit and using internal audit allows for greater independence from Council staff and avoids potential compromising of external audit.
- Ensuring that any redundancy and/or severance packages are included in the review. This has been a high-risk area for other local government authorities in NSW.

The proposed policy sets the minimum requirement for any review by ARIC. ARIC may choose to extend the scope of the review by:

- Including other staff in the review
- Reviewing not just the correctness of payments made under the package but also the appropriateness of the packages given market conditions and Council requirements.

By referring this review to ARIC, the Council cedes some control over the nature of the review. The review however will not only be completely independent from Council and Council staff, it will be seen to be independent. This should strengthen the credibility of the review with the public and other stakeholders.

Under the draft Audit Risk and Improvement guidelines issued by the Office of Local Government in September, the Council cannot direct ARIC to undertake any reviews - it may

only make a request. Subsequently there is a risk that ARIC may refuse to undertake the work. This is unlikely however and can be addressed through consultation between ARIC and Council on agreed work plans.

The Council may adopt the proposed policy by resolution if it wishes. Alternatively, the Council may suggest further revisions and changes prior to adoption.

Council Meeting

20 October 2021

7.8 Tocumwal War Memorial Hall Committee of Management

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

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

Recommendation: The direction of the Council is sought.

Report:

At its ordinary meeting held on Wednesday, 19 August 2020, the Council made the following resolution appointing the members of the Tocumwal War Memorial Hall Committee of Management.

Resolved Crs Morris and Jones that the Council:

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

<i>President:</i>	<i>Sergio Redegalli</i>
<i>Secretary/Treasurer:</i>	<i>Leanne Mark</i>
<i>Committee:</i>	<i>Laurie McQueen</i>
	<i>Kevin McCumstie</i>
	<i>Betsy Bird</i>
	<i>Anne Jones</i>
	<i>Kerry Davies</i>
	<i>Claire Wileman</i>
	<i>Mark Wileman</i>
	<i>Marg Close</i>

Since this appointment Leanne Mark and Kevin McCumstie have resigned from the committee.

Councillors have advised Council staff that they have some concerns with the operations of the Committee and have sought advice on options for reform.

Advice from Council staff to the Council is that the Council has the right to establish and abolish volunteer committees of the Council as it determines - via a resolution of the Council.

The Council also has the right to appoint and dismiss members of its volunteer committees as it determines - again via a resolution of the Council. This power is usually exercised on the advice of the volunteer Committee but the Council can choose to exercise this power as it chooses.

The Council has several options open to it:

1. Abolish the Committee of Management and resume day-to-day care, control and management of the Tocumwal War Memorial Hall.
2. Abolish the existing Committee of Management and appoint a new Committee to take on day-to-day care, control and management of the Tocumwal War Memorial Hall
3. Remove individual members of the Committee of Management and retain other members
4. Maintain the Committee of Management as is and work on improving governance arrangements with the volunteers.

Should the Council consider Options 2 or 3, it may wish to consider appointing a Councillor as an ex-officio President for a period.

Where possible, the Council has normally chosen to work with interested community members in the operations of its community halls, pools and recreation reserves and abolishing committees and removing members has been a last resort. Volunteer provision of services is a key part of the Council's strategy for effective operation of this facilities and the views and wishes of the volunteers should be respected where possible.

However, where a committee is not functioning effectively, the Council also has an obligation to its volunteers and the broader community to act.

The direction of the Council is sought.

Council Meeting**20 October 2021****7.9 Council Election Considerations**

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: that Council:

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

Report:

With the election being held on 4 December 2021 there has been some concern surrounding when meetings should be held to allow for the requirements of the *Local Government Act 1993* (the Act). Section 365 of the Act states as follows:

365 How often does the council meet?

The council is required to meet at least 10 times each year, each time in a different month.

The following question has been put to the Office of Local Government and their response is also provided below:

When should councils schedule their first meetings after the election?

As noted above, council elections are not likely to be declared before 21 December 2021. Councils should schedule the timing of their first meetings following the election on this basis. Councils that elect their mayor are required to hold a mayoral election with 3 weeks after the declaration of the ordinary election and will be required to schedule a meeting for this purpose within 3 weeks of the declaration of the election.

When scheduling the first meeting following the election, councils will need to factor in the Christmas/New Year period.

Given the above, the following dates are important:

- Caretaker period commences 4 November 2021
- This Council's last meeting will be held on 17 November 2021 (see below for matters to discuss at that meeting)
- The election will take place on 4 December 2021
- The elections should be declared by 21 December 2021

Last Meeting of this Council – November 2021

As the last meeting of Council will be held after the caretaker period commences it is recommended a number of things occur at this meeting.

The first is that appropriate delegations are in place to allow me to continue to exercise the function of the Council as required in the period between election day and the first meeting of the Council following the election.

Council will therefore need to move a motion to:

- delegate all delegable functions to the Chief Executive Officer position for the period commencing 4 December 2021 and concluding 11 January 2022; and
- authorise the current Mayor to maintain all civic and ceremonial functions normally exercised by the Mayor during this period.

Given the possibility that the outgoing Mayor may not be re-elected at the election and may therefore cease to be accountable to the Council and the community, it is not advised that Council make any delegations to the outgoing Mayor. Having the current Mayor exercise his current civic and ceremonial functions will however ensure adequate oversight of the CEO position and maintain some stability for the community during this time.

Council usually holds a Corporate Workshop after the Council election to allow senior managers and councillors to come together and develop a working relationship. The Workshop is run over two days and will consider a number of strategic objectives and projects staff are currently working of for consideration by the new Council. As we will need to book venues well in advance the dates suggested for the Corporate Workshop are 3 and 4 March 2022. Staff are currently working on the agenda.

First Meeting of New Council – January 2022

Taking the above into consideration we will need to have the first meeting of the new Council no later than **Tuesday 11 January 2022**. That will meet the 3 week schedule to elect the

Mayor and hold the first meeting of Council. If we have the meeting the week previous, that would be 5 January 2022 and many people will probably be on leave.

It is therefore intended the first meeting of the new Council will take place on 11 January 2021 commencing at 9.00am. It is expected the meeting will be a full day as there is a considerable amount of governance to attend to on that day. Only urgent other business will therefore be added to this meeting if it is required. The following is an outline of the possible agenda for the day.

- Oath and affirmation of Councillors (233A LG Act)
- Returning Officer's Report
- Election of Mayor (s227 and 282 LG Act)
- Election of Deputy Mayor (s277 and 282 LG Act)
- Meeting dates and times for 2022 (s365 LG Act) – including a date for the first Ordinary meeting in January 2022

Council has determined at its previous meeting that the following items be subject to the first meeting in January 2022

- CEO Performance Agreement (s226 (n) LG Act – motion 208)
- Code of Conduct (s440(3) LG Act)
- Code of Meeting Practice (360 (3) LG Act)
- Community Strategic Plan Review Schedule (s402)
- Hardship Relief Review (motion 212)
- Review of the dates for Council Strategic Workshop

It is suggested that all elected members receive the reports attached to the above as soon as the election outcomes are announced or no later than 22 December 2021. Giving all elected members access to the required information as soon as possible will allow them time to work through the documents prior to the first meeting.

It is then suggested that the following are included in the meetings following the January 2022 meeting and spread out to allow appropriate consideration:

- Organisational Structure Realignment Update (s332 LG Act)
- Delegations Manual (s377 - 380 LG Act)
- Payment of expenses policy (s252 LG Act)
- Delivery Program Review (s404)
- Local Policy (revoked at expiration of 12 months after the declaration of the poll for that election) s 165)

Council Meeting

20 October 2021

7.10 Finley War Memorial Hall Committee of Management

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

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

President:	Sally Bickerton
Secretary:	Sally Bickerton
Treasurer:	Dean Russell
Committee:	
	Rob Hawkins
	Jill Orro
	Aaron Taylor

Report:

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

Council Meeting

20 October 2021

7.11 Tocumwal Swimming Pool Committee of Management

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

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

President:	Geoff Edwards
Vice President/Secretary:	Penelope Jones
Treasurer:	Barry Prideaux
Committee:	
	Anne Logie
	Randall Jones
	Faith McCallum
	Melanie Walsh

Report:

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

Council Meeting

20 October 2021

7.12 Affordable Housing and Homelessness

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

Strategic Outcome: 2. Good government

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

Recommendation: The direction of Council is sought on the following options presented to the Council in “Appendix 7.12-A”

1. Statutory (Council Role)
 - 1.1. Inclusion of the LGA in the NSW Government’s Affordable Housing SEPP 70 (this would require the development of a Local Affordable Housing Strategy and subsequent or consequent amendment to the Council’s LEP).
 - 1.2. Audit of vacant land (serviced land) or vacant housing in the LGA that is owned by government departments.
 - 1.3. Identify all unoccupied housing in the LGA as part of a Housing Strategy
2. Service Provision (Council Role)
 - 2.1. Identify community facilities with shower and laundry amenities that could be used by rough sleepers.
 - 2.2. Facilitate access by homelessness service system and rough sleepers to community facilities with shower and laundry amenities.
3. Strategic (Council Role)
 - 3.1. Establish a strategic partnership with Homes Out West, Vinnies Homelessness Services or similar Community Housing Provider either in conjunction with RAMJO Councils serviced by Homes Out West or singly to:
 - 3.1.1. Advocate for funding to increase the quantum of affordable housing using vacant residential land that is owned by State Government Agencies.
 - 3.1.2. Advocate for the financial support needed to increase the capacity of Homes Out West or similar to manage additional affordable and social housing properties.
 - 3.1.3. Facilitate the development of projects designed to increase, via head lease arrangements or voluntary planning agreements, the quantum of affordable housing properties in the LGA.
 - 3.2 The Berrigan Shire Council facilitate an annual workshop or forum between Berrigan Shire Council and the NSW Communities and Justice Department on emerging issues

and trends related to the quality and availability of affordable housing in the Berrigan Shire LGA and the extent of homelessness and rough sleeping in the LGA.

Report:

Housing policy in Australia is complex and multi-layered. The traditional role of local government in housing is that of the consent authority, responsible for ensuring an adequate supply of residential land. However, there is a crisis in the supply of affordable housing for key workers in retail, accommodation, health and social services in the Berrigan Shire, partly prompted by a 28% increase in median house prices since March 2020.

The briefing appended "**Appendix 7.12-B**" provides the Council and Council Officers with an overview of the housing and homelessness system at a state, regional and local level, together with options for discussion, further investigation and consideration.

Council Meeting

20 October 2021

7.13 2020-21 Annual Financial Statements

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: That the Council, having satisfied itself in relation to the preparation of its financial reports and special schedules:

1. refer its financial statements to the Auditors for the audit report;
2. subject to receipt of the audit report, at its meeting to be held on Wednesday 20 October 2021, the Council present its audited financial reports and audited reports to the public and that the Council's intention be publicly notified;
3. sign the attached General Purpose Financial Report "Statement by Council" and the Special Purpose Financial Report "Statement by Council";
4. adopt the valuation of assets prepared in accordance with recognised valuation procedures as a fair and reasonable value of those assets (see note C1-6);

Report:

The 2020/21 Annual Statements have been prepared and audited and are now ready for adoption by the Council.

