



Council Chambers,
BERRIGAN. 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **17th February , 2015**, when the following business will be submitted:-

9.00AM

Public Question Time

COUNCIL MEETING

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

ROWAN PERKINS
GENERAL MANAGER



Council Meeting

Wednesday, 17th February, 2016

BUSINESS PAPER

1. **APOLOGIES**
2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
3. **VISITORS ATTENDING MEETING**
9.00 am – Ms Shelly Scoullar- Speak Up for Food Production Campaign Chairperson
4. **CONFIRMATION OF MINUTES**
RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 20th January, 2016 be confirmed.
- 5 **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

Items requiring Council Resolution

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

RESOLUTION

Items requiring Council Resolution

- (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.

5.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

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

- (a) personnel matters concerning particular individuals (other than councillors)

It is not in the public interest to reveal details of personnel.

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*.

5.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

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

Confidential Items requiring Council Resolution

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RECOMMENDATION – that the Council move out of closed and into open Council.

Items requiring Council Resolution

Open Council resumed at

**RESOLUTIONS FROM THE CLOSED
COUNCIL MEETING**

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

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Items requiring Council Resolution

6.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 January 2016, be received and that the accounts paid as per Warrant No. 01/16 totalling \$1,457,140.94 be confirmed.

REPORT

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 January 2016 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 January 2016.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 January 2016, totalling \$1,457,140.94 and will be submitted for confirmation of payment as per Warrant No. 01/16.
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. Council's Investment Policy,
 - ii. Section 625 of the Local Government Act 1993 (as amended),
 - iii. the Minister's Amended Investment Order gazetted 11 January 2011,
 - iv. clause 212 of the Local Government (General) Regulations 2005, and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70.
- e) January has shown a small decrease in total funds held at the end of December. At this time last year the LIRS funds had just been drawn down.

Items requiring Council Resolution

Hence the current trend is comparable with the same period in other years and represents the general pattern in cash holdings over the year.

Total funds held are expected to increase in February with the receipt of the 3rd instalment of the FAG and Rates and Water instalments.

RESOLUTION

Items requiring Council Resolution

Statement of Bank Balances as at 31 January 2016

Bank Account Reconciliation

Cash book balance as at 1 January 2016	\$ 3,115,974.11
Receipts for January 2016	\$ 1,859,341.03
Term Deposits Credited Back	\$ 1,000,000.00
	<u>\$ 5,975,315.14</u>
Less Payments Statement No 01/16	
Cheque Payments V075614 - V075622	\$ 13,637.72
Electronic Funds Transfer (EFT) payroll	\$ 475,465.60
Electronic Funds Transfer (EFT) Creditors E022905 - E023083	\$ 938,175.91
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 29,861.71
Total Payments for January 2016	<u>\$ 1,457,140.94</u>
Cash Book Balance as at 31 January 2016	<u>\$ 4,518,174.20</u>
Bank Statements as at 31 January 2016	\$ 4,518,928.20
Plus Outstanding Deposits	
Less Outstanding Cheques	<u>\$ 754.00</u>
Reconciliation Balance as at 31 January 2016	<u>\$ 4,518,174.20</u>

INVESTMENT REGISTER

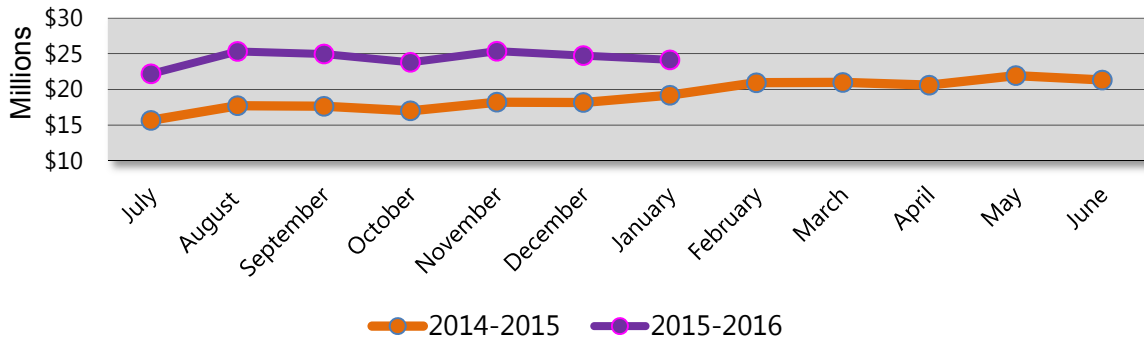
INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	117/15	180	2.90%	24/02/2016	\$ 2,000,000.00
AMP	115/15	180	2.90%	13/07/2016	\$ 2,000,000.00
Central Murray Credit Union	104/14	365	3.25%	19/03/2016	\$ 2,000,000.00
Defence Bank Limited	106/14	365	3.20%	4/04/2016	\$ 1,000,000.00
Defence Bank Limited	102/14	180	3.00%	2/07/2016	\$ 1,000,000.00
Hume	112/15	180	2.75%	7/03/2016	\$ 1,000,000.00
Bank of Queensland	119/15	183	2.80%	15/03/2016	\$ 2,000,000.00
Bank of Queensland	120/15	182	2.90%	7/06/2016	\$ 1,000,000.00
ME Bank	114/15	91	2.85%	8/02/2016	\$ 2,000,000.00
ME Bank	118/15	182	2.90%	25/05/2016	\$ 2,000,000.00
NAB	108/14	90	2.85%	7/02/2016	\$ 1,000,000.00
NAB	109/14	180	2.95%	22/02/2016	\$ 1,000,000.00
NAB (LIRS LOAN)	110/15	90	2.95%	3/04/2016	\$ 1,630,000.00
					<u>\$ 19,630,000.00</u>

Total Funds Held at 31 January 2016

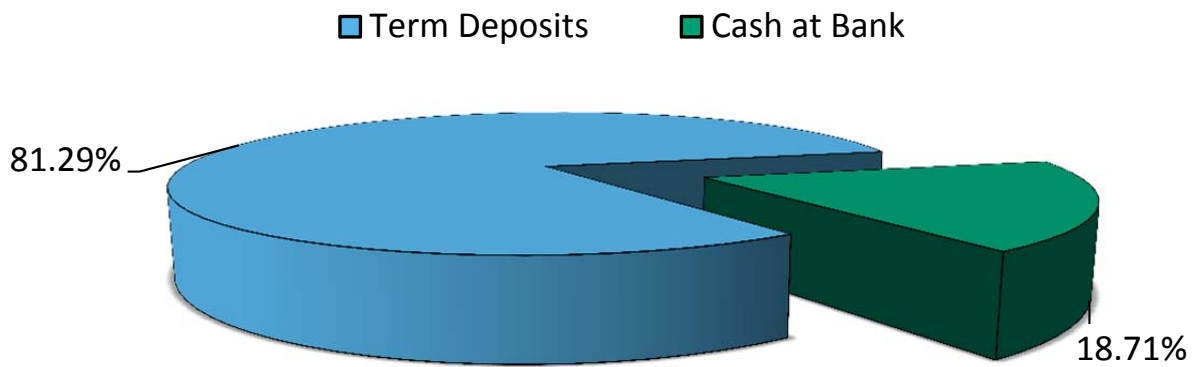
\$24,148,174.20

Items requiring Council Resolution

Total Funds Held

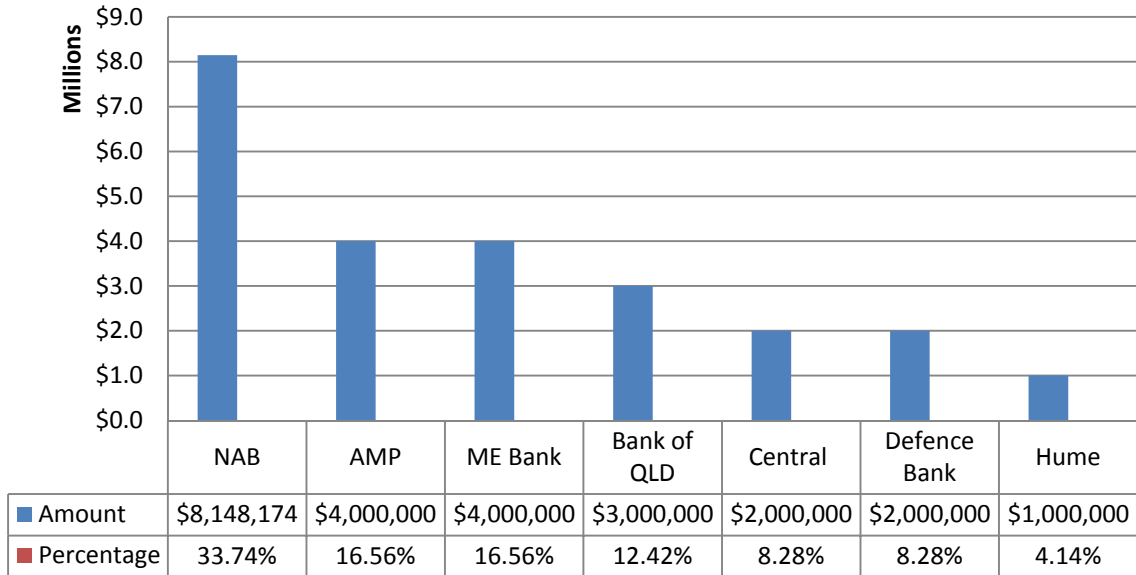


Funds Held by Type



Items requiring Council Resolution

Funds Held by Institution



Changes in Investment Portfolio for January 2016

Prior Financial Institution	Previous Investment		Current Financial Institution	New Investment	
	Amount	Interest Rate		Amount	Interest Rate
NAB	\$1,630,000	2.95%	NAB	\$1,630,000	2.95%
AMP	\$2,000,000	2.90%	AMP	\$2,000,000	2.90%
HUME	\$1,000,000	3.40%	CALLED BACK TO GENERAL FUNDS		
HUME	\$1,000,000	3.40%	CALLED BACK TO GENERAL FUNDS		

RESOLUTION

Items requiring Council Resolution

6.2 DOCUMENTS FOR SIGNING AND SEALING

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local tourism

FILE NO:

RECOMMENDATION: - that the Council sign and seal “Right of Entry” agreement with the Commonwealth Bank of Australia and Alkeen Pty Ltd over Lot 189 DP 752296 being Tocumwal Caravan Park.

REPORT:

The Council is trustee of Tocumwal Caravan Park which it leases to Alkeen Pty Ltd.