A copy of the Statements are attached as "**Appendix 7.13-A**" and "**Appendix 7.13-B**".

The report below has the following sections:

- A brief summary of the key results and performance measures
- Some general comments on the statements
- A run down on the statutory process required to formally adopt the financial statements
- A detailed analysis of the Financial Statements and associated notes and schedules.

I would like to acknowledge the work of my team in the preparation of these statements. COVID-19 restrictions required all of the team to work in difficult circumstances and I am pleased that we were able to overcome those obstacles to meet our statutory timeframes.

Key points

Some of the key points from these statements are:

1. Council made an operating deficit of \$0.3m before capital grants and contribution.
2. Council held approximately \$42.7m in cash and investments at 30 June 2021, of which only \$7.0m was not committed elsewhere.
3. Council renewed approximately \$7.7m in infrastructure assets (i.e. roads, water, sewer, drainage etc.) and constructed an additional \$7.1m of new infrastructure.


Summary of Results





The table below is a brief summary of the key results for the 20210/21 financial statements.





<u>Overall performance</u>	<u>2020/21</u>	<u>2019/20</u>
Operating surplus	\$6.0m	\$4.4m
Operating surplus/(deficit) before capital grants and contributions	(\$0.3m)	\$0.7m
<u>Revenue and expenses</u>		
Total revenue	\$29.7m	\$26.5m
Total expenses	\$23.6m	\$22.2m
<u>Cash and investments</u>		
Cash and cash equivalents	\$14.7m	\$11.2m
Investments	\$28.0m	\$27.0m
<u>Balance Sheet</u>		
Total assets	\$389.2m	\$343.3m
Total liabilities	\$11.5m	\$7.8m
Total equity	\$377.7m	\$335.5m
<u>Water and Sewer funds</u>		
Total assets	\$106.8m	\$113.77m
Total liabilities	\$6.5m	\$0.005m
Total equity	\$100.3m	\$113.77m

Performance measures

The performance measures set by the Office of Local Government and required to be included in the Council's financial statements are shown below.

<u>Industry Indicators</u>	<u>Benchmark</u>	<u>2020/21</u>	<u>2019/20</u>
Operating Performance Ratio	Greater than 0%	4.02% 	5.64%

<u>Industry Indicators</u>	<u>Benchmark</u>	<u>2020/21</u>	<u>2019/20</u>
Own Source Operating Revenue Ratio	Greater than 60%	50.84%	56.76%
Unrestricted Current Ratio	Greater than 1.50:1	4.88:1 	4:33:1
Debt Service Cover Ratio	Greater than 2.00:1	15.4:1 	18.29:1
Rates Outstanding Percentage	Less than 10.00%	4.11% 	5.07%
Cash Expense Cover Ratio	Greater than 3.00 months	25.87 months 	27.88 months

<u>Infrastructure Asset Performance Indicators</u>	<u>Benchmark</u>	<u>2020/21</u>	<u>2019/20</u>
Building and Infrastructure Renewals Ratio	Greater than 100%	141.91% 	149.43%
Building and Infrastructure Renewals Ratio (General Fund)	Greater than 100%	141.42% 	149.15%
Infrastructure Backlog Ratio	Less than 2%	0.00% 	0.00%
Asset Maintenance Ratio	Greater than 100%	123.30% 	104.29%

General comments

Overall, the Council retains a strong cash position in all three operating funds.

The Council's balance sheet remains strong with adequate provisions and correct asset values.

The 2020/21 year has seen Council continue to deliver community and other infrastructure and the 2021/22 year will continue to see challenges before the Council as the Council moves to a more active position in developing community and other infrastructure. Continued monitoring of the Council's financial position is required to ensure this Council is sustainable and able to deliver for its community, today and into the future.

Statutory Process

The Council is now required to do the following:

1. Complete the statutory process for adoption and completion.
2. Assure itself that the Statements have been prepared in accordance with the appropriate standards (prior to adoption) and formally refer the Statements to the Council's Auditors for the Audit Report.

The audit was performed from Monday 27 September to Wednesday 13 October 2021.

After satisfying itself with the accuracy and correct preparation of the Statements, the Council is required to do the following:

1. **Adopt** the statements and report on the conduct of the Audit.
2. **Once the auditor's report has been received,**
 - a) **advertise** the Statements for public submissions for a period of 7 days and,
 - b) **Make available** the Statements to various authorities including the NSW Office of Local Government.

Preparation of the Statements

The Statements are required to and have been drawn up in accordance with:

- The *Local Government Act 1993* and associated regulations.
- NSW Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards.
- The Local Government Code of Accounting Practice and the Local Government Asset Accounting Manual.

The Statements are also in accordance with the Council's accounting records for the year ended 30 June 2021.

The Council is required to prepare five primary reports which form the cornerstone of the financial statements, they are:

- An Income Statement
- A Statement of Comprehensive Income
- A Statement of Financial Position (Balance Sheet)
- A Statement of Changes in Equity
- A Statement of Cashflows

In addition to these statements are Notes A1-1 to H1-1³, the Special Purpose Financial Reports and the Special Schedules.

The Statements and corresponding notes which form the Council's accounts along with the Special Purpose Financial reports are audited. The Special Schedules are considered supplementary to the accounts and therefore are selectively audited. The permissible income for general rates schedule is audited, and the report on Infrastructure Assets are not currently audited (although still intending to be in future).

They are prepared for the benefit of other authorities such as the Office of Local Government, Grants Commission, the Department of Lands, the Australian Bureau of Statistics and other Councils.

The following commentary on the Annual Accounts and Special Purpose Financial Accounts is provided for the Council's information

Please note that all figures are in \$000's unless otherwise noted.

Income Statement

The Income Statement shows the surplus or deficit from ordinary activities before capital amounts and therefore gives an indication of the Council's performance in providing services that are funded from periodic operating income. These results exclude capital injections of funds which pay for capital works; the corresponding expenditure for these items appears in the Balance Sheet in the form of an asset.

The surplus/(deficit) from ordinary activities line shows how much the Council's wealth has increased or decreased over the year as a result of its activities. It is important to note that the Council is required by the NSW Local Government Code of Accounting Practice and Financial Reporting to recognise grants and contributions in its Income Statement even if the corresponding expenditure has not been incurred in that period.

The Council should note that the Council's result from ordinary activities result has improved somewhat from a \$4.354m operating surplus in 2019/20 to a **\$6,093 operating surplus** in 2020/21.

Some of the more material changes are listed below (in 000s):

- An increase in Rates and Annual Charges of \$368
- A decrease in Other Revenues of \$142
- An increase in Operating Grants of \$347

³ Note - The numbering and layout of the notes to the financial statements has been completely revised in 2020/21. Instead of numbering from 1 to 26, each note "category" is given a "letter" and each note in that category assigned a number. Sub-notes in each note are given a second number - i.e. Note G6-2 is sub-note 2 in Note 6 in Category "G".

- An increase in Capital Grants of \$2,766
- An increase in Employee Benefits and On-Costs of \$527
- An increase in Net Losses from disposal of assets of \$677
- An increase in Depreciation, amortisation and impairment of assets of \$321

Discussion on each of these items follows in this report.

The result before capital grants and contributions shows an operating result decrease, moving from a \$723 surplus in 2019/20 to a **\$304 deficit** in 2020/21.

Capital grants and contributions include grants such as the RMS REPAIR program, and developer contributions to infrastructure, either in cash or as contributed assets.

The council impaired the purchase of the Tocumwal Motel and Hardware Store building to NIL due to the plan to demolish the building in 2021/22. An expense of \$323 is shown in the Income Statement for this amount. This is a non-cash expense that reduced the operating profit of Council in 2020/21.

The underlying financial position of the Council remains stable — i.e. the Council is making moderate operating surpluses over the short to medium term and has cash flows sufficient for the Council to meet its obligations and deliver on its strategic plans.

Statement of Comprehensive Income

The Statement of Comprehensive Income links the Council's operating result in its Income Statement to the Council's Statement of Financial Position, specifically the increase in Council Equity (i.e. the Council's assets less its debt).

In 2020/21, the Statement reflects the Council's operating surplus of \$6,093 and a gain on revaluation of \$36,055 (more detail on this figure will be provided below) making a total increase in Council equity for the year of \$42,148.

Statement of Financial Position (Balance Sheet)

The Balance Sheet is presented so as to reveal the following aspects of the Council's financial situation:

1. Information about the **financial structure** of the Council, its obligations, its equity and the types of resources available to it.
2. Information about the **capacity** of the Council to adapt to changes in its operating environment.
3. Information about the **short and long term solvency** of the Council by classifying its assets and liabilities into current and non-current.

The Balance Sheet recognises the basic accounting equation of Assets minus Liabilities equals Equity. The equity of Berrigan Shire comprises the accumulated surpluses from previous years plus the asset revaluation reserves.

In Berrigan Shire's case the Balance Sheet shows an increase in equity from \$335,511 to \$377,659. As discussed above this reflects the Council's operating surplus of \$6,093 shown in the Income Statement and the \$36,055 increase in valuation of the Council's infrastructure, property, plant and equipment assets and other adjustments

Current Assets – the Council's cash and other assets likely to be realised over the next twelve months — have increased by \$5,587 over the financial year. This is a result of several large capital grants received and not yet expended and funds being retained for large capital works programs.

Non-current Assets have increased by \$40,335. This is largely the result of the revaluation of several classes of infrastructure assets as well as the addition of new assets. Council will have undergone a Comprehensive revaluation on all asset classes after 30 June 2022. This will see Non-current assets stabilise and the large increases will subside.

Current liabilities – the Council's debts likely to be redeemed over the next year – have increased by \$527. There was a large increase in borrowings, which is due to the loan drawn down for the Barooga Water Treatment Plant. It also brought to account an additional \$442 of contract liabilities — i.e. future grant commitments - as per new Australian Accounting Standards. Please note these figures do not include internal loan drawdowns.

Non-current liabilities increased by \$3,247 as the Council's new borrowing strategy takes effect. The Council took out a new \$4m loan in 2020/21 — partly subsidised under the Low Cost Loans Initiative. Please note these figures do not include internal loan drawdowns.

Statement of Changes in Equity

The Statement of Changes in Equity shows how the total changes in Equity have been derived. There were two changes in equity in 2020/21. There was an increase of \$6,093 flowing from the Income Statement, and an increase in the Asset revaluation reserve of \$36,055.

The increase in equity from the Income Statement has been discussed above and the increase from the revaluation of the Council's assets will be discussed in detail below.

Cash Flow Statement

The Cash Flow Statement communicates information about the change in an organisation's liquidity and solvency during the year. It requires the grouping of cash receipts and cash payments into the following three classifications. They are:

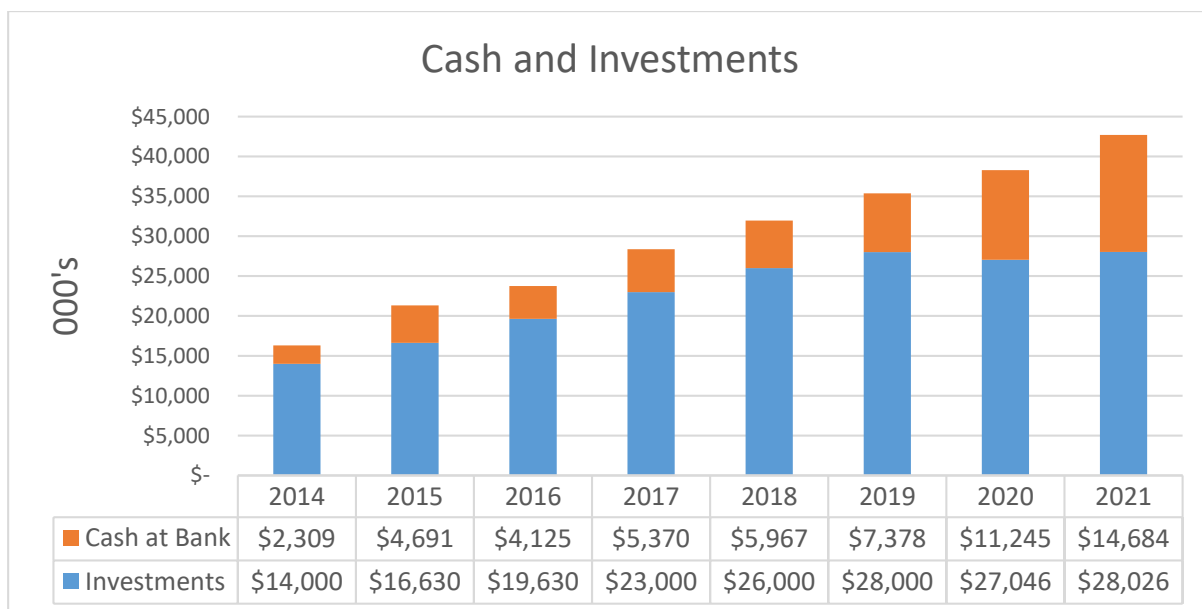
- Operating Activities: These involve providing goods and services and include all transactions and other events that are not financing or investing activities.

- **Investing Activities:** These involve activities relating to the acquisition and disposal of non-current assets, including property, plant and equipment and other productive assets and investments.
- **Financial Activities:** Involves those activities which relate to changing the financial structure of the entity.

The Cash Flow Statement does not take into account non-cash items such as depreciation and accrued expenses and revenue. It is important because it shows the amount of cash created by Council’s activities which governs the Council’s ability to spend.

Overall the Council’s cash and investments increased by \$4,419 during the year. The two main reasons for the increase are below:

1. Increase in overall funds received from operations.
2. Borrowing an additional \$4m for the Barooga Water Treatment Plant



Notes A1-1 to H1-1 provide detail to the abovementioned statements. Note that the Code of Accounting Practice and Financial Reporting has markedly changed the layout and numbering of these notes from previous years

Category A - About Council and these financial statements

Note A1-1 sets out the basis of preparation for these set of statements including the impact of new accounting standards.

Category B - Financial Performance

This category provides more information on the amounts shown in the Council’s Income Statement

Note B1 discusses financial performance by Council’s functional areas per its Community Strategic Plan - i.e.

1. Sustainable Natural and Built Landscapes,
2. Good Governance,

3. Supported and Engaged Communities,
4. Diverse and Resilient Business

Note B2 provides detail on the Council's sources of income

Sub-Note B2-1 shows Council's rates and charges income

The Council's rates and charges revenue increased by \$368 (3.5%) in 2020/21. This has two main drivers:

- The 2.6% permissible increase in general rates and the decision by the Council to increase some of its other service charges (Water, Waste and Sewer) by between 2% to 3%
- Some growth in the number of rateable assessments and service connections

Sub-Note B2-2 shows Council's rates and charges income

User charges and fees increased by \$98 (3.7%) in 2020/21. Most fees and charges revenue were similar to past years. Council seen high volumes of Development Applications in the 2020/21 Financial Year.

Sub-Note B2-3 shows Council's other revenue

Other Revenue has declined by \$118. This is largely due to reduced revenue from temporary transfer of water entitlements.

Sub-Note B2-4 shows Council's grants and contributions

Operating grants and contributions received by the Council increased by \$347.

Capital Grants tend to vary widely from year to year depending on the current projects being undertaken by the Council. In 2020/21 the amount of Capital Grants and Contributions received by the Council totaled \$6,150 including significant grants under the Drought Communities, Stronger Country Communities, Fixing Local Roads, Local Roads and Community Infrastructure Program and Regional Growth – Environment and Tourism Fund. Council continues to see large amounts of Grant Funding available and will continue to apply for grants whilst they are available.

Contributions to s64 and s94 plans have increased from 2019/20's record receipts largely due to large scale land developments occurring in the shire.

The value of restricted grants and contributions (i.e. those grants and contributions that the Council has an obligation to spend in specified manner) fluctuates every year based on timing of receipts and building progress

Sub-Note B2-5 shows Council's interest and investment income

This revenue declined by \$295 (79%) in 2020/21. Interest rates received on Council’s investments declined significantly over the year due to COVID-19 and the current economic climate. This is not expected to improve in the short to medium term.

Sub-Note B2-6 shows Council’s other income - i.e. rent etc.

Note B3 provides detail on the costs of providing services - i.e. its expenses

Sub-Note B3-1 shows Council’s employee benefits and on-costs

Employee costs expensed increased by \$527 (7%). This result included all employee costs including leave entitlements, superannuation and workers compensation. Note that actual payments to staff - including leave entitlements actually paid - increased from \$7.1m in 2019/20 to \$7.4m in 2020/21.

Sub-Note B3-2 shows Council’s materials and services costs

Materials and Contracts expenses has remained constant over the last two financial years. This figure can move sharply however depending on the mix of maintenance and capital works projects in any given year.

Sub-Note B3-3 shows Council’s borrowing costs

Borrowing costs decreased by \$180. The decrease relates to a \$216 one-off adjustment made in 2019/20 correcting a previous issue with present-value discounting of the Council’s provision for remediation of its tips and quarries.

Sub-Note B3-4 shows Council’s depreciation, amortisation and impairment

Depreciation increased by \$321 (5.2%). This is due to comprehensive revaluation of Council’s assets coming into effect.

Sub-Note B3-5 shows Council’s other expenses

Other expenses cover a wide range of areas. Some of the key figures are shown below.

Other Expenses	2020/21	2019/20	% Change	Comment
NSW RFS Levy	260	205	↑27%	NSW government policy, offset to some extent via a NSW government grant.
Tourism and Area Promotion	34	67	↓50.8%	Reflecting the reduction in Tourism due to COVID-19

Other Expenses	2020/21	2019/20	% Change	Comment
Swimming Pools	148	98	↑51%	Increase in pool chemical expenses and extended operating hours (grant subsidised)

Note B4 provides detail on gains and losses

Sub-Note B4-1 shows Council’s Gains and losses from the disposal, replacement and de-recognition of assets

The Council made a small gain of its sale of land and used plant offset by a loss on disposal of infrastructure.

Accounting standards oblige the Council to write off the residual value of infrastructure when it is replaced and that accounts for the \$1,692 loss on “disposal” of its infrastructure assets.

Note B5 provides detail on the Council’s performance against budget

Sub-Note B5-1 shows material budget variations in the income statement and statement of cash flows

Category C - Financial Position

This category provides more information on the amounts shown in the Council’s Balance Sheet

Note C1 provides detail on assets managed by the Council

Sub-Note C1-1 shows Council’s cash and cash equivalents

Sub-Note C1-2 shows Council’s financial investments

Sub-Note C1-3 shows Council’s restricted cash, cash equivalents and investments

As mentioned above, the Council’s total cash and investments have increased from \$38,291 to \$42,710 in 2020/21

All Cash and Cash equivalents are held as “At fair value through profit and loss” and all Investments are “Held to Maturity”. Given the Council’s investment portfolio, which consisted of term deposits, there is little difference between the two.

External restrictions are those imposed on the Council by legislation relating to separate funds such as water, sewer and domestic waste as well as grants and contributions that come with conditions that the funds be spent on specific projects.

Internal restrictions are restrictions or funds which the Council places voluntarily on itself such as employee leave entitlements, the plant replacement reserves and the capital works reserve.

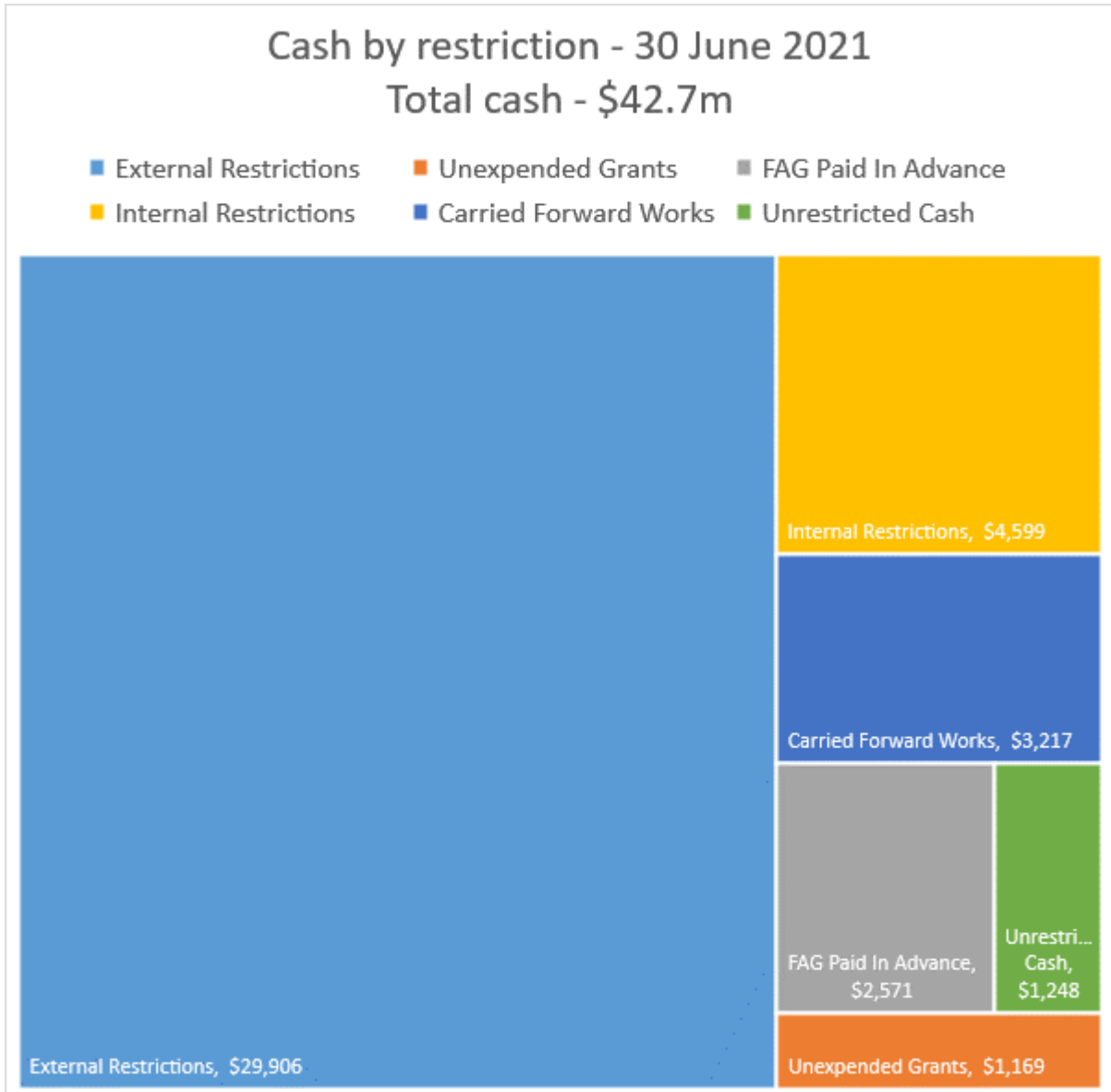
Unrestricted funds decreased slight to \$7,036. Much of the remaining unrestricted cash has already been allocated to carried forward jobs or is required for working capital. The table below provides some further detail about the Council's unrestricted cash.