Alkeen Pty Ltd has a mortgage recorded over the Council’s lease and its assets at the caravan park in favour of the Commonwealth Bank of Australia.

The Commonwealth Bank of Australia is requesting that parties interested in the site grant it a right of entry to the park to protect its interests by giving it access to the site and the lessee’s assets and its interest in the lease in the event that the mortgage is in default.

The Council has previously entered into a similar agreement which ultimately allows the Bank to protect its interests in the event of any mortgage default.

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Items requiring Council Resolution

6.3 LAND ACQUISITION – REALIGNMENT OF PLUMPTONS ROAD

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.051.3

RECOMMENDATION: that the Council agree to sign and seal the agreement “Purchase of Land for Road Realignment between Berrigan Shire Council and Mr TB Marshall and Mrs KL Marshall” and pay compensation as set out in the agreement totaling \$8,114.40.

REPORT:

The reconstruction of Plumptons Road includes the realignment of the curve at the intersection of Plumptons Road and Howe Street and to enable this realignment it is necessary to acquire 0.161ha of land from property owned by Mr TB Marshall and Mrs KL Marshall.

The Marshalls offered to sell the Council the land subject to conditions and compensation as set out in the attached agreement “Purchase of Land for Road Realignment between Berrigan Shire Council and Mr TB Marshall and Mrs KL Marshall” – Appendix “K”.

The agreement requires Council to pay monetary compensation for the market value of the land, disturbance to the owners and fencing being a total amount of \$8,114.40 and to be paid following gazettal of the acquisition.

Subdivision plans for the acquisition have been prepared and are currently being processed.

Items requiring Council Resolution

6.4 FINLEY WAR MEMORIAL AND SCHOOL OF ARTS COMMITTEE OF MANAGEMENT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 05.101.3

RECOMMENDATION: - that the Council:

- A) Revoke existing members of the Finley War Memorial and School of Arts Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the FINLEY WAR MEMORIAL AND SCHOOL OF ARTS Committee of Management:

President	Ross Whittaker
Secretary	Jan Gray
Treasurer	Ross Whittaker
Committee	Noel and Fran Avard, Heather Davis, Jim Sibraa, Robyn Purves, Christine Lawlor, Jim Cockayne and Ted Gray

REPORT:

Advice of Committee members has been received and should be endorsed by the Council.

Items requiring Council Resolution

6.5 DECEMBER QUARTER 2015 PROGRESS REPORT

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the Council note the December 2015 Quarter Progress Report of the Annual Operational Plan 2015/16 circulated as Appendix "B".






REPORT:

Circulated with this Agenda as Appendix "B" is the December 2015 Quarter Progress Report of the Council's *Annual Operational Plan 2015/16* and 6 monthly Delivery Program Report.

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

- Council actions that support and promote *Berrigan Shire 2023* outcomes (these are outcomes which match Department of Local Government's quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program* Objectives;
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

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

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

RESOLUTION

Items requiring Council Resolution

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

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

Council should also note that not all Annual Operational Plan Actions or objectives have targets and are reported qualitatively by the responsible officer.

The following is a summary by strategic outcome of the status of Council’s Annual Operational Plan actions.

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	1	14	1	0	0	16
Good government	0	14	0	0	0	14
Supported and engaged communities	2	16	0	0	0	18
Diverse and resilient business	1	19	0	0	1	21
Total Actions	4	63	1	0	1	69

RESOLUTION

Items requiring Council Resolution

6.6 LOCAL GOVERNMENT ACT AMENDMENT AND CODE OF CONDUCT

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the Council:

1. Note the information provided in Office of Local Government Circular 15-41 *Commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*, and
2. Adopt the Code of Conduct as circulated with this agenda as Appendix "C"

REPORT:

The amendments to the *Local Government Act 1993* (the Act) made by the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015* came into force on 13 November 2015.

The Office of Local Government issued Circular 15-14 *Commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015*, explaining the impact of these changes on the Council and on Council officials. This is attached as Appendix "D".

Information for Councillors

The circular states Councillors and General Managers **must** note the following

- *As of the commencement date, Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council for 5 years if they are suspended on a further occasion. The Office has written directly to Councillors who have been suspended on two or more occasions to inform them of this change.*
- *The definition of "misconduct" has been expanded to include acts or omissions by Councillors that are intended to prevent the proper or*

Items requiring Council Resolution

effective functioning of a council or a committee of a Council (e.g. by disrupting decision making). Penalties for Councillor misconduct include suspension and disqualification from holding office.

- *Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:*
 - *the only interests affected by the changes are the interests they or their relatives have in their principal places of residence; and*
 - *they have made a special disclosure of the affected interests.*
- *This amendment is complemented by an amendment to clause 4.29 of the Model Code of Conduct for Local Councils in NSW which also commenced on 13 November 2015. The amendment will mean that councillors with significant non-pecuniary conflicts of interests in the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area will no longer be permitted to participate in consideration of those matters unless:*
 - *the only interests affected by the changes relate to the interest a person (e.g. a close friend or affiliate of a Councillor) has in their principal place of residence; and*
 - *the Councillor has disclosed the affected interests*

Code of Conduct

As mentioned above, the changes in the Act also have a complementary amendment of the Model Code of Conduct. The Model Code has had the following additional clause added

4.29

A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:

- a) *the matter is a proposal relating to*

Items requiring Council Resolution

- i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
- b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and*
- c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.*

The circular requires the Council to amend its own Code of Conduct "as soon as possible". To this end, an amended Berrigan Shire Council Code of Conduct is attached as Appendix "C" with the new Clause 4.29 included

Observations

The amendments around participation in the making, amendment, alteration and repeal of planning instruments should be of some concern and interest for Councillors.

As written, the Act and the Model Code of Conduct would not allow any Councillor to vote or otherwise participate on amendments to the Council's Local Environmental Plan (LEP) or Development Control Plans (DCP) who owns or leases or has an "interest" in property in Berrigan Shire other than their principal place of residence.

Further it would also prohibit Councillors whose spouse, relative (parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household), business partner, employer, or close personal friend who own or lease or have an "interest" in property in Berrigan Shire other than their principal place of residence.

This is quite a stringent test and may make it difficult to find a quorum for these processes in the future. If a quorum can't be found, the Council will need to delegate the power or the Councillors affected will need to seek an exemption.

Items requiring Council Resolution

In addition, it may be useful for Councillors to consider their declarations of interest when participating in discussions or votes around amendments to the LEP or other planning instruments in the future.

RESOLUTION

Items requiring Council Resolution

**6 7 REQUEST TO USE THE FINLEY WAR
MEMORIAL HALL FOR BASKETBALL**

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO: 05.101.3

RECOMMENDATION: - that the Council:

- Refuse the request to modify its requirements for use of the Finley War Memorial Hall for basketball as set out in the Council's letter of 22 January 2016 , and
- Seek an estimate for conversion of the Finley Indoor Sports Centre to a venue suitable for basketball, including a hard wood floor, lighting, air conditioning and fabricating of the internal walls, and
- Seek an estimate to refurbish the kitchen in the School of Arts

REPORT:

Attached as Appendix "E" is a request from Mr. Taylor – on behalf of a group that wishes to see basketball played at the War Memorial Hall – for Council to reconsider one of the conditions placed by the Council when allowing Mr. Taylor's group permission to play basketball at the venue for a six-month period.

The change Mr. Taylor's group is seeking is the removal of the requirement to enter into an agreement to relocate to the Indoor Sports Centre at Finley Showgrounds.

Mr. Taylor states that this requirement has no connection to safety and seeks to support the Council's own position in order to achieve its own objectives.

He further states that taking away use and then offering it back for a limited period is "repugnant". He believes it is imprudent for his group to enter into an agreement to relocate that on the grounds of "safety, efficient use of community funds and proximity cannot be justified".

Mr. Taylor also wishes it noted that he does not believe that there are any legitimate safety reasons for denying use of the Finley War Memorial Hall.

Items requiring Council Resolution

Background

In 2015, the Council announced its program to redevelop the Finley School of Arts precinct to address issues around its usability and accessibility. The project includes off-street parking, improved access for the disabled, modern and accessible toilets and restoration of a much-loved heritage asset for Berrigan Shire. It is also an opportunity to tie into the main street and town entrance redevelopments in Finley by enhancing the appearance of one of the most prominent corners in Finley.

To achieve the aims of this project, the Finley War Memorial Hall would need to be removed. The Finley War Memorial Hall, while a solid steel and concrete building, is underused and is expensive to maintain and operate. It does not have the same heritage and aesthetic value as the Finley School of Arts.

The Finley community deserves a modern and accessible performing arts and community venue – this project will deliver this.

After this decision was made, the Council became aware that the War Memorial Hall was still being used for informal basketball games. Given the known problems with the War Memorial Hall, the Council conducted a risk assessment of the use of the venue for sport in November 2015. The risk assessment concluded that the War Memorial Hall was not suitable for use as a sports venue. The volunteer committee of management was advised that any request to use of the War Memorial Hall was to be passed onto the Council for determination.

At the ordinary meeting of Council on 20 January 2016, Mr. Taylor – on behalf of an informal group of basketballers – asked for permission to use the Finley War Memorial Hall for basketball. Use of the hall for basketball ceased in November 2015 after a risk assessment conducted by Council identified that the venue was not suitable.

In considering Mr. Taylor's request, the Council noted that following the results of the risk assessment, the Council would be unlikely to be covered by public liability insurance in the case of an incident and that users of the hall playing basketball would be unlikely to be covered by the Council's casual hirers' insurance.

Despite the risks to the Council, as a gesture of goodwill the Council agreed to permit the use of the War Memorial Hall for basketball for a limited period, while alternative venues were considered – subject to some conditions to minimize the Council's exposure. The conditions were:

1. An indemnity being provided to the Council by all participants.

Items requiring Council Resolution

2. The users forming an incorporated body of which all participants must be a member.
3. **Entering into an Agreement with the Council for the relocation of the basketball use to the Indoor Cricket Centre at the Finley Showgrounds.**
4. Affiliation of the incorporated body to the relevant basketball league.
5. Payment of legal costs of the preparation of the required Agreement.
6. The Hall to be booked and paid for using the existing Committee systems.
7. The Agreement may be renewed by the agreement of the Council.

A letter sent to Mr. Taylor setting out these conditions is also attached as Appendix "F".

Comment

While Mr. Taylor does not believe that the Council's safety concerns regarding use of the hall are legitimate, the Council's concerns are based on the risk assessment carried out by qualified staff with experience in risk management and building maintenance. This report does not intend to re-submit this case – this has already been determined and no argument to refute is made in Mr. Taylor's letter – other than his "belief".