UNRESTRICTED CASH ANALYSIS

	\$000's
(A) Reserve funds as at 30-6-21 (A)	34,505
(B) Unexpended grants as at 30-6-21 (B)	1,169
(C) Total Reserve Balances as at 30-6-21 (A+B)	35,674
(D) Cash and investments 30-6-21	<u>42,710</u>
(E) Unrestricted cash as at 30-6-21 (D-C)	7,036
(F) Unspent works carried forward from 20/21	3,272
(B) Less unexpended grants restricted	<u>55</u>
(G) Net unspent works carried forward (F-B)	3,217
(H) Uncommitted cash at 30-6-21 (E-G)	3,819
(I) Less 2020/21 FAG paid in advance	<u>2,571</u>
(J) Balance of uncommitted cash at 30-6-21 (H-I)	1,248

Note this "uncommitted" cash is generally committed in the 2021/22 budget or required as working capital. This cash is not generally available for new projects or activities.

A graphical breakdown of the Council's total cash and investment holdings is shown below



Sub-Note C1-4 shows Council’s receivables, i.e. the amounts that are owed to the Council.

Outstanding rates and charges decreased by \$317 (28%). This is a positive reflection on the work performed by the Council’s revenue team.

Accrued interest on investments decreased by \$82. This is purely an issue of the timing of the maturity dates of the Council’s investments and also reflects the current low interest rates of Term Deposits.

Government grants and subsidies (\$1,850) relate to claims made for grant-funded projects not yet paid by the funding body.

Sub-Note C1-5 shows Council's inventories of stock and materials and developed real estate owned by the Council.

The Council has sold nearly all of its developed land. Stores and materials on hand have decreased slightly.

Sub-Note C1-6 provides details on the movements in value of the Council's Infrastructure Property Plant and Equipment (IPP&E) assets. These represent the overwhelming balance of the Council's assets

The carrying value of the Council's IPP&E assets increased from \$302,964 to \$343,299 at the end of 2020/21.

The left hand columns in Note C1-6 shows the situation at the commencement of the 2020/21 year, the middle columns show the changes to asset values throughout the course of the year and the rightmost columns show the situation at the end of the financial year.

Items worth noting include:

- The Council added a total of \$14,751 in assets in 2020/21. Of this \$7,666 related to renewals of infrastructure and \$7,085 to new infrastructure.
- This is offset by the Council recognising depreciation to the value of \$6,546 as discussed earlier.
- The revaluation increments of \$52,663 and \$16,608 decrements to equity, for a net of \$36,055 are also shown in this table.

The last item above requires more explanation. Council is required at each reporting date to assess the fair value of all of its assets every year and determine if that value differed materially.

Under AASB 13, assets are required to be valued at their "fair value"; in the case of assets such as roads and bridges the Office of Local Government has determined councils will need to estimate fair value using the cost-approach method. The cost approach reflects the amount that would be required currently to replace the service capacity of an asset.

The Director Technical Services determined that there were no material changes in the values of some of the Council's infrastructure asset classes, other than roads, bridges and storm water assets.

A complete revaluation of roads, bridges and storm water assets was undertaken by APV Limited for 30 June 2021. These values have been used in the preparation of these financial statements.

Note C2 provides detail on Council's leasing activity

Sub-Note C2-1 shows Council's activities as a lessee

Sub-Note C2-2 shows Council's activities as a lessor

Given the Council does not lease any significant land, buildings or plant, there is little of interest in this note.

Note C3 provides detail on Council's liabilities - i.e. amounts it owes to other parties

Sub-Note C3-1 shows Council's payables - debts it incurs in the ordinary course of business

Payables have decreased; this is mainly a timing issue regarding invoice payments.

Sub-Note C3-2 shows Council's contract liabilities - liabilities incurred by the Council through entering into contracts to undertake to perform activities - i.e. grants for capital works. As the Council performs its obligations under the contract, the amount shown as a liability will become revenue.

This has increased from \$622 to \$1,064 in 2020/21 and is reflective of the large amount of grant projects Council currently has underway.

Sub-Note C3-3 shows Council's borrowings

Borrowings have increased over 2020/21 as the Council took out a \$4,000 loan for the Barooga Water Treatment Plant.

This does not show internal loans Council has drawn down in 2020/21. Council borrowed money from its Sewer Fund for various capital projects in the General Fund of \$1,000 and \$2,600 for the construction of the Finley Water Treatment Plant.

These loans are eliminated in the General Purpose Financial Statements (that reflect the Council as a consolidated entity) however they are shown in the Special Purpose Financial Statement in the Water and Sewer Fund.

Sub-Note C3-4 shows the Council's employee benefit provisions - the amounts for which it has committed to pay employees in the future for leave

2020/21 has seen the Council's Provision for Employee Benefits increase slightly, this is mostly associated with employees not taking their leave due to COVID-19 and cancelled leave plans – Council has recently implemented a new leave policy to bring leave levels across Council down to an acceptable level.

The table below provides some history on the level of the provision

Financial year	Provision for Employee Leave (000s)
2017/18	\$2,641
2018/19	\$2,381
2019/20	\$2,793
2020/21	\$2,826

As previously reported to the Council, the level of the Council's outstanding leave balances is a significant issue and is likely to be raised by the auditors in their management letter as a repeat issue – this may be alleviated by the fact Council is taking steps to reduce leave balances.

Sub-Note C3-5 shows the Council's provisions - i.e. the amounts for which it is committed to pay in the future

The Provision for Asset Remediation/Restoration covers the likely cost to the Council to restore, rehabilitate and remediate certain areas such as quarries and landfills when they reach the end of their useful lives.

The Council is required to show this as a liability as well as incorporate this cost in the cost of the asset. This is required to be done on a **net present value** basis; i.e. the future expected costs are discounted to 2021 dollar amounts.

The provision has seen a slight decrease at 30 June 2021.

Note C4 provides detail on Council's reserves

Sub-Note C4-1 describes the nature and purpose of the Council's reserves

Category D - Council structure

Note D1 provides details on the Council's Financial Result and Financial Position by fund - i.e. General, Water and Sewer

This note duplicates much of the information shown in the Special Purpose Financial Statements and Special Schedules

Sub-Note D1-1 shows the income statement by fund

Sub-Note D1-2 shows the statement of financial position by fund

These sub-notes duplicate much of the information shown in the Special Purpose Financial Statements and Special Schedules

Sub-Note D1-3 shows the details of the Council's internal loans

This note shows two new internal loan drawdowns as mentioned above. As Council drew down on these loan at 30 June 2021 there were no interest or principal payments made during the year. **Category E - Risks and accounting uncertainties**

Note E1 sets out Council's financial risks

Sub-note E1-1 shows risks relating to financial instruments held

The Council holds the vast majority of its cash and investments in Term Deposits and at-call accounts while its only borrowings are standard loan with fixed interest rates for the term of the loan. As a result, the risk of default or interest rate movement to the Council is very slight.

Note E2 sets out accounting uncertainties when preparing the Council's financial statements

Sub-note E2-1 shows Council's fair value measurement

The note itself is quite arcane and the format and content of this note may continue to change over time as the industry comes to grips with the best method to provide the required information in the most efficient manner.

Note E3

Sub-note E3-1 shows Council's contingencies

Contingencies are other potential liabilities and assets that do not meet the threshold for inclusion in the financial statements or are otherwise difficult to value but are worthy of being disclosed

While the Council has some industry-wide contingent liabilities for items such as Defined Benefit Superannuation plans and Statewide and StateCover Mutual, there are no contingent liabilities specific to the operations of this Council.

Category F - People and relationships

Note F1 sets out the Council's related party disclosures

Sub-note F1-1 shows transactions between the Council and "Key Management Personnel"

Sub-note F1-2 shows fees and expenses paid to the Mayor and Councillors

Councillor and Mayoral fees and associated expenses decreased in 2020/21 by \$54 largely due to the reduction in other expenses from not being able to attend conferences and trainings.

Note F2 relates to the Council's other relationships

Sub-note F2-1 shows Council's audit fees

Auditor Fees decreased by \$29 in 2020/21 due to the work done over the past two years by the Finance Team to produce a quality set of financial statements and working papers to the auditors.

Category G - Other matters

Sub-note G1-1 reconciles the Council's operating result to the cash provided by the Council's net operating activities.

These can differ due to items such as depreciation, asset write-offs, contributed assets and changes in amounts owed to creditors and owed by debtors and in inventory levels.

Sub-note G2-1 details the Council's future expenditure commitments not shown in the balance sheet — i.e. where the Council has entered into a contract but not yet had the goods or service delivered

These commitments have increased substantially from 2019/20 due to the inclusion of commitments made for the Water Treatment Plants Pre June 2021.

Sub-note G3-1 lists events after balance day

Note G4 shows changes from the prior year's statements

Sub-note G4-1 discusses changes in accounting policy

Sub-note G4-1 discusses changes in accounting estimates

Note G5 set out Council's developer contributions

Note that Drainage developer contributions are used to partly repay the internal loan used to fund the stormwater drainage works

Sub-note G5-1 is a summary of developer contributions

Sub-note G5-2 is a summary of contributions not under plans

Sub-note G5-3 shows Council's s64 contributions for headworks charges for water and sewer.

Note G6 is the Statement of Performance Measures

Sub-note G6-1 shows the performance measures as a consolidated entity

Sub-note G6-2 shows the performance measures broken down by fund - i.e. general, water and sewer

These measures were set out at the start of this report.

The Operating Performance ratio is above the benchmark level at 4.02%, consistent with last year. This ratio measures operating performance before capital grants and contributions and only measures operating expenses. So, although Council made a minor deficit in 2020/21 this ratio remains above benchmark as the deficit is largely attributable to the disposal and impairment of assets which is not an operating expense so is excluded from the ratio.

The Own Source Operating Revenue Ratio has decreased from 56.76% in 2019/20 to 50.84% this year – not meeting the OLG benchmark. Overall, this means that the Council was able to raise 50.84 % of its own revenue with the balance coming from grants from the other levels of government. Years with large grants always make achieving this ratio difficult, as they skew the results.

The Council's Unrestricted Current ratio has increased from 4.33:1 in 2020 to 4.88:1 in 2021 and remains above the benchmark level.

The Debt Service Cover ratio, which is a measure of the Council's long term ability to meet debt repayments, has declined from 18.29x to 15.40x. This reduction is a result of loan drawdowns to fund capital works. The Council remains above the benchmark level.

The Rates and Annual Charges ratio has improved from 5.07% to 4.11% – as stated earlier this is a magnificent result and the Council's revenue team deserve much praise.

The Cash Expense Cover ratio is 25.87 months — i.e. the Council has enough cash to pay over two years of operating expenditure. The required benchmark is three months. Note that much of this cash is restricted.

Category H - Additional Council disclosures (unaudited)

Sub-note H1-1 shows the consolidated performance measures shown in Sub-note G6-1 in graphical form and with commentary

Special Purpose Financial Reports

The Special Purpose Financial reports have been prepared to report the results of Business Units determined by the Council in accordance with the requirements of the National Competition Policy (NCP) guidelines.

The Council has identified two business units being the Water Supply Service and the Sewerage Service.

The Special Purpose Financial Reports comprise a balance sheet and operating statement along with associated notes to the accounts for each deemed business.

NCP imputation payments are added to total expenses in the operating statement for each business to accurately reflect the amount of expenditure each business would incur if they were not owned by the Shire. Items such as land tax and Council rates are calculated and included as NCP imputation payments which are then shown as expenditure against the business.

It is important to recognise that the businesses do not actually pay these NCP imputation charges. They are merely added to the total expenses to reflect what the business would have paid if they were not Council owned.

Special Schedules

These schedules contain the Council's financial data presented on a fund basis. They are unaudited but are used by other authorities and are also used as work sheets in preparing the annual statements. Council has two special schedules to report on:

1. Permissible Income for General Rates

This is a statement of permissible income – the amount that Council is permitted to raise from ordinary rates. Unlike the rest of the financial statements, this statement is for the 2021/22 Financial Year.

2. Report on Infrastructure Assets as at 30 June 2021

This is a report on infrastructure assets. This includes condition assessments, estimates of infrastructure backlog and data on infrastructure renewal and maintenance.

Report on the Conduct of the Audit and Engagement Closing Report

At the time of writing the Council had not yet received the Report on the Conduct of the Audit and the Engagement Closing Report. Further information will be provided to the Council once these have been received.

Satisfaction and adoption

Prior to adoption of the Statements and referral to formal audit, the Councils should satisfy itself that the statements have been prepared in line with statutory and other requirements to present a true and fair view of the Council's financial position and financial performance. The Council can, of course, take the opportunity to ask further questions to satisfy themselves in this matter.

Having satisfied itself the Council is then required to:

1. Send a copy of the Statements to its Auditor.
2. As soon as possible after adoption of the reports and receipt of the Auditors Report, the Council must:
 - a) Make available a copy of the Statements and Reports to the Chief Executive of the Office of Local Government and the Australian Bureau of Statistics.

- b) Fix a date for a meeting at which it proposed to present its financial Statements and Auditor's Reports to the public.
- c) Give Public Notice of the date so fixed (which must be more than two weeks after notice is given but not more than five weeks after the Auditor's reports are received).

Council Meeting

20 October 2021

7.14 Tocumwal Town Beach Campers

Report by: Engineer Consultant, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation:

The direction of Council is sought

Report:

It has been requested that a report come to the Council meeting to make a formal resolution regarding the operation of Town Beach as there have been further complaints lodged regarding the operation of the camping area.

The Tocumwal Foreshore Committee currently operates camping facilities at Tocumwal Town Beach. Currently the Tocumwal Foreshore Committee is struggling to ensure that camping numbers are not exceeded on Town Beach. The camper capacity of Town Beach is 65 camps which is derived from *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and moveable Dwellings) Regulation 2005 – Reg 132*

A draft copy of the Management Plan may be found in “**Appendix 7.14-A**”. There is further work to be carried out to ensure that the 65 camps are not exceeded, however, Council may wish to consider the derivation of the 65 camps. A map of the area taken to account for the 65 camps for primitive camping is attached in “**Appendix 7.14-B**”. Council staff are very concerned that the number of camp sites provided takes in the entirety of the relevant parcel of land rather than the designated camping area only, thus exposing Council to considerable risk.

At the time of writing this report it is understood that the current charge for camping is \$5 per person per night.

Council staff are in the process of installing grey water inlets at town beach to mitigate the spilling of grey water out onto the beach. Signage has recently been provided to the Foreshore Committee stating that the discharge of grey water onto the beach is prohibited and requesting that campers utilize the caravan dump point located near the toilet block. The works have been rescheduled to be completed in winter.

There have been numerous complaints to both Council and NSW Department of Planning, Industry and Environment about the excessive number of campers camping on Town Beach and about the grey water being discharged into the Murray River. Council should be aware that the consequences of non-compliance with the relevant legislation may lead to Council

having to make representation at the Land and Environment Court of NSW or face enforcement by the NSW Environment Protection Authority for pollution from grey water dischargers and possibly for the number of people camping in the designated area.

The Committee has indicated that its members are becoming frustrated with the official complaints and other adverse comments from the general public to the point that there has been an indication of volunteers leaving the Committee.

Council may wish to consider one the following options or otherwise:

- continue the operation of Town Beach under its current operation;
- invest in infrastructure to physically restrict the number of campers at Town Beach;
- revoke the current primitive camping ground and prohibit camping;
- revoke the current primitive camping and treat the area as normal beach area “free camping”;
- investigate the possibility of formalised camping; or
- reduce the number of permitted campers corresponding to the area utilized for camping

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 – Reg 132 states:

(1) If an approval to operate a primitive camping ground designates one or more camp sites within that ground, then the maximum number of designated camp sites is not to exceed a mean average of **2 for each hectare of the camping ground** (where that figure is the average calculated over the total area of the primitive camping ground).

(2) The following conditions apply to a primitive camping ground--

- (a) if the approval to operate the primitive camping ground designates one or more camp sites within that ground--camping is not permitted within the primitive camping ground other than on those **designated camp sites**,
- (b) if the approval to operate the primitive camping ground does not designate one or more camp sites within that ground--the maximum number of caravans, campervans and tents permitted to use the camping ground at any one time is not to exceed a **mean average of 2 for each hectare** of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground),
- (c) **a caravan, annexe or campervan must not be allowed to be installed closer than 6 metres to any other caravan, annexe, campervan or tent,**
- (d) **a tent must not be allowed to be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent,**
- (e) the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the camping ground,

- (f) unoccupied caravans, campervans and tents are not to be allowed to remain in the camping ground for more than 24 hours,
 - (g) if a fee is charged for camping, a register must be kept that contains entries concerning the same matters as are specified in clause 122 and, in addition, that specifies the size of the group (if any) with whom the person listed in the register camped,
 - (h) such fire fighting facilities as may be specified in the approval are to be provided at the primitive camping ground.
- (3) If the approval to operate a primitive camping site does not designate camp sites, a council may impose as a condition of the approval that the installation of tents, caravans, campervans and annexes is not permitted on a particular area or areas of land within the primitive camping ground, for reasons of health or safety or to ensure consistency with the principles of ecologically sustainable development or for any other purpose.
- (4) The provisions of Subdivisions 1-8 do not apply to a primitive camping ground.
- (5) For the purposes of subclause (2)(b), in the calculation of the number of tents using a camping ground, **2 or more tents occupied by not more than 12 persons camping together as a group are to be counted as only one tent.**
- (6) The general manager of the council for the area in which a primitive camping ground is located may modify the conditions under this clause as they apply to the camping ground if the general manager is reasonably satisfied that it is necessary to do so for the purposes of accommodating persons who have been displaced because of bush fires.

Council Meeting**20 October 2021****7.15 Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management**

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

- a) revoke existing members of the Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley Log Cabin Museum and Mary Lawson Wayside Rest Committee of Management:

President:	Chris Braybon
Vice President 1:	Henry Matheson
Vice President 2:	Ken Bevan
Secretary:	Maureen Bevan
Treasurer:	Colleen Bryabon
Committee:	
Bill Braybon	Ken Jenkins
Allan Matheson	Jock Bruest
Peter Horneman	Colin Drury
Phil Matheson	Lyn Donkin
Kerry Osborne	Ferg Walsh
Helen Kenine	Neville Rees
Doug Thomas	Geoff Retallick
Ray Koschel	Ivy Matheson
Jan Braybon	Marj Kable

Maree Matheson	Peter Ryan
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Report:

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

Council Meeting**20 October 2021****7.16 Suspension of Alcohol-Free Zone - Chanter Street, Berrigan**

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council, subject to Police approval and development consent being given, suspend the Alcohol Free Zone for the area closed to traffic on Chanter Street, Berrigan from 5.00pm to 11.00pm on Friday 3 December 2021 in accordance with Section 645 of *the Local Government Act 1993*.

Report:

The Berrigan and District Development Association (BDDA) are proposing to hold their annual Market Night in Berrigan on Friday, 3 December 2021.

For this event, the adjacent roads will be closed to traffic from 5.00pm to 11.00pm – subject to Council and police approval.