The condition to relocate is directly related to safety – the Council does not believe the venue is suitable for basketball. Relocation to an alternate venue obviously directly addresses the safety concerns – legitimate or otherwise – held by the Council. In addition, setting a termination date on the agreement limits the Council's risk exposure. It also makes it clear that the Council's goodwill gesture in allowing basketball to be played at the venue in the short term is not to be taken as a permanent arrangement.

The condition in question is indeed intended to support the future of the hall. The Council's "objective" is to give the Finley community a high quality, accessible performing arts venue. The Council's clearly stated position is that the Finley School of Arts precinct requires redevelopment and this will mean the removal of the War Memorial Hall.

Further, the Council does not consider the War Memorial Hall suitable as a venue for basketball.

For these reasons an alternate venue is required and the Council is trying to facilitate that. The Council is seeking the support of the Finley community – including Mr. Taylor's group – to ensure that any new venue meets the needs

Items requiring Council Resolution

of the entire community. The retention of the existing War Memorial Hall cannot do this.

According to the records available to the Council, the financial contribution made by groups of basketballers towards the operating costs of the hall has been extremely limited in recent times - \$80 in total over a 17-month period. This would be greatly outweighed by the operating costs incurred during their use. Continued use of the hall for basketball is unlikely to be an efficient use of community funds.

Recommendations

Given the War Memorial Hall's lack of suitability for basketball, the Council must set limits around the use of the venue if it chooses to allow it to be used. The requirement to relocate to the Indoor Sports Centre is perhaps the most important. Without an agreement it would be imprudent to allow use of the hall.

This requirement makes it clear to all that the Council does not consider the hall to be suitable for basketball and that its existing use is a mere transitional arrangement until a more appropriate venue is developed. It also sets a clear time limit on the use of the hall, thus capping the Council's risk exposure.

The Council is under no obligation to permit the use of the War Memorial Hall for basketball if it believes that the hall is unsuitable.

The Council has set aside \$380,000 for the redevelopment of the Finley School of Arts precinct. This does not include the cost to redevelop the kitchen. The Council may also wish to obtain an estimate for these works to allow for a discussion with the Finley community and user bodies.

The Council may also wish to consider the cost of converting the Finley Indoor Sports Centre to a venue suitable for basketball – to allow for the cost and practicality of the project to be discussed with all interested parties – including the Finley Showgrounds Committee of Management, the Finley Show Society and relevant sporting groups.

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Items requiring Council Resolution

6.8 CORPORATE WORKSHOP

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 04.121.4

RECOMMENDATION: - that the Council

1. Set a date for the Corporate Workshop
2. Amend, as required, the timetable set out for the completion of its Integrated Planning and Reporting process for implementation in the 2015 – 2016 financial year.

REPORT:

At its November 2015 Council meeting the Council adopted the timetable set out below to complete its Integrated Planning and Reporting process for implementation in the 2015 - 2016 financial year.

Adopted Integrated Planning and Reporting Timetable

1. Week beginning 7 December 2015 conduct Capital Works inspection tour
2. 16 December 2015 review Long Term Financial Plan
3. 20 January 2016 adopt draft Capital Works Program
4. Week beginning 8 February 2016 conduct 2 day Corporate Workshop which will include:
 - 4.1. Overview of Resourcing Strategy inclusive of current Long Term Financial Plan and draft Capital Works Program
 - 4.2. An initial review of Delivery Program 2013 - 2017
 - 4.3. Identifying priority projects for further scoping and consideration for inclusion in Annual Operational Plan 2016 – 2017
5. 20 April 2016 Council to
 - 5.1. Review Delivery Program 2013-2017
 - 5.2. Review Draft Operational Plan 2016 - 2017

Items requiring Council Resolution

- 5.3. Review Draft Rating and Revenue Policy 2016 – 2017; and
- 5.4. Review Draft Fees and Charges 2016 – 2017.

6. 18 May 2015 endorse for public exhibition and comment

- 6.1 Review of Resourcing Strategy 2013 - 2023 inclusive of Reviewed Long Term Financial Plan 2016 - 2026, Workforce Development Plan 2013 – 2017 including updated Organisational Structure 2016- 2017), & Asset Management Strategy 2013 – 2023
- 6.2 Review of Delivery Program 2013-2017
- 6.3 Draft Annual Operational Plan 2016 – 2017
- 6.4 Draft Rating and Revenue Policy 2016 – 2017; and
- 6.5 Draft Fees and Charges 2016 – 2017.

7. 15 June, 2016 adopt

- 7.1. All of the above as a final Integrated Plan; and
- 7.2. Set 2016 - 2017 rates and charges by resolution.

For immediate Council consideration is agreement on a date for the Corporate Workshop.

Items requiring Council Resolution

6.9 PLANNING PROPOSAL TO AMEND THE BERRIGAN LOCAL ENVIRONMENTAL PLAN 2013 (LEP)

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: PF

RECOMMENDATION: - that the Council Submits the Planning Proposal to amend the Berrigan Local Environmental Plan 2013 (LEP) to list the Scots Presbyterian Church at 13-19 Denison Street, Finley as a local heritage item in Schedule 5 of the LEP to the Minister for Planning requesting that Amendment No. 2 of Berrigan Local Environmental Plan 2013 be made.

REPORT:

Background:

At the Ordinary Council meeting held on Wednesday, 16th September 2015, Council resolved that a Planning Proposal be prepared to the NSW Department of Planning and Environment to amend *Berrigan Local Environmental Plan 2013*. The amendment was to include the Finley Presbyterian Church as a Heritage Item in Schedule 5 of the LEP and therefore submitted for a Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. This decision was in support of the NSW Office of Environment & Heritage's request that Council prepare a heritage assessment and then submit a planning proposal to the NSW Department of Planning and Environment to include the Church as a heritage item on *Berrigan Local Environmental Plan 2013*.

Gateway Determination

Following the aforementioned Ordinary Council meeting, both a letter and email was sent on 12 November 2015 requesting a Gateway Determination under Section 56(1) of the *Environmental Planning and Assessment Act 1979* as per minutes of the September meeting. On 26 November 2015, Council received return correspondence detailing the planning proposal had determined that the proposal should proceed subject to conditions. These conditions have been addressed as follows:

Items requiring Council Resolution

1. Community Consultation

Under section 56(2)(c) and section 57 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the planning proposal must be made publicly available for a minimum of **28 days**; and notice requirements for public exhibition must be complied with as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure)*.

The proposal was placed on public exhibition from 9 December 2015 until 8 January 2016. A summary of the submissions received can be found below.

2. Consultation with the Office of Environment and Heritage (OEH)

Under section 56(2)(d) of the *EP&A Act*, consultation is required with the NSW Office of Environment and Heritage.

Consultation with the Office will be sought following this Council meeting.

3. Mapping

The application is required to include a 'Heritage Map' which is at an appropriate scale and clearly identifies the subject land for the Section 59 submission. The map also has to comply with the Department of Planning Standard technical requirements.

On 29 January 2015, an initial email was sent to the Department of Planning enquiring as to the possibility of assistance with preparing a 'Heritage Map'. Return correspondence on the same day has confirmed their willingness to assist. An official email requesting their assistance will be sent following this Council meeting.

4. Public Hearing

There is an obligation on Council as per section 56(2)(e) of the *EP&A Act* to hold a Public Hearing if necessary.

At this stage, it is not anticipated that a Public Hearing will be required in response to any submission.

5. Timeframe

The timeframe for completing the LEP is to be within 12 months from the week following the date of the Gateway Determination. The Gateway determination was made on 26 November 2015. Consequently, the Council is still operating within the timeframe.

Items requiring Council Resolution

Exhibition and Submissions

As previously stated, the proposal was placed on public exhibition from 9 December 2015 until 8 January 2016. It was advertised in the *Southern Riverina News* on both the 9 December and 23rd December 2015.

There were a total of 25 submissions which were received, being 10 for and 15 against respectively.

Of those in favour of the Listing, the main points raised were associated with preserving the building Church for the use by future generations for religious and cultural events, such as weddings and funerals. Most raised the point that the Church was built & furnished by past local pioneering families, thus making the building an icon and important piece of history in the township of Finley. A particular submission also highlighted that the building attracts tourism with the township. Finally, two submissions also argued that there was nothing wrong with the structure of the building, and therefore it would be a waste to destroy.

Of those in opposition to the Listing, the main points were largely driven by the condition of the building. Many submissions stated that the building contains significant foundation and brickwork issues by referencing a report conducted by Len Price Engineering. They also argued that there were high costs in maintaining the building and that it would put a major burden on future generations. Some of the authors identified themselves as members of the congregation, and specifically stated that they felt that the future maintenance costs could be better used by future redevelopment of the site, such as the construction of a new church building. Furthermore, many of the congregation also felt that a modern building who assist their efforts in conducting outreach, pastoral and similar programs.

Overall, there have been no amendments made to the planning proposal as a consequence of public exhibition or subsequent consultation.

Conclusion

The addition of the Finley Presbyterian Church as a Heritage Item in Schedule 5 of the *Berrigan Local Environmental Plan 2013* will ensure that the Church is properly identified, managed and protected for its local heritage significance. It will also ensure the Church is kept for future generations to appreciate and enjoy. Amendment No. 2 of Berrigan Local Environmental Plan 2013 is therefore able to be finalised as the conditions set out in the Gateway Determination have been or are able to be met within the coming months. It is therefore recommended that Council submit

Items requiring Council Resolution

the Planning Proposal to the Department of Planning so that the Local Environmental Plan can be made.

RESOLUTION

Items requiring Council Resolution

6.10 REFORM OF LOCAL GOVERNMENT

AUTHOR: Strategic & Social Planning Coordinator

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the Council adopt and endorse for submission to the Boundaries Commission Delegate the Council's Response to the Minister for Local Government's proposal that the Berrigan Shire Council merge with the Jerilderie Shire Council (part) Appendix "G".

REPORT:

In the past four years, the Council has maintained the position, based on an assessment of the factors contained in Section 263 of the Local Government Act 1993 that a merger of the Berrigan and Jerilderie Shire Councils

Will not deliver the best long-term outcome for existing Berrigan Shire residents, local business and ratepayers.

In recent months the Council has also made representations to the Minister that a merger of the Berrigan and Jerilderie Shire Councils will:

1. Not exert downward pressure on rates.
2. Decrease the population density of the new LGA with a consequent impact on the new LGA's scale and strategic capacity.
3. Also, result in a financially weaker and regionally less competitive LGA impacting on the new Council's capacity to improve services and the management of its infrastructure.