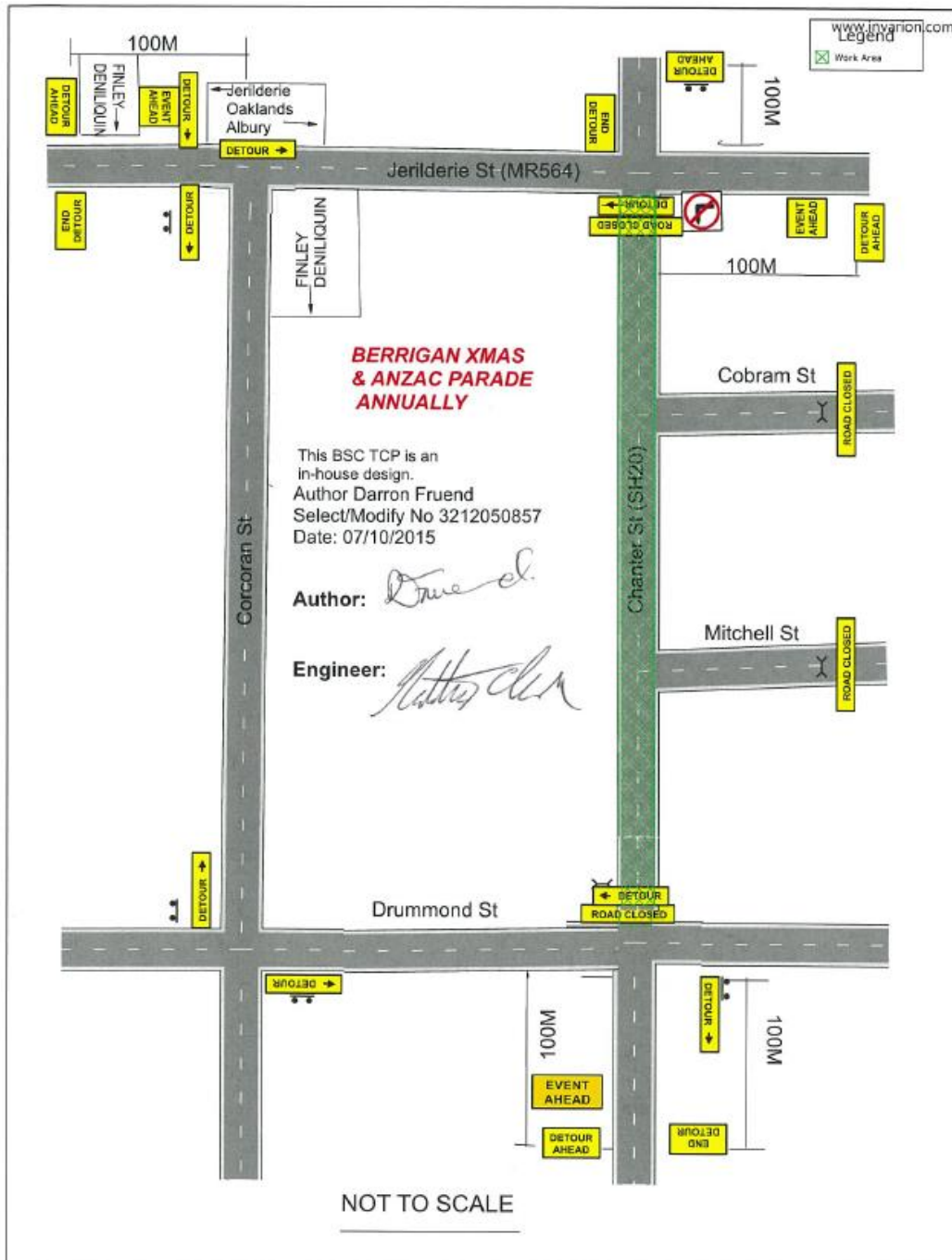
Elements of the event require approval under the *Local Government Act 1993* and this is taking place through other existing Council procedures.

The BDDA has requested the restrictions on alcohol consumption be lifted during this period for the area closed to traffic. A map of the area is shown at the end of the report.

The Council has no set policy on the lifting of alcohol restrictions but it has lifted these restrictions on alcohol consumption for this event in the past. Previous events conducted by this organisation have not created any public disturbance issues.

Under s645 of the *Local Government Act 1993*, the Council may suspend the operation of an Alcohol Free Zone if desired. This power cannot be delegated. If the Council wishes to suspend the operation of the Zone, it must publish notice of the suspension in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area.

In addition, the [Ministerial Guidelines on Alcohol-Free Zones](#) advise that the Council must liaise with the police. The police may also have a role in assessing the event's compliance with Public Health Orders associated with the COVID-19 pandemic.



8. ITEMS FOR NOTING

Recommendation: that Items for Noting numbered 8.1 to 8.6 inclusive be received and noted.

Council Meeting

12 October 2021

8.1 2021-2022 Rates and Collections and Outstanding Debtors Balances – 1st Quarter

Report by: Revenue Coordinator, Michael Millar

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

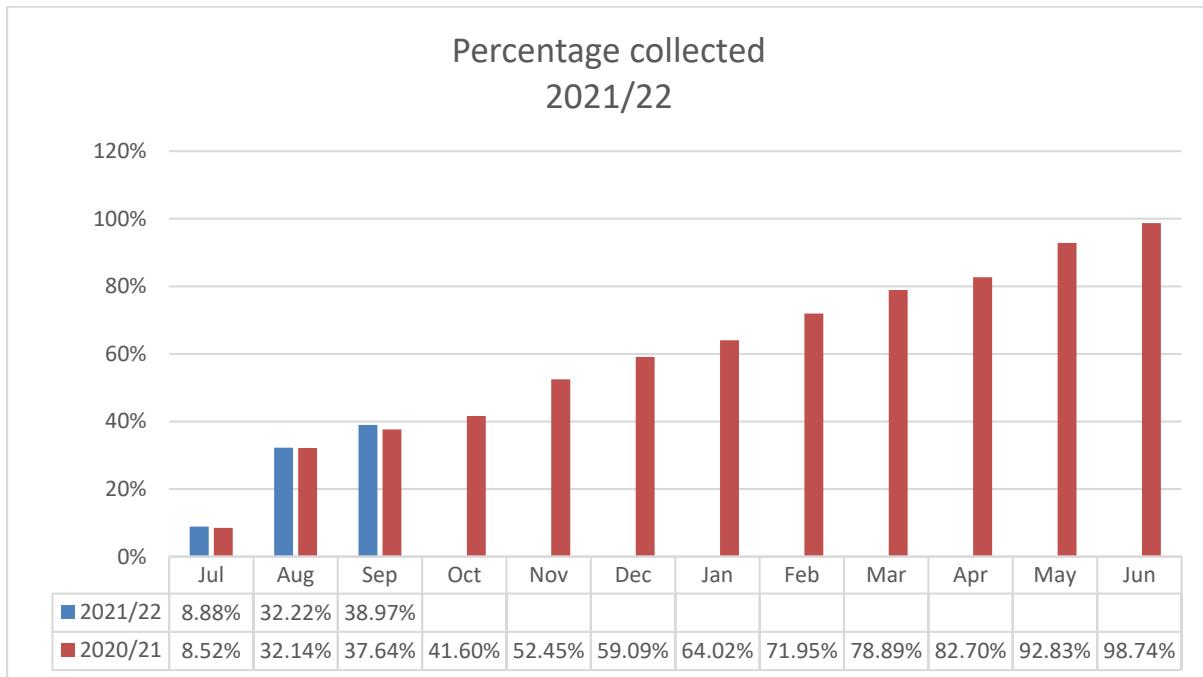
Report:

1. Rates & Charges

At 1st October 2021, Council has collected 38.97% of the total rates, service charges, arrears and water consumption charges raised in 2021/2022 to date – this is a 1.3% increase on the amount collected at the same time last year. This is an excellent collection rate despite the ongoing Covid 19 Issues.

Council has had continued success, using a hands on approach and continuing to work in conjunction with the Debt Collection Agency encouraging rate payers to enter into payment arrangements.

I am confident that Council will continue to meet the rates collection benchmarks throughout the 2021 – 2022 financial year.



2. Debtors

A brief list of outstanding debtors as at the end of August and September 2021 is as follows:-

DEBTORS	<u>2021-2022</u>	
	<u>END AUGUST</u>	<u>END SEPTEMBER</u>
GENERAL/SUNDRY/OTHER DEBTORS	\$60,991	\$50,864
RATES LEGAL FEE DEBTORS	\$0	\$0
FOOD INSPECTIONS	-\$16	-\$16
HALF COST K&G/FOOTPATH DEBTORS	\$81,192	\$80,570
SEC 355 COMMITTEE LOANS	\$16,662	\$16,662
SWIMMING POOLS	-\$142	-\$142
CEMETERY DEBTORS	\$3,646	\$12,983
GOVERNMENT DEPT GRANTS & SUBSIDIES	\$145,070	\$145,070
STAFF DEBTORS	\$340	\$233
STAFF SUPERANNUATION	-\$7,347	-\$10,966
SHIRE LAND SALE DEBTORS	\$0	\$0
TOCUMWAL AERODROME	\$24,837	\$19,192
TOTAL	\$325,232	\$314,451

In the table above there is no major difference between August and September. The two largest amounts of Half Cost K&G/Footpath Debtors and General/Sundry Debtors are made up largely of the following;

- Half Cost K&G/Footpath - \$80,570
- Government Dept Grants and Subsidies - \$145,070

The graph below shows the Council’s outstanding debtors by age and type over the past two months.

The amount of debt outstanding for over 90 days – made up largely of half-cost scheme debtors.

Annual aerodrome fees issued in August will continue to be paid further reducing this outstanding amount.

The amount of debt outstanding over 30 days has increased.



3. Activity

Two Hardship Applications have been received and approved this quarter.

Over the past quarter, the Council has undertaken the following activities:

- Four applications received and approved under Councils Undetected/Significant Leak Policy.
- Actively work with Ratepayers with large outstanding balances to set up suitable, fair and sustainable payment arrangements.

Continued improved collections and clearing of balances owed for completed half cost schemes.

Council Meeting**20 October 2021****8.2 Water Supply – Silo Road Tocumwal Development**

Report by: Development Manager, Matthew Miller

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:

This report follows on from the item at the previous Strategy and Policy Workshop. Council staff have now adjusted the estimate to run water main extension to the proposed lot on Silo Road in a 100mm PVC.

The original estimate prepared by Council's Environmental Engineer for 700 meters of 50mm main was priced at \$ 70,000. This original quote included trenching and laying of the main project management and a small contingency for additional servicing to the lot. To run the main in 100mm has come at a new estimate of \$80,000.

The additional costs does not vary to far from the original costing as trenching costs do not alter the only costs is in the larger piping to be laid and additional equipment to be installed for the smart metering of the water meter.

Having a 100mm asset installed over a 50 mm to the Northern section of the water main on Silo road will serve a valuable asset moving forward with any future development in the industrial area. This benefits not only Council being the water authority, also any future developers looking to grow and develop in the area.

The best interest of the Council is to work in conjunction with the developer to deliver the asset. If either party was to invest in the project at 100% commitment makes any developments like the proposed poly pipe project costs prohibitive and time consuming to get off the ground and operational. Any assistance that the Council can contribute to this project will be invaluable to the overall development of an industrial precedent in the area.

If Council is to agree to the new estimate, a legally binding contract between the Council and the Landowner is to be agreed upon. The terms will be that upon completion of the works the Council will invoice the developer 50 % of the cost of the works involved in the construction of the water main. The Council will not proceed with any of the works to an agreement is in place.