Attached as appendix "G" is a draft submission prepared by Council Officers assessing the merger proposal against the factors contained in Section 263 of the Local Government Act 1993.

Items requiring Council Resolution

6.11 FINANCIAL REVIEW

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the Council:

- Note the second quarterly review of the 2015/16 budget and vote the funds contained therein as shown in Appendix “H”
- Note the Quarterly Budget Review Statement attached also as “Appendix “I”

REPORT:

Circulated with the Agenda as Appendix “H” is the Quarterly Financial Review for the period 1 October 2015 to 31 December 2015. This report takes into account all known factors and work variations until 31 December 2015 and later where possible, including budget allocations for the 2015/16 financial year.

The summarised results are as follows:

Revised budget surplus as at 30/09/15	\$ 1,800
Increased expenditure as per this report	(511,759)
Additional revenue as per this report	<u>528,042</u>
Revised budget surplus as at 31/12/15	18,083

Note that the Council is currently in a “merger proposal period” and as such must abide by the s23 guidelines released in January 2016, i.e.:

- Councils should only spend monies in accordance with their adopted budget.
- Any expenditure outside that adopted budget requires “clear and compelling” grounds. It is to be approved by the Council at a meeting

Items requiring Council Resolution

open to the public and the resolution should state why the expenditure is required and warranted.

- New expenditure equal to or greater than \$250,000 will require the Council to advertise its intention and seek public comment

Significant changes proposed in this review include:

Favourable

There has been a general increase in revenue from fees and charges across the board, despite most fees only increasing by 2.5%.

Revenue for building and development activities has already exceeded budgeted targets by \$60,000 and this is expected to increase further by the end of the financial year.

Revenue from the temporary transfer of high security water has increased but this has been returned to the Water Fund reserve.

Unfavourable

The budgets for staff salaries have required some adjustment based on recruitments and vacancies. This has roughly netted out to zero once the external funding source for Early Intervention is considered.

Sales and/or use of material from Pine Lodge pit has not met budget expectations. The cost of winning the material is sunk and cannot be adjusted.

There have been some adjustments made for expected community contributions to projects.

Significant variations contained in the attached quarterly review document are detailed below. Variances which are unfavourable to the Council's result are shown with a (u) next to them and variances which are favourable are denoted with a (f).

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

Berrigan Shire Council Business Paper, 17th February, 2016

Items requiring Council Resolution

JOB/ITEM	TITLE/DESCRIPTION	VARIANCE	EXPLANATION
1011-0105	TECH SERVICES SALARIES - EXE	\$14,000.00 F	OVERBUDGETED
1313-0120	COMMUNITY PLANNING - SALARY	\$25,800.00 U	CHANGE IN SALARY NOT BUDGETED
1314-0215	EARLY INT - SALARY ALLOWANCE	\$30,000.00 U	FUNDED POSITION NOT PREVIOUSLY COSTED. COVERED INSIDE OWN FUNDING
2013-0220	ECON DEV. WEBSITE SUBSCRIPTION	\$12,500.00 U	RENEWAL OF SUBSCRIPTION TO NEW DATA SOURCE
3600-1816	DEVELOPMENT APPLICATION FEES	\$30,000.00 F	ACTUAL INCOME REVIEWED
3600-1817	COMPLIANCE CERTIFICATE FEES	\$10,000.00 F	ACTUAL INCOME REVIEWED
3670-1000	BUSINESS GARBAGE CHARGES	\$10,437.00 F	REVENUE MORE THAN EXPECTED
3750-1702	LIRS INTEREST EARNED IN TD	\$12,120.00 F	BUDGETED UNDER NORMAL INTEREST - TRACKING SEPERATELY
4110-1000	WATER CHARGES	\$14,814.00 F	ACTUAL INCOME RECEIVED. TRANSFERRED TO RESERVE
4110-1504	SALE HIGH SECURITY WATER	\$254,500.00 F	ACTUAL INCOME RECEIVED. TRANSFERRED TO WATER FUND RESERVE
4110-1603	SECT 64 CONT WATER	\$10,680.00 F	ACTUAL INCOME RECEIVED. TRANSFERRED TO RESERVE
5110-1000	SEWER CHARGES	\$26,393.00 F	ACTUAL INCOME RECEIVED. TRANSFERRED TO RESERVE
5280-1500	TRUCKWASH AVDATA INCOME	\$15,000.00 F	INCOME INCREASED WITH INSTALLATION OF NEW DEVICE

R E S O L U T I O N

Items requiring Council Resolution

JOB/ITEM	TITLE/DESCRIPTION	VARIANCE		EXPLANATION
6500-1965	BGN SPORTS GROUND DEMO & NEW SHED	\$25,000.00	F	CONTRIBUTION TOWARDS NEW NETS. PREVIOUSLY AGREED BUT NOT RECEIVED OR CARRIED FORWARD FROM 2014/15
6920-1500	PINE LODGE PIT REVENUE	\$65,000.00	U	REVENUE NOT EXPECTED TO MATERIALISE. SUNK COST
7100-1951	R2R ROADS TO RECOVERY GRANT	\$68,978.00	F	ACTUAL INCOME RECEIVED. TIMING MATTER NOT AFFECTING OVERALL POSITION
7500-1855	WALKING CYCLING TRACK	\$25,000.00	U	\$15K ONLY RECEIVED OF PROJECTED \$40K
8900-1501	PRIVATE WORKS TECH SERVICES INCOME	\$10,000.00	F	ACTUAL INCOME RECEIVED

The Quarterly Budget Review Statement (QBRS) for the period 1 October 2014 to 31 December 2015 is attached as Appendix "I".

The QBRS consists of six statements:

1. **Report by Responsible Accounting Officer** – The Responsible Accounting Officer is satisfied that the Council's financial position at 31 December 2015 is satisfactory.
2. **Income & Expenses Budget Review Statement** – This statement projects the Council's annual operating statement for the financial year based on the budget position on 31 December 2015.

The Council's budgeted net operating result was projected to improve by \$392,000 during the December quarter, largely driven by revenue from temporary transfer of high security water and increases in revenue from building and development charges

The budgeted net operating result at the end of the December quarter is a \$5.6m surplus, becoming a surplus of \$2.8 after deducting \$2.8m of capital grants and contributions. The capital grants and contributions amount is largely made up of the \$2.5m for the Silo Road upgrade funded by the *Fixing Country Roads* program.

Items requiring Council Resolution

3. **Capital Budget Review Statement** – This statement tracks the Council's capital expenditure and the sources of funding used to pay for the capital works.

The Council increased its capital works program by \$83,000, mainly drainage work associated with the LIRS-funded drainage upgrade.

4. **Cash and Investments Budget Review Statement** – This statement indicates what the Council's expected end-of-year cash position is likely to be taking into account all known budget changes until the end of the quarter.

The statement indicates that the Council's projected cash position for 30 June 2016 improved overall by \$208,000 over the December quarter. Much of this is as a result of cash received from the temporary transfer of high-security water and hence belongs to the water fund

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

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

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

All indicators show that the Council is on target to meet its overall objectives – with the exception of the Rates and Annual Charges Ratio. This has been heavily impacted by the receipt of the \$2.5m *Fixing Country Roads* contribution to the Silo Road upgrade. The more grants Council; gets, the worse this ratio will become.

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

Items requiring Council Resolution

6.12 REVIEW OF LOCAL GOVERNMENT ACT

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

RECOMMENDATION: - that the Council make a submission to the Phase 1 review of the Local Government Act 1993 in terms of the following table:

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1. Guiding principles for the Act and local government

1.1 Purposes of the Local Government Act

Proposed Amendment

The purposes of the *Local Government Act 1993* should be:

- to establish a legal framework for the NSW system of local government, in accordance with section 51 of the *Constitution Act 1902* (NSW);
- to describe the nature and extent of the responsibilities and powers of local government; and
- to create a system of local government that is democratically elected, engages with and is accountable to the community, is sustainable, flexible, effective and maximises value for money.

Current provision:

Section 7

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.1.1 Purposes of the Local Government Act

Background

The current purposes of the Act will be updated and streamlined by the proposal.

Comment

Not clear what will be included but unlikely to be of concern

1.2 Role of local government

Proposed Amendment

The council charter in section 8 should be replaced by provisions that:

- describe the role of local government; and
- establish guiding principles for local government.

- The role of local government should be to enable local communities to be healthy and prosperous by:
 - providing strong and effective elected representation, leadership, planning and decision making;
 - working cooperatively with other bodies, including other levels of government, to pursue better community outcomes;
 - effective stewardship of lands and other assets to affordably meet current and future needs;
 - endeavouring to provide the best possible value for money for residents and ratepayers;
 - strategically planning for and securing effective and efficient services, including regulatory services, to meet the diverse needs of members of local communities; and
 - following the guiding principles of local government.

Current provision:

Section 8

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.1.2 Role and Guiding Principles of Local Government

Background:

The Taskforce's proposed role of local government was similar but has been modified in this proposal to:

- more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;
- adopt clear and simple language and remove duplication;
- reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and
- focus on the context in which councils operate, rather than prescribe outcomes.

Comment

The proposed amendment is better than the existing provision that has both generic and specific issues listed.

The, general, enabling type provisions are guiding but not necessarily restrictive.

This could be supported

1.3 The guiding principles of local government

Proposed amendment:

The council charter in section 8 should be replaced by provisions that:

- describe the role of local government; and
- establish guiding principles for local government.

- The new guiding principles to be observed in local government should enable councils to:
- actively engage local communities, including through integrated planning & reporting;
- be transparent and accountable;
- recognise diverse needs and interests;
- have regard to social justice principles;
- have regard to the long term and cumulative effects of its actions on future generations;
- foster ecologically sustainable development;
- effectively manage risk;
- have regard to long term sustainability;
- work with others to secure services that are appropriate to meet local needs;
- foster continuous improvement and innovation;
- act fairly, ethically and without bias in the public interest; and
- endeavour to involve and support its staff.

Current provisions:

Section 8

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.1.2 Role and Guiding Principles of Local Government

Background:

The Taskforce's proposed role of local government was similar but has been modified in this proposal to:

- more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;
- adopt clear and simple language and remove duplication;
- reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and
- focus on the context in which councils operate, rather than prescribe outcomes.

Comment

The proposed amendment is better than the existing provision that has both generic and specific issues listed.

The, general, enabling type provisions are guiding but not necessarily restrictive.

This could be supported

2. Structural framework of local government

2.1 The role of the governing body

Proposed Amendment

It is proposed to replace the current prescribed role of the governing body under section 223 which is focussed only on the board-like function of the body. The governing body is the elected representatives of the council (the councillors). It is proposed to use the Panel's more expansive list as a basis for describing the functions of the governing body:

- to provide effective civic leadership to the community;
- to consult regularly with community organisations and other key stakeholders and keep them informed of council's activities and decisions;
- to direct and control the affairs of the council in consultation with the general manager and in accordance with the Act;
- to ensure as far as possible the financial sustainability of the council;
- to determine and adopt the community strategic plan, delivery program and other strategic plans and policies;
- to determine and adopt a rating and revenue policy and operational plans that ensure the optimum allocation of the council's resources to implement the community strategic plan and for the benefit of the area;
- to make decisions in accordance with those plans and policies;
- to make decisions necessary for the proper exercise of the council's regulatory functions;
- to keep under review the performance of the council and its delivery of services;
- to determine the process for appointment of the general manager and monitor his/her performance; and
- to ensure that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.

Current provision:

Section 223

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 19)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background:

The proposed amendments are intended to:

- provide greater clarity to the roles of councillors by describing their collective role as members of the governing body, as distinct from their individual role as elected representatives; and
- embed strategic principles and practices within the prescribed role of the governing body.

Comment

The key difference proposed by the amendment is to shift the focus away from the individual to the collective. I.e the Council as opposed to the Councillor.

This could be supported

2.2 The number of councillors

Proposed Amendment:
Section 224 prescribes the numbers of councillors a council may have (between 5 and 15) and the manner in which that number is to be determined. It is proposed to amend section 224 to require that councils must have an odd number of councillors and mayor.

Current provisions:
Section 224 and 224A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:
P: 26 Political Leadership and Good Governance (Box 22)

Background:
The proposed amendment would give effect to the Government's response to the Panel's recommendation that councils comprise an odd number of councillors. This change will reduce the risk of the mayoralty being determined by lot and decisions being made on the casting vote of the mayor.

Comment

Whilst it is recognized that it is good practice to have an odd number of voters this has nonetheless not really been a significant issue at BSC.

If the existing BSC continues it will required change through either the addition or deletion of one Councillor position

This could be supported but the material impact is likely to be insignificant.

2.3 Rural councils

Proposed Amendment

It is proposed to allow for small rural councils to apply to the Minister for Local Government for one-off approval to:

- reduce councillor numbers and abolish wards without the need for a constitutional referendum;
- omit the current restriction that prevents councils from making an application for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3; and
- reduce the number of council meetings to be held in a year to below the minimum of 10 currently required under section 365.

Current provisions:

Sections 224A and 365

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 12 Rural Councils (Box 33)

Background:

The Panel recommended that consideration be given to supporting the streamlining of some small rural councils' governance arrangements to allow efficiencies and savings. These councils are in rural-remote areas with small populations. It is proposed to provide a one-off voluntary process to allow the Minister to approve small rural council proposals to abolish wards, change councillor numbers and allow numbers of meetings that are less than the thresholds set out in the Act where proposed by some small rural councils in their Fit for the Future submissions. This proposal is intended to facilitate a flexible response to the needs and circumstances of different regions.

Comment

This in part follows on from the previous proposed amendment.

Under existing provisions it can take up to two electoral terms to change the number of Councillors.

This could be supported

3. The governing body of councils

3.1 The role of the mayor

Proposed Amendment

It is proposed to describe the role of the mayor differently. The mayor should have all the prescribed responsibilities of a councillor in addition to the following additional responsibilities:

- to be the leader of the council and the community of the local government area, and advance community cohesion;
- to promote civic awareness and, in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- to be the principal member and spokesperson of the governing body and to preside at its meetings;
- to ensure that the business of meetings of the governing body is conducted efficiently, effectively and properly in accordance with provisions of the Act;
- to lead the councillors in the exercise of their responsibilities and in ensuring good governance;
- to ensure the timely development of the governing body's strategic plans and policies, and to promote their effective and consistent implementation, including by promoting partnerships between the council and key stakeholders;
- to exercise, in cases of necessity, the policy-making functions of the governing body between meetings of the council;
- to represent the governing body on regional organisations and in inter-government forums at regional, State and federal levels;
- to advise, manage and provide strategic direction to the general manager in accordance with the council's strategic plans and policies;
- to lead performance appraisals of the general manager;

- to carry out the civic and ceremonial functions of the mayoral office; and
- to exercise such other functions as the governing body determines.

Current provision:
Section 226

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 26 Political Leadership and Good Governance (Box 21)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background

Some aspects of the prescribed role of the mayor recommended by the Panel have not been included in this proposal as a result of previous stakeholder consultation.

Comment

This is part of the process that hopes to clarify the role of the Mayor and the general manager and clarify the distinction between the two.

This could be supported

3.2 The mayor's term of office

Proposed Amendment

The current length of term for a mayor is either:

- one year for mayors elected by councillors; or
- four years for mayors popularly elected by the electors.

This would be changed so that mayors elected by councillors are to hold office for a minimum of two years, as recommended by the Panel, with the option of electing a person to the office for the whole four year term. Also in accordance with the Panel's recommendation, and the Government's response, it proposed that it be compulsory for councillors to vote in a mayoral election.

Section 230 will also be amended to clarify that the office of mayor becomes vacant upon the person holding the office ceasing to hold civic office or on the occurrence of a casual vacancy.

Current provision:
Section 230

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 26 Political Leadership and Good Governance (Box 22)
T: 3.3.1(8) Elections

Background

The proposed amendments will

- enhance political leadership and stable governance of council to give effect to the Government's commitment to extend the term of mayors elected by councillors to a minimum of two years, as well as make voting in mayoral elections compulsory; and
- address an existing ambiguity in the Act that has allowed some Mayors to purport to exercise the role of mayor after they cease to hold office as a councillor after an election.

Although the Panel and Taskforce did not describe a four year mayoral term option – just proposing a *minimum* of two years – this extension is being explored as a way to further support stable local government.

Compulsory voting by councillors for a mayoral election (as recommended by the Panel) may also address community concern that too many mayors are chosen by pulling lots out of a hat.

However, it is important that a positive statutory obligation to vote does not undermine the democratic process (such as by excluding a person who has a genuine reason for being absent) or be too easy to avoid for reasons that are not bona fide. To meet those policy ends, the Act could provide:

- councillors may cast a vote in a mayoral election by proxy;
- councillors may cast a vote by telephone, video-

conference, or electronic means;

- if a councillor is absent from the meeting at the time of the vote so that the number of remaining councillors voting is even-numbered, and has not cast a vote by proxy or electronic means, then another councillor must be excluded from voting by way of a 'draw from a hat'; and
- a regulation-making power in relation to process of electing mayors by councillors.

Comment

It is not clearly understood why extending the term of the Mayor is necessary however from the perspective of BSC and considering length of previous mayoral terms it is not likely to be significant

The voting provisions should be interesting and it is not understood how voting secrecy will be maintained.

Under current provisions at an election the Mayor remains the Mayor until a new Council elects a Mayor as the Mayor has a legal role defined by the Act – ie a Council must always have a Mayor. How this will be affected is unclear.

In general terms the amendment could be supported.

3.3 The role of councillors

Proposed Amendment

It is proposed to recast section 232 so that it focuses on individual responsibilities of councillors, rather than their responsibilities as members of the governing body of a council. The role and responsibilities of an individual councillor, (including the mayor), should be:

- to be an active and contributing member of the governing body;
- to make considered and well informed decisions;
- to represent the collective interests of residents, ratepayers and the wider community of the local government area;
- to facilitate communication between the community and the governing body;
- to be accountable to the community for the local government's performance; and
- to uphold and represent accurately the policies and decisions of the governing body.

Current provision:

Section 232

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 19)
T: 3.1.4 Roles and Responsibilities of Council Officials
T: 3.3.18(7)d Other Matters

Background

Section 232 currently sets out a "dual role" for councillors as members of the governing body and as elected representatives and has been a source of confusion. The proposed amendments are intended to provide greater clarity for councillors and communities by prescribing councillors individual roles as elected representatives separately from their collective roles as members of the governing body, as recommended by the Panel.

Comment

This appears relatively clear and could be supported.

3.4 Councillors' term of office

Proposed Amendment

Section 234 prescribes the circumstances in which a civic office becomes vacant. Section 234 will be amended to clarify that a vacancy will occur in the civic office of a councillor where they are elected to another civic office in the council, (ie the office of a popularly elected Mayor) something that is currently not clear.

Current provisions:
 Sections 233 and 234

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:
 None

Comment

Not relevant to BSC at present but obviously a required clarification.

This could be supported

3.5 Oath or affirmation of office

Proposed Amendment

It is proposed to require all councillors, including the Mayor to take an oath or affirmation of office in the prescribed form before commencing duties.

The oath or affirmation of office is to be taken within 1 month of election to office and councillors are not to undertake their duties until they do so. Where a councillor fails to take an oath or affirmation, his or her office will be declared vacant.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.18(2) Other Matters

Background

An oath or affirmation of office operates as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails. Both Victoria and Queensland require their councillors to take an oath of office. It is proposed that the NSW law should operate in a similar way to Victoria and Queensland.

Comment

This could be supported as it has been considered good practice by BSC previously

3.6 Councillors' expenses and facilities

Proposed Amendment

Sections 252 to 254 relate to the payment of expenses and provision of facilities to councillors and the adoption of policies governing this. It is proposed to amend sections 252 and 253 to:

- replace the requirement under section 252 for councils to annually adopt an expenses and facilities policy with one simply requiring councils to adopt a policy within the first 12 months of their terms; and
- remove the requirement under section 253 for councils to provide the Office of Local Government annually with a copy of their adopted policies and an assessment of public submissions made in relation to their adoption.

Current provisions:

Sections 235 – 254A and Schedule 1

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.18(3) Other Matters

Background

The proposed amendments are designed to reduce the compliance burden on councils of being required to annually exhibit, consult and adopt their councillor expenses and facilities policies even where no change is made to them and to provide copies to the Office of Local Government. It is also noted that open access obligations apply now to councils under the *Government Information (Public Access) Act 2009*.

Comment

The Council has previously sought this amendment and should support it

3.7 Mayor/councillor professional development

Proposed Amendment

New provisions are proposed to require the following:

- Councils are to develop an induction program for newly elected and returning councillors and a specialist supplementary program for the mayor to assist them in the performance of their functions. The induction program is to be available for delivery within 4 months of the election.
- Each year, councils are to develop an ongoing professional development program for the mayor and each councillor to assist them in the performance of their functions to be delivered over the coming year.
- In determining the content of the induction and ongoing professional development programs, the council is to have regard to the specific needs of each individual councillor (including the mayor) and of the governing body as a whole and the requirements of any guidelines issued by the Office of Local Government.
- The content of the induction and ongoing professional development program is to be determined in consultation with the mayor, the council as a whole and individually with each of the councillors.
- Councils are to include details of the content of the induction and ongoing professional development offered to the mayor and each councillor and whether or not they participated in the training or development offered in the council's annual report.