It is recommended that Council support the final estimate for the water main extension with the current developer and agree to go into a joint venture to complete works.

Council Meeting**20 October 2021****8.3 T08/21/22 – Design and Construction of the Tocumwal Long Day Care Building**

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:

The Tocumwal Pre-School committee and the broader Berrigan Shire community have been seeking improved and increased long daycare options and are delighted to see the design and construction of the Tocumwal Long Day Care contract finally come to fruition. Council has expressed its wish to support the Tocumwal Pre-School in this project through the provision of a Project Manager as per Council's [Capital Works on Community Facilities policy](#).

The Tocumwal Pre-School is located on Crown Land for which the Council is the Crown Land Manager. Council therefore has an interest in ensuring the construction component of the project proceeds smoothly and without incident.

Nathan O'Connell is Council's Project Manager and whilst remaining accountable to the Council overall, for the purposes of this project is acting on behalf of the Tocumwal Pre-School to manage the construction of the new building. Nathan's role includes:

- preparation of a Design and Construct tender specification – complete;
- assessment of submitted tenders – complete;
- preparation of a report with a recommendation for a preferred tenderer for consideration of the Tocumwal Pre-School;
- negotiation with the preferred tenderer on the final design, costing, timelines and agreed contract terms;
- lodgment of development applications and other required permits - including negotiations with Crown Lands NSW;
- management of the construction contract, including acting as liaison for the head contractor with the Tocumwal Pre-School, assessing and approving progress claims and assessing and making recommendations on contract;
- connection of services such as water, sewer, electricity and gas;
- managing retention payments and release of any bonds, deposits etc.; and
- arrangement of an occupancy certificate.

Nathan will advise the Tocumwal Pre-School and act on its direction regarding this project, subject to informing the Council should he identify a risk to the Council as the landholder.

6. Availability of Appropriate Skills & Resources	4	2
7. Work Health & Safety Considerations	4	4
8. Innovative, Environmentally Sustainable Design	4	3
9. Contract completion date	4	5

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of MS Constructions Pty Ltd as the preferred tender.

Supervisor

The Superintendent of the contract will be Council's Project Manager – Nathan O'Connell

Council Meeting

20 October 2021

8.4 T06/21/22 – Apex Drainage Upgrade, Berrigan

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 T06/21/22 Apex Park Drainage Upgrade, Berrigan.

In accordance with the delegation from Council the Chief Executive Officer has:

1. accepted the tender submission from Crawford Civil Pty Ltd for the Apex Park Drainage Upgrade, for a contact sum of \$256,350.50 including GST;
2. signed the contract documents on behalf of the Council in relation to 1 above; and
3. appointed the Acting Director of Technical Services as the Contract Superintendent.

The tender is a quality assured, lump sum contract.

Tenders closed at 2:00pm Wednesday 4th August, 2021 and at the time of closing a total of 3 conforming submissions were received.

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

Tenderer 1. CRAWFORD CIVIL PTY LTD

Tenderer 2. GLC CIVIL PROJECTS PTY LTD

Tenderer 3. MILLER PIPE & CIVIL PTY LTD

Budget

This project, is being funded through the NSW Government Local Roads and Community Infrastructure Program Round 2.

Panel Membership

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

Matthew Clarke Director Technical Services
Matthew Hansen Deputy CEO
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	3
4. Quality Systems	4	2
5. Availability of Appropriate Skills & Resources	4	2
6. Work Health & Safety Considerations	4	3
7. Contract completion date	4	3

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

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of Crawford Civil Pty Ltd as the preferred tender.

Supervisor

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

Council Meeting

20 October 2021

8.5 Union Picnic Day

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Report:

The USU Picnic Day is on 5 November 2021. The office and Depot will therefore be closed to allow union members to attend the picnic day.

As only a skeleton staff will remain, as per previous years, I will be allowing all staff to have the day off.

I will be working from home and available for Councillors to call me should they need to.

Council Meeting

20 October 2021

8.6 Development Determinations for Month of September 2021

Report by: Executive Support Officer, Melissa Kennedy

Strategic Outcome: 2. Good government

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

Report:

APPLICATIONS DETERMINED FOR SEPTEMBER 2021

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
162/21/DA/D9	17 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot8//DP1275427)	ESLERS LAND CONSULTING	MR PJ CULLEN AND MRS JC CULLEN	Approved 15-09-2021	\$ 0.00	Active 45	Total 119
223/21/DA/D3	STORAGE SHED	JERSEY STREET, TOCUMWAL NSW 2714 (Lot300//DP722009)	STUART WADE	S & D WADE INVESTMENTS PTY LTD	Approved 20-09-2021	\$ 80000.00	Active 0	Total 58
229/21/DA/DM	ADDITIONAL USE - MICRO BAKERY	16 VERMONT STREET, BAROOGA NSW 3644 (Lot2//SP18271)	TIMOTHY CANTRILL	MR TJ AND MRS BC CANTRILL	Approved 29-09-2021	\$ 40000.00	Active 15	Total 65
230/21/DA/D6	DWELLING ADDITIONS	13 FINLEY STREET, FINLEY NSW 2713 (Lot72//DP865663)	MEGAN MASON	MS ML MASON	Approved 07-09-2021	\$ 65000.00	Active 3	Total 49
4/22/DA/D9	2 LOT SUBDIVISION	BAROOGA - TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot8//DP1138900)	OVENS & MURRAY LAND SURVEY	MR JH AND MRS D PAUW	Approved 29-09-2021	\$ 0.00	Active 0	Total 45
7/22/DA/D5	LEAN TO ON EXISTING SHED	37-47 HAMILTON STREET, FINLEY NSW 2713 (Lot1164//DP875732)	MJM CONSULTING	MR K E GRAY	Approved 13-09-2021	\$ 45000.00	Active 31	Total 31
9/22/DA/D5	RESIDENTIAL STORAGE SHED	7 BELINDA COURT, TOCUMWAL NSW 2714 (Lot20//DP270154)	O'HALLORAN PROPERTY SERVICE	MRS MC HARRISON	Approved 02-09-2021	\$ 18973.00	Active 20	Total 20
11/22/DA/D5	RESIDENTIAL STORAGE SHED	26 CALAWAY STREET, TOCUMWAL NSW 2714 (LotA//DP398513)	EMMA AND BRANT AITON	MR BTR AITON AND MRS EK AITON	Approved 01-09-2021	\$ 15000.00	Active 14	Total 14
13/22/DA/D1	BV DWELLING & ATTACHED GARAGE	8 COUNTRY COURT, BAROOGA NSW 3644 (Lot2//DP286044)	D & M BOWDEN CONSTRUCTION	MR KJ CAMERON AND MS SD HEYEN	Approved 02-09-2021	\$ 404670.00	Active 15	Total 15
4/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	7 BELINDA COURT, TOCUMWAL NSW 2714 (Lot20//DP270154)	POOLSIDE COBRAM	MRS MC HARRISON	Approved 08-09-2021	\$ 60015.00	Active 9	Total 9

15/22/DA/D1	BV DWELLING & ATTACHED GARAGE	62 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot1491//DP737393)	STONEWAY CONSTRUCTIONS	MR PJ BABINGTON AND MRS BS BABINGTON	Approved 03-09-2021	\$ 436892.00	Active 6	Total 6
16/22/DA/D1	BV DWELLING & ATTACHED GARAGE	23 HAMILTON STREET, FINLEY NSW 2713 (Lot6//DP1262202)	CARDILLO CONSTRUCTIONS	MR TJ GRAY AND MS SJ CONGRAM	Approved 20-09-2021	\$ 515000.00	Active 16	Total 16
5/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	26 MACFARLAND STREET, BAROOGA NSW 3644 (Lot102//DP773293)	CONQUEST INDUSTRIES PTY LTD	MR SR AND MRS JT ROBBINS	Approved 07-09-2021	\$ 30915.00	Active 7	Total 7
18/22/DA/D1	2 X RESIDENTIAL UNITS	104 HAMILTON STREET, FINLEY NSW 2713 (Lot//DP1236476)	HABITAT PLANNING	FINLEY REGIONAL CARE LIMITED	Approved 22-09-2021	\$ 463000.00	Active 15	Total 15
22/22/DA/DO	RURAL SHED	1 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP834495)	MR PHILLIP PALMER	MR PM PALMER AND MRS LJ PALMER	Approved 20-09-2021	\$ 70000.00	Active 13	Total 13
23/22/DA/D1	BV DWELLING & ATTACHED GARAGE	9 BEATRICE COURT, BAROOGA NSW 3644 (Lot31//DP1102913)	METRICON HOMES	MR ND LUNN AND MS JEH BLOWER	Approved 22-09-2021	\$ 268082.00	Active 14	Total 14
7/22/CD/M8	RURAL SHED	192 PEPPERTREE ROAD, LALALTY NSW 3644 (Lot1//DP399805)	MR DAVID FARRELL	MR DG FARRELL AND MRS LM FARRELL	Approved 07-09-2021	\$ 57500.00	Active 2	Total 2
9/22/CD/M8	RURAL SHED	LOCKHARTS ROAD, BAROOGA NSW 3644 (Lot21//DP1002999)	MATTHEW MILLER	MRS LBA RENNIE	Approved 13-09-2021	\$ 40000.00	Active 6	Total 6
25/22/DA/D5	EXTENSION OF PERGOLA AND ALFRESCO	16 AVA COURT, TOCUMWAL NSW 2714 (Lot23//DP270154)	J & R WARE BUILDERS	MR KM AND MRS NJ BARON	Approved 21-09-2021	\$ 17900.00	Active 11	Total 11
26/22/DA/D5	RESIDENTIAL STORAGE SHED	2 MAVIS STEWARD DRIVE, BAROOGA NSW 3644 (Lot1//DP1102913)	SEBASTIAN ADNAMS	MR SL ADNAMS AND MRS CJ ADNAMS	Approved 23-09-2021	\$ 9600.00	Active 13	Total 13
10/22/CD/PC	BV DWELLING & ATTACHED GARAGE	24 FLYNN STREET, BERRIGAN NSW 2712 (Lot15/1//DP3329)	MBA BUILDING SERVICES PTY LTD	MR RH MIDDLETON	Approved 08-09-2021	\$ 305516.00	Active 0	Total 0
30/22/DA/D7	INGROUND CONCRETE SWIMMING POOL	72 COLLIE STREET, BAROOGA NSW 3644 (Lot73//DP570014)	D & M BOWDEN CONSTRUCTION PTY LTD	MR DJ BOWDEN AND MRS MA BOWDEN	Approved 30-09-2021	\$ 16000.00	Active 10	Total 10
11/22/CD/MM	DEMOLITION OF RESIDENCE ASSOCIATED WITH LOOSE FILL ASBESTOS	12 SCOULLAR STREET, FINLEY NSW 2713 (Lot11/23//DP758412)	DEPARTMENT OF CUSTOMER SERVICE	PROPERTY NSW	Approved 22-09-2021	\$ 200000.00	Active 2	Total 2
12/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	5 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot14//DP285573)	POOLSIDE COBRAM	MR SG WILLIAMS AND MS JL THOMAS	Approved 22-09-2021	\$ 40470.00	Active 1	Total 1
13/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	68 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot2//DP1250417)	POOL EZY	MR DG LEE AND MRS LM LEE	Approved 13-09-2021	\$ 48105.00	Active 3	Total 3