Current provisions:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 26 Political Leadership and Good Governance (requirement for mandatory professional development)

P: 27 Political Leadership and Good Governance (linking remuneration with completion of professional development program).

Background

Some aspects of the Panel recommendation have not been included in this proposal as a result of previous stakeholder consultation. The proposed approach has the following benefits:

- it places a responsibility on all councils to offer an induction and ongoing professional development programs to their councillors;
- it allows councils the freedom to determine the content of those programs based on local and individual needs at the same time as allowing the Office of Local Government to have input into content through guidelines; and
- it places responsibility for participation on councillors and makes them accountable to the community that elected them for any failure to do so.

Comment

BSC has always provided an induction program however an ongoing professional development program has not been supported.

The direction of the Council is sought

3.8 Role and functions of administrators

Proposed Amendment

Several provisions of the Act provide that the administrator is to exercise the functions of the council without articulating what the nature of their role is within a council.

It is proposed to address this ambiguity and align the role of the administrator with the proposed prescribed role of the mayor and councillors by amending these sections to provide that:

- Where a sole administrator is appointed to a council, they are to exercise the role and responsibilities of the mayor and a councillor as prescribed under the Act.
- Where more than one administrator is appointed, all administrators are to exercise the role and responsibilities of councillors as prescribed under the Act and one, as specified by the relevant instrument of appointment, is to exercise the role and responsibilities of the mayor as prescribed under the Act in addition to those of a councillor.

Current provisions:

Sections 255-259, 438I, 438M and 438Y

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

None

Background

The proposed amendments are designed to address an existing ambiguity in the legislation that has been unhelpful in councils under administration. Providing greater clarity in relation to the roles of administrators aligns with the new descriptions that are being proposed for mayors and councillors.

Comment

This appears clear and could be supported.

3.9 Financial controllers

Proposed Amendment

A financial controller is responsible for implementing financial controls and related duties. Where a financial controller is appointed, a council may only make payments that are authorised or countersigned by the financial controller.

It is proposed to allow the Minister for Local Government to appoint a financial controller to a council that is performing poorly with respect to its financial responsibilities and/or is at high financial sustainability risk, in conjunction with issuing a performance improvement order.

A financial controller would only be appointed through the existing performance improvement order process after information is gathered or an investigation undertaken that shows the council is not performing, a notice of the proposed remedial action has been issued to a council and the Minister has considered the council's submissions with respect to the notice.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**recommendation:**

None

Background:

The Minister has an existing power to issue a performance improvement order against poorly performing councils to compel them to take steps to improve their performance. Before issuing a performance improvement order, the Minister must first give the council notice of his intention to do so and consider submissions by the council.

As part of the exercise of these powers, the Minister may appoint a temporary adviser to the council. If a temporary adviser is appointed, the council, councillors and members of the staff of the council are required to co-operate with the temporary adviser and to provide any information or assistance the temporary adviser reasonably requires to exercise his or her functions.

It is proposed to complement these powers with a new power for the Minister to appoint a financial controller to a council. These powers will be modelled on those that exist in Queensland.

Comment

This is to ensure that Councils remain solvent and sustainable.

The proposal only addresses half of the issue being focused on expenditure the role should be expanded to also focus on revenue ie set charges at appropriate levels.

This could be supported with the above improvement

3.10 Meetings

Proposed Amendment

In relation to conduct of meetings, amendments consistent with the following are proposed :

- provide that the Regulation may prescribe a Model Code of Meeting Practice (a Model Meeting Code);
- provide that the Model Meeting Code may include mandated and non-mandatory “best practice” provisions;
- require councils to adopt a Code of Meeting Practice (an adopted meeting code) that at a minimum incorporates the mandated provisions of the Model Meeting Code;
- allow a council’s adopted meeting code to supplement the provisions contained in the Model Meeting Code;
- provide that a provision of a council’s adopted meeting code will be invalid to the extent of any inconsistency with the mandated provisions of Model Meeting Code;
- require council and committee meetings to be conducted in accordance with the council’s adopted meeting code;
- require councils to review and adopt a meeting code within 12 months of each ordinary election; and
- retain the existing requirements under sections 361 - 363 in relation to the adoption and amendment of a meeting code and public consultation in relation to this.

Aspects of the current meetings provisions in the Act and the Regulation will be updated and incorporated into a new Model Meeting Code.

Current provisions:

Sections 9-11, and 360-376
Clauses 231-273

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.2 Meetings

Background

The Model Meeting Code will comprise mandatory provisions and non-mandatory best practice provisions. Councils will be required to adopt meetings codes that incorporate the mandatory provisions but will not be obliged to adopt the non-mandatory best practice provisions in order to respond to local requirements. The mandatory provisions will largely incorporate the existing meetings provisions, which will be updated to:

- address existing procedural ambiguities; and
- modernise procedural requirements.

It is expected that the new Code will initially include the provisions relating to meeting processes now found in the Act and Regulation, but be reordered to reflect the order in which events usually occur in meetings.

Comment

This is broadly what exists at present.

“Best” practice should rather be “appropriate” practice as it is unlikely that the City of Sydney has the same needs as BSC.

Public consultation should only be required if a Council proposes to add to the model code.

The need to conduct committee meeting on entirely the same basis as a Council meeting could be questioned.

Subject to the above the proposal could be supported

3.11 Delegation of functions

Proposed Amendment

It is proposed to include amendments to section 377, which were introduced into Parliament previously but lapsed prior to the 2015 election, to remove the restriction on the delegation of the acceptance of tenders.

It is also proposed to allow councils to delegate the provision of community financial assistance for the purpose of exercising its functions where:

- the financial assistance is part of a specific program;
- the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given;
- the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year; and
- the program applies uniformly to all persons within the council's area or to a significant proportion of all persons within the area.

Amendments may be required facilitate the proposal to allow councils to delegate a regulatory function to another council or a joint organisation of councils, to support future collaboration and resource sharing.

Current provisions:

Sections 377-381

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.8 Delegations

T: 3.3.10 Procurement

Background

The amendments are designed to:

- Reduce red tape
- Remove impediments to collaboration, and
- Support the use of Integrated Planning and Reporting to guide council decisions on financial assistance.

Comment

It would be useful to include delegation to permit temporary suspensions of Alcohol Free Zones

This could be supported with inclusion of the above

4. Elections

4.1 Extension of the option of universal postal voting to all councils

Proposed Amendment

It is proposed to amend section 310B to provide that the option of universal postal voting is available to *all* councils after the next ordinary election.

Current provisions:

Sections 310B
Clauses 313 and 321

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.1(1) Elections

Background

The Taskforce's election-related recommendations have largely been implemented through the *Local Government Amendment (Elections) Act 2014* which was legislated to give effect to the recommendations of the Joint Standing Committee on Electoral Matters' inquiry into the 2012 Local Government elections.

The one outstanding action arising from the Government response to the Committee's recommendations is the extension of the option of universal postal voting to all councils. Currently this is only available to the City of Sydney. In its response to the Committee's recommendation to give councils the option of universal postal voting, the Government indicated that this option would be made available to all councils following the 2016 elections. For councils that do not choose universal postal voting, the existing postal and pre-poll voting qualifications will remain.

Comment

This concept has been supported by BSC and should again be supported.

5. Council's workforce

5.1 Determination of the organisation structure

Proposed Amendment

It is proposed to amend the Act to provide that:

- the organisation structure is to be determined on the advice of the general manager;
- the adopted structure must accord with the priorities set out in the council's community strategic plan and delivery program;
- the adopted structure may only specify the roles and relationships of the general manager, designated senior staff and other staff reporting directly to the general manager; and
- the general manager is to be responsible for determining the balance of the organisation structure but must do so in consultation with the governing body.

Current provisions:

Sections 332-333

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 29

T: 3.3.3 (1)

Background

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

Comment

This proposal goes a little further than what BSC presently does whereby it effectively determines the indoor structure and the outdoor number of positions.

The aim is to reinforce that the general manager determines the staff on the basis of the resources provided by the Council

It precludes a Council from adopting a structure without the advice of the general manager

This could be supported

5.2 The role of general managers

Proposed Amendment

It is proposed to describe the role and responsibilities of the general manager in the Act consistent with the following:

- to conduct the day-to-day management of the council in accordance with the governing body's strategic plans and policies;
- to advise the mayor and the governing body on the development and implementation of policies and programs, including the appropriate form and scope of community consultation;
- to prepare, in consultation with the mayor and governing body, the community strategic plan and the council's resourcing strategy, delivery program and operational plan, annual report and community engagement strategy;
- to certify that Integrated Planning and Reporting requirements have been met in full, and that council's annual financial statements have been prepared correctly;
- to ensure that the mayor and councillors receive timely information, advice and administrative and professional support necessary for the effective discharge of their responsibilities;
- to implement lawful decisions of the governing body in a timely manner;
- to exercise such of the functions of the governing body as are delegated by the governing body to the general manager;
- to appoint staff in accordance with an organisation structure and resources approved by the governing body
- to direct and dismiss staff;
- to implement the council's workforce management strategy; and
- to undertake such other functions as may be conferred or imposed on the general manager by or under the Act or any other Act.

Current provision:

Section 335

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 28: Political Leadership and Good Governance (Boxes 23 and 24)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.3 Appointment and Management of Staff

T: 3.3.18(7)d Other Matters

Background

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

Comment

This is not significantly different to what presently exists and could be supported

5.3 The requirement to report annually to the council on senior staff contractual conditions

Proposed Amendment

It is proposed to omit the requirement under section 339 for general managers to report annually to the council on the contractual conditions of senior staff.

Current provision:

Section 339

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

Background

Senior staff are now all employed under the approved standard contract for senior staff rendering this requirement redundant.

Comment

This proposal reinforces a general managers role in appointing staff on the basis of an adopted structure and within the resources provided by a Council.

BSC has no senior staff other than the general manager

This could be supported

6. Ethical standards

6.1 Consolidation of the prescription of ethical standards

Proposed Amendment

Provisions in the Act and the Regulation relating to the disclosure of pecuniary interests and the management of pecuniary conflicts of interests will be replicated in the Model Code of Conduct.