14/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	16 AVA COURT, TOCUMWAL NSW 2714 (Lot23//DP270154)	NAUGHTONS POOLS	MR KM AND MRS NJ BARON	Approved 29-09-2021	\$ 19960.00	Active 5	Total 5
36/22/DA/D5	RESIDENTIAL STORAGE SHED & CARPORT	33 WALTER STREET, FINLEY NSW 2713 (Lot19//DP36206)	GAYE MAXWELL	MR CJ MAXWELL AND MRS LG MAXWELL	Approved 30-09-2021	\$ 9500.00	Active 5	Total 5

APPLICATIONS PENDING DETERMINATION AS AT 30/09/2021

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7002//DP1019579)
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
224/21/DA/D3	30-06-2021	WATER TREATMENT PLANT	13 TUPPAL STREET, FINLEY NSW 2713 (Lot7008//DP1001696)
225/21/DA/D3	30-06-2021	WATER TREATMENT PLANT - BAROOGA	27-29 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot322//DP626847)
10/22/DA/DM	12-08-2021	BATTERY STORAGE FACILITY	BROUGHANS ROAD, FINLEY NSW 2713 (Lot126//DP752299)
14/22/DA/D5	26-08-2021	CARPORT	28 SHORT STREET, TOCUMWAL NSW 2714 (Lot39//DP604022)
17/22/DA/D3	29-08-2021	STORAGE SHED	12 HARLEY COURT, FINLEY NSW 2713 (Lot23//DP713898)
20/22/DA/D5	01-09-2021	RESIDENTIAL STORAGE SHED	11 RILEY COURT, TOCUMWAL NSW 2714 (Lot46//DP1054776)
8/22/CD/M5	03-09-2021	INGROUND FIBREGLASS SWIMMING POOL	3381 BAROOGA-TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot1//DP880366)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
27/22/DA/D5	08-09-2021	RESIDENTIAL STORAGE SHED	39 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot11/A//DP2425)
28/22/DA/D1	08-09-2021	MODULAR SECONDARY DWELLING	16 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot21//DP248812)
29/22/DA/D2	08-09-2021	2 X STORAGE SHEDS	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)
31/22/DA/DM	16-09-2021	TEMPORARY OCCUPATION OF LAND	11 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot11//DP1265195)
32/22/DA/D1	21-09-2021	BV DWELLING & ATTACHED GARAGE	221 HUGHES STREET, BAROOGA NSW 3644 (Lot93//DP1128142)
33/22/DA/D7	22-09-2021	INGROUND FIBREGLASS SWIMMING POOL	2577 WARMATTA ROAD, SAVERNAKE NSW 2646 (Lot21//DP809089)

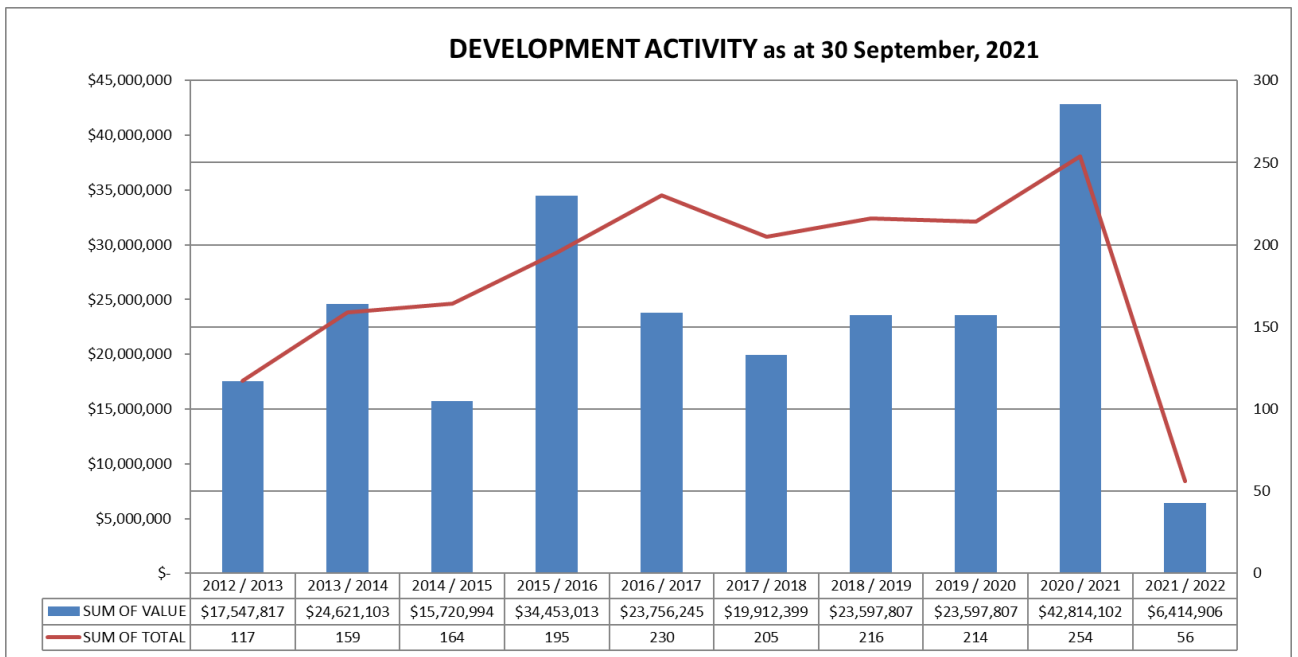
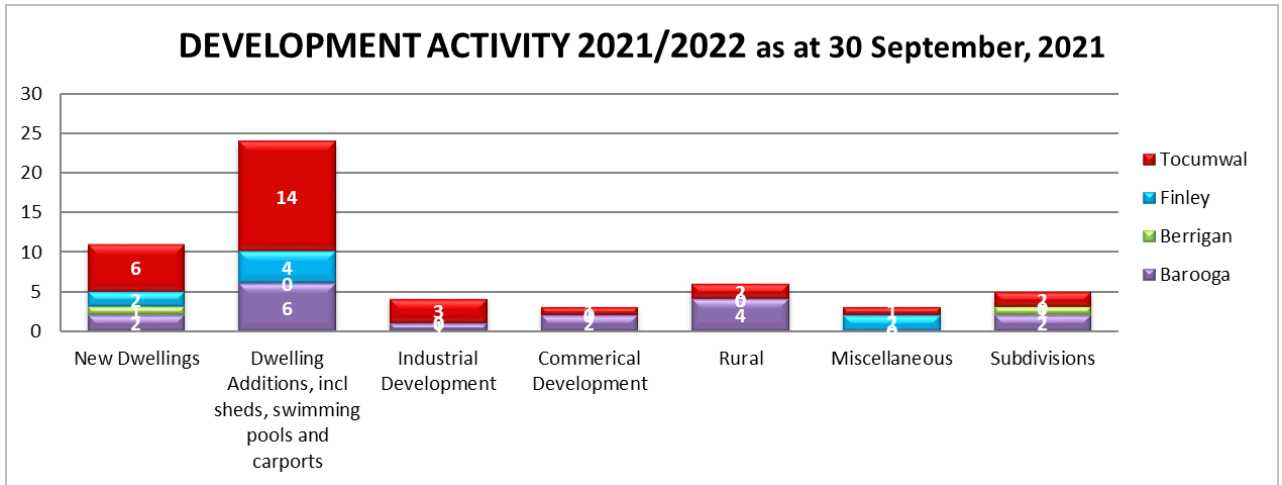
34/22/DA/D5	22-09-2021	RESIDENTIAL STORAGE SHED	47 TONGS STREET, FINLEY NSW 2713 (LotB//DP443883)
37/22/DA/D5	23-09-2021	RESIDENTIAL STORAGE SHED	25 BOYD STREET, TOCUMWAL NSW 2714 (Lot202//DP1156694)
38/22/DA/D5	23-09-2021	RESIDENTIAL STORAGE SHED	118 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot261//DP1102930)
40/22/DA/D1	30-09-2021	BV DWELLING & ATTACHED GARAGE	11 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot111//DP1265195)
39/22/DA/D1	30-09-2021	BV DWELLING & ATTACHED GARAGE	31 SNELL ROAD, BAROOGA NSW 3644 (Lot492//DP1240390)
41/22/DA/D3	30-09-2021	AIRCRAFT HANGAR	15 WIRRAWAY COURT, TOCUMWAL NSW 2712 (Lot40//DP1233177)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Sept)	Year to Date	This Month's Value (Sept)	Year to Date Value
Development Applications (DA)	18	42	\$2,474,617	\$4,879,339
Construction Certificates (CC)	15	34	\$2,669,672	\$5,634,130
Complying Development Certificates (CDC)	9	14	\$802,481	\$1,535,567
Local Activity (s.68)	9	19	0	0

OTHER CERTIFICATES ISSUED FOR SEPTEMBER 2021

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total
BAROOGA	6	23	0	1	0	0	0	0	0	0	3	5
BERRIGAN	3	15	0	0	2	2	0	0	0	0	0	0
FINLEY	9	26	0	1	0	2	0	1	0	0	0	0
TOCUMWAL	15	27	1	2	1	2	0	0	1	1	1	3
TOTAL	33	91	1	4	3	6	0	1	1	1	4	8



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 T06/21/22 – Apex Park Drainage Upgrade, Berrigan

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:
 - (ii) confer a commercial advantage on a competitor of the council, 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

10.1 Local Traffic Committee

Report by: Assets & Operations Manager, Gary George

Strategic Outcome: 2. Good government

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

Recommendation:

That the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 7 October, 2021:

That the Council:

1. approves the application made by Cobram Barooga Cycle Club to hold their weekly race events from the carpark at 139 Hughes Street, Barooga every Sunday commencing at 10:00am for the next 12 months from 1st December, 2021 to 30th November, 2022.

2. approves the application made by Berrigan District Development Association (BDDA) to hold their Annual Community Christmas Market Night on Friday 3rd December, 2021 and the temporary road closure of Chanter Street, between Jerilderie Street (MR363) and Drummond Street, Berrigan, between the hours of 5:00pm – 11:00pm subject to:
 - Transport NSW, NSW Police and Berrigan Shire Council being listed as interested parties on the Certificate of Currency, and
 - A Road Occupancy License being obtained from Transport NSW for the event.

Report:

A copy of the minutes is attached as **"Appendix 10.1-A"**.

11. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.



12. DELEGATES REPORTS



13. BUSINESS ARISING

14. CLOSE OF MEETING