Current provisions:

Sections 441 – 459
Clauses 180 - 192

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.6 Code of Conduct
T: 3.3.7 Pecuniary Interest

Background

The proposed amendments are designed to consolidate the imposition, administration and regulation of the ethical obligations of council officials into a single instrument, the *Model Code of Conduct for Local Councils in NSW* (the Model Code).

Currently council officials need to be familiar with their obligations under both the Model Code and the pecuniary interest provisions of the Act. The separate regulation of the obligation of council officials to disclose and appropriately manage pecuniary conflicts of interests is a historical anomaly that arose from the fact that these provisions predated the prescription of a Model Code of Conduct and the provision for a disciplinary regime with respect to councillor misconduct.

Replication will allow the consolidation of ethical standards into a single instrument.

The current misconduct investigative provisions in the Act will apply to pecuniary interest matters and replace the pecuniary interest investigative procedures (see [6.2] below). The prescribed *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Code Procedures) will continue to require the referral of pecuniary interest breaches to the Office of Local Government and these will be dealt with under the misconduct provisions of the Act.

Comment

This is in effect an administrative change with current practice unaltered.

This could be supported

6.2 Investigation of pecuniary interest breaches

Proposed Amendment

It is proposed to omit the provisions relating specifically to the investigation of complaints alleging breaches of the pecuniary interest provisions. These will instead be dealt with under the existing misconduct provisions.

General managers (and mayors in the case of allegations concerning general managers) will continue to be obliged to refer pecuniary interest breaches to the Office of Local Government under the prescribed Model Code Procedures. These will continue to be investigated by the Office and referred to the NSW Civil and Administrative Tribunal (NCAT) under the misconduct provisions where appropriate. As is currently the case with respect to misconduct matters, it will also be open to the Chief Executive to take disciplinary action with respect to less serious pecuniary interest breaches instead of referring them to the Tribunal. The Tribunal's powers to take disciplinary action against council staff, committee members and advisors with respect to pecuniary interest breaches are to be retained. The provisions that apply to proceedings before the NCAT generally and the NCAT's consideration of misconduct matters will also be retained.

Current provisions:

Sections 440F – 440P
Sections 460 – 486A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act

T: 3.2.1 Integrated Planning and Reporting

Background

The proposed amendments are required to give effect to the amendments that will see the prescription of all ethical standards under the Model Code of Conduct for Local Councils. All breaches (including in relation to the obligation to disclose and appropriately manage pecuniary conflicts of interests) will be dealt with under the existing misconduct provisions of the Act.

Comment

This is in effect an administrative change with current practice unaltered.

This could be supported

7. Councils' strategic framework

7.1 Integrated planning and reporting principles

Proposed Amendment

New provisions will be included to establish overarching Integrated Planning and Reporting principles and require councils to undertake strategic business planning in accordance with those principles. The proposed Integrated Planning and Reporting principles will provide that councils (together with their communities, other councils and stakeholders) are proposed to include:

- lead and inspire residents, businesses and others to engage with their council;
- identify and prioritise key community needs and aspirations;
- develop strategic goals to meet these needs and aspirations;
- identify activities and prioritise actions to work towards these strategic goals;
- plan holistically to deliver on strategic goals within their resources;
- foster community participation to better inform local and state decision making;
- manage council's current and future financial sustainability;
- appropriately adapt to changing circumstances, evidence and priorities;
- proactively manage risks to the community and its council;
- be transparent and accountable for decisions and omissions;
- maintain an integrated approach to planning, delivery, monitoring and reporting;
- collaborate to maximise achievement of key community outcomes; and
- honestly review and evaluate progress on a regular basis.

Current provisions:

Sections 402 – 406 (Note there are mandatory guidelines)

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act

T: 3.2.1 Integrated Planning and Reporting

Background

The proposed amendments will ensure that the purpose and principles of Integrated Planning and Reporting as a strategic business planning tool are clearly reflected in the Act. These provisions will:

- set out the overarching principles of Integrated Planning and Reporting;
- require strategic business planning to be undertaken by councils in accordance with the prescribed Integrated Planning and Reporting principles and provisions;
- guide how Integrated Planning and Reporting documents are to be adopted/endorsed and reviewed; and
- require integrated planning to be directed to achieving better outcomes through continuous improvement.

Comment

The suggested changes shift the focus of the Community Strategic Planning – from a whole of Community Plan: a Plan owned by the community and endorsed by Council's on behalf of the Community. The shift in focus is that the new Strategic Plan will be a Council or LGA / Regional Strategic Plan the development of which is lead and owned by the Council.

The role of the Council will be to prioritize information it gathers about community needs and community aspirations and use this to inform its decision-making about the development of the Council's Strategic Plan – not necessarily a community owned 'Community Strategic Plan.

What is not clear from the suggested changes to the Act is whether or not Council's will still be required in Sec 402 to give weight or consideration to 'social justice principles' in its identification and prioritization (within resources) of key community needs.

Overall, the changes reflect a change in focus of integrated planning and reporting from the community strategic planning to Council or organisational strategic planning.

Organizationally and operationally these changes will in the NSW Local Government sector strengthen Council uniformity and operational accountability. The changes also establish a framework for standardised performance measurement and centralized monitoring of Council compliance with state and regional plans – that will require that Councils 'appropriately adapt to changing circumstances, evidence and priorities'. Ensuring in our system of local government that 'localised issues identified in community owned Community Strategic Plans' do not 'capture' Councils and limit Council responsiveness to changing circumstance, evidence or 'changing priorities. For example, change in national, state, regional,

Council or even organisational policies.

This could be supported

7.2 Streamlining the existing integrated planning and reporting provisions

Proposed Amendment

The current Integrated Planning and Reporting provisions are contained in sections 402 to 406. These provisions will be amended so that they are confined to setting out the purpose of each document and when they must be delivered. Detailed process requirements for how this must be done will be moved to the Regulation.

Current provisions:

Sections 402 – 406

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

These amendments are designed to give effect to the Taskforce's recommendations that the existing Integrated and Planning and Reporting provisions be simplified with prescriptive detail contained in the Regulation.

Comment

This is in effect an administrative change with current practice unaltered.

This could be supported

7.3 Council's integrated planning and reporting to reflect regional priorities

Proposed Amendment

Amendments are proposed to ensure that regional priorities are reflected in individual councils' strategic business planning. In particular, amendments are proposed to:

- require council's community strategic plans to identify key regional priorities and strategies for the council, developed with adjoining councils and agencies; and
- require delivery programs to address key regional strategies including council actions and any proposed joint programs agreed regionally.

Current provisions:
Sections 402 and 404

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Comment

The suggested changes give more weight to Sec 402 (d) 'due regard to State and other relevant regional plans' reinforcing the change in focus from a Community Strategic Plan 'owned by the community' and endorsed by Council with actions that the 'council is responsible for' needing to guide and inform Council's Resource Strategy, Delivery Program and Operational Plan

It will be interesting to see if this is workable

7.4 Expanded scope of delivery programs

Proposed Amendment

Section 404 will be amended to clarify that delivery programs are to capture all council activities.

Current provisions:

Section 404 and 406

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

This amendment is designed to embed in the Act a requirement that is currently reflected in the mandatory Integrated Planning and Reporting Guidelines. 2

Comments

The Council already includes all of its activities in its delivery program

7.5 Fiscal sustainability

Proposed Amendment

The *Local Government (General) Regulation 2005*, which provides for an annual statement of revenue policy in each operational plan, will be amended to require councils to:

- establish revenue policies with a view to ensuring fiscal sustainability; and
- provide a clear rationale for how rating systems are structured and what they are designed to achieve.

The Regulation will also set out in more detail what is required of councils' resourcing strategy to clarify the purpose and objectives of workforce, asset and long term financial planning. This will draw on the essential elements in the current Integrated Planning and Reporting guidelines to help councils produce more robust and useful strategies in these key areas.

Current provision:
Clause 201

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 2 Fiscal Responsibility (Box 9)
P: 5 Strengthening Revenues

Background

The amendments will give effect to the Panel's recommendations to embed the principle of fiscal sustainability through Integrated Planning and Reporting.

Comment

This reflects current BSC practice and could be supported

7.6 Expanded scope of councils' community engagement strategies

Proposed Amendment

It is proposed to broaden the existing requirement that a council must adopt a community engagement strategy to inform the development of its community strategic plan. If amended, the Act would require the adoption of a community engagement strategy to inform *all* council activities (other than routine business-as-usual operations), not only those directly associated with development of the council's Integrated Planning and Reporting framework. This would be done by making the adoption of a community engagement strategy a general legislative obligation. A council's community engagement strategy would need to meet minimum prescribed requirements. It is anticipated, for example, that guidelines would prescribe minimum public consultation requirements for specific activities including the development of the components of a council's Integrated Planning and Reporting framework, and include a requirement to periodically evaluate the efficacy of consultation methodologies. It is proposed to accommodate the existing provisions relating to community polls within the proposed standalone community engagement provisions.

Current provisions:

Sections 14, 18 – 20, 402

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
 T: 3.2.2 Community Engagement
 T: 3.3.18(7)b Other Matters

Background

The requirement for a single overarching community engagement strategy provides a framework for councils to engage with their communities in a strategic, ongoing, flexible and locally appropriate way. It also provides a single, consistent point of reference in the Act for other provisions requiring councils to undertake consultation for specified activities.

Comment

This reflects current BSC practice and could be supported

8. Council performance

8.1 Annual reports

Proposed Amendment

It is proposed to require the information reported in councils' annual reports to be endorsed as factually accurate by an internal audit committee. As noted below (at [8.4]), councils will be required to establish internal audit committees with a majority of independent members and an independent Chair.

Current provisions:

Sections 428-428A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

T: 3.2.3 Performance of Local Government

Background

The proposed amendment is designed to provide an assurance mechanism and to give communities confidence in the integrity of the information their councils report about their council's performance through its annual report.

Comment

An internal audit committee has long been resisted by the Council.

To reflect the Council's current position this proposal should not be supported.

8.2 State of the environment reports

Proposed Amendment

It is proposed to remove the requirement under section 428A for a council to include a State of the environment report in its annual report every 4 years. Councils would instead be required to report on environmental issues relevant to the objectives established by the community strategic plan in the same way they are currently required to report on the achievement of other objectives set in their community strategic plans (that is, through their annual reports and the 4-yearly end of term report).

Current provision:
Section 428A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:
T: 3.2.1 Integrated Planning and Reporting

Background

This amendment is designed to:

- reduce the compliance burden on councils arising from the preparation of a separate state of the environment report every 4 years; and
- help councils achieve their environmental objectives by consolidating the reporting of those objectives into their Integrated Planning and Reporting frameworks.

Comment

The Council has previously supported this and again should do so.

8.3 Performance measurement

Proposed Amendment

It is proposed to allow for the introduction of a performance management and reporting framework that should:

- provide a statutory basis to establish new indicators and benchmarks for reporting purposes;
- expressly require councils to collect and report against these indicators in accordance with guidelines;
- establish annual performance statements as part of council annual reports, which will be subject to oversight and attestation requirements;
- align performance reporting to the Integrated Planning and Reporting cycle; and
- provide the capacity to establish a state-wide community satisfaction survey.

Current provision:

Section 429

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 2 Fiscal Responsibility
P: 18 Improvement, Productivity and Accountability
T: 3.2.3 Performance of Local Government

Background

The proposed framework is a modified version of the one recently adopted by Victoria. Further work will be undertaken with the local government sector to develop the performance management framework in the coming months.

Comment

This could be supported

8.4 Internal audit

Proposed Amendment

It is proposed to introduce a mandatory requirement for councils to have an internal audit function. To this end, it is proposed that new provisions will require all councils to have an internal audit function:

- with broad terms of reference covering compliance, risk, fraud control, financial management, good governance, performance in implementing their community strategic plan and delivery program, service reviews, collection of required indicator data, continuous improvement and long term sustainability; and
- that focuses on councils adding value to, and continuous improvement in, the performance of their functions.
- All councils will be required to comply with guidelines issued by the Chief Executive of the Office of Local Government with respect to the implementation of their internal audit functions. All councils will appoint an audit, risk and improvement committee that meets the following requirements:
 - audit committees must have a majority of independent members and an independent chair;
 - general managers may not be members of audit committees (but may attend meetings unless excluded by the committee); and
 - the Chair of the audit committee must report at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement.

Councils will be permitted to have joint arrangements for internal audit and share audit committees.

Current provisions:

Discretionary guidelines issued under section 23A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

Background

Mandating internal audit will:

- entrench within each council an internal assurance mechanism that offers an alternative to prescription and external oversight as a means of addressing risk, ensuring compliance and promoting best practice;
- drive and inform a culture of continuous improvement;
- facilitate reporting; and
- promote increased accountability.

Comment

The Council has previously not supported an internal audit committee and to reflect the status quo should continue to do so.

8.5 Sector-wide performance audits by the Auditor-General

Proposed Amendment

To identify trends and opportunities for improvement across the sector as a whole, it is proposed to compliment the mandated requirement for internal audit by empowering the Auditor-General to conduct issue-based performance audits in key areas of local government activity.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

Background

As noted by the Panel, such audits have been conducted by the Victorian Auditor-General for many years. Topics are selected in consultation with the sector, and recent audits have covered important issues such as rating practices, sustainability of small councils, business planning, fees and charges, and use of development contributions. They usually involve a small sample of representative councils. The audits do not question the merits of councils' policy objectives. Rather, the purpose of the audit is to assess whether councils are achieving their objectives and operating economically, efficiently and effectively. \

Comment

For discussion.

8.6 Financial management

Proposed Amendment

It is proposed to adopt a more 'principles-based' approach to the management of council funds by moving detailed requirements to the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*, which is prescribed under the Act. New provisions in the Act will set out objectives and principles that are to inform councils' financial management practices and that align them with the objectives set through councils' Integrated Planning and Reporting frameworks. These provisions will ensure that the financial targets for councils are to be those reflected in their long term financial plans, delivery programs and operational plans.

They will also establish the following principles of sound financial management:

- responsible and sustainable spending, aligning general revenue and expenses as per the councils' planning documents.
- responsible and sustainable infrastructure investment for the benefit of its community.
- effective financial and asset management, including sound policies and processes for:
 - performance management and reporting, and
 - asset maintenance and enhancement, and

- funding decisions, and
- risk management practices.
- achieving intergenerational equity, including ensuring that:
 - policy decisions are made having regard to their financial effects on future generations, and
 - the current generation funds the cost of its services.

Current provisions:
Sections 408 – 411

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:
T: 3.3.9 Financial Governance

Background

The proposed amendments are designed to start to give effect to the Taskforce's recommendations for a more "principles-based" approach to the regulation of councils' financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments wherever practical. The proposed principles of sound financial management are modelled on those contained in the *Fiscal Responsibility Act 2012*.

Comment

This broadly reflects the Council's current practice and could be supported.

8.7 Financial reporting

Proposed Amendment

Consistent with the proposal that councils' financial obligations be recast to establish a "principles-based" approach in the Act detailed reporting requirements should be specified instead in the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*.

Current provisions:

Sections 412-421

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.9 Financial Governance

Background

The proposed amendments are designed to give effect to the Taskforce's recommendations for a more "principles-based" approach to the regulation of councils' financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments.

Comment

This could be supported as it is an administrative change only

8.8 External audit

Proposed Amendment

It is proposed to place Local Government audits under the aegis of the NSW Auditor-General. There will also need to be transitional arrangements in the Bill to ensure that existing auditor appointments can be brought to an orderly conclusion, with minimal disruption to councils, current auditors and the Audit Office of New South Wales.

Current provisions:

Sections 422-427

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 3 Fiscal Responsibility

Background

As noted in the Government response to the Panel and Taskforce, giving the Auditor-General oversight of council financial audit will improve quality, consistency and timeliness and financial management.

The Office of Local Government is currently working with the Audit Office on the development and implementation of the proposed amendments, including transitional arrangements.

Comment

This could be supported on the basis of consistent quality of audits however it will also increase costs.

Items requiring Council Resolution

REPORT:

As Councillors may be aware, the State Government, as a part of its Fit For the Future has commenced a review of the Local Government Act 1993.

In conducting the review the State formed a Local Government Act Taskforce.

The State has also considered recommendations that were included in the final report of the Independent Local Government Review Panel.

The review will be completed in a staged process.

As a first phase of the review of the and has put forward suggested amendments that:

- clarify roles and responsibilities of councillors, mayors, administrators and general managers;
- introduce new guiding principles for local government;
- improve governance of councils and professional development for councillors;
- expand on the framework for strategic business planning and reporting;
- prioritise community engagement and financial accountability; and
- streamline council administrative processes, including in relation to delegations and community grants

the table in the recommendation sets out the proposed changes and also comments from officers.

If the Council wishes to make a submission this must be lodged by 15th March 2016.

Items requiring Council Resolution

6.13 BERRIGAN WAR MEMORIAL HALL MAINTENANCE

AUTHOR: Building Surveyor / Asset Maintenance Officer

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 3.1 Create safe, friendly and accessible communities

FILE NO: PF

RECOMMENDATION: - that the Council considers allowing for the refurbishment / restoration of the ceilings in the two store rooms in the Berrigan War Memorial Hall in the 2016/2017 budget/capital works program to the value of \$20,000.

REPORT:

The Berrigan Memorial Hall Committee wrote to Council on 1 June, 2015 as follows:

Attn Mr Rowan Perkins

Re Berrigan Memorial Hall

Dear Rowan

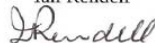
The Berrigan War Memorial Hall Committee of Management would like to request some assistance with replacement of parts of the ceiling at the hall

The ceiling is starting to fall down and while Council staff have repaired this for us, it is clear that these repairs will not fix the underlying problem, the problem being that there seems to be nothing to secure the plaster to.

We have been advised that replacement of the ceiling in both rooms would be in the order of \$10,000 . This is beyond the means of our committee at the moment as we are still paying off the loan for the new toilets and have spent considerable funds converting the old toilets into dressing rooms and repainting the enteranceway. The ceiling in question is nearly 100 years old, and are well and truly overdue for replacement.

We would be happy to meet you on site to discuss the issue and please let us know if you need Further information.

Yours Sincerely
Ian Rendell



Spring Farm
PO Box 31
Berrigan 22712
1-6-2015

BERRIGAN SHIRE COUNCIL
- 2 JUN 2015
DM handling.
FILE 05.101.1
REFER TO DCS/DM
COPY TO _____
ACTION / CODE _____
ACKNOWLEDGE Y / N _____

REFRESHMENT

Items requiring Council Resolution

This request was too late to be considered for the Council's 2015-2016 budget and capital works program and Laurie Stevens (Development Manager) advised the committee verbally that his department's maintenance budget did not extend that far.

The Council's Asset Maintenance Officer conducted a building inspection of the Berrigan Memorial Hall on 15th October, 2015. It was noted that there is significant damage to the ceiling in the two storerooms to the left of the entry in the Hall. The damage consists of plaster dropping and in places is no longer attached to the ceiling joists.

A meeting was held at the hall with Council's Enterprise Risk Manager and Asset Maintenance Officer. The ceilings are of concern to all using the Hall, due to the fact that the ceiling plaster in the storerooms could collapse at any time. Upon further inspection and discussion, it was decided the rooms will be locked and no entry shall be permitted to any persons using the hall pending the refurbishment/restoration of the two ceilings.

It has been estimated that the amount of funds needed for the refurbishment to restore the ceilings back to their original state is likely to be in the vicinity of \$20,000. By isolating the rooms from use by the public, we are removing the risk however we are also inhibiting any use until such time as the ceiling can be repaired. In view of measures imposed it would be prudent to allow for these works in the next financial year budget.

CONCLUSION:

Given that the Berrigan Memorial Hall is a great asset for the Town of Berrigan and used frequently by various community groups, it would be encouraged that Council accepts the recommendation so that the integrity and charm of the hall is maintained for all future users.

Items for Noting

RECOMMENDATION – that Items for Noting numbered 7.1 to 7.4 Inclusive be received and noted.

7.1 EMERGENCY SERVICES PROPERTY LEVY

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: 09.160.1. 09.160.3, 09.160.4

REPORT:

In December 2015, the NSW Treasurer and the NSW Minister for Emergency Services announced that from 1 July 2017 the NSW government will abolish the Emergency Services Levy (ESL) on insurance policies and replace it with an Emergency Services Property Levy (ESPL), paid alongside Council rates.

A copy of the media release announcing the reform is attached as Appendix “J”.

The existing ESL and the proposed ESPL part-fund NSW’s fire and emergency services:

1. NSW Rural Fire Service
2. NSW Fire and Rescue
3. NSW State Emergency Service

The aim of the reform is to ensure that that all property owners contribute to the cost of financing these organisations, not just those who take out insurance.

The NSW government claims the ESPL will be budget-neutral and will not reduce funding in any way to the fire and emergency services. It also claims that most insured property owners will be better off.

The reform is unlikely to affect the Council’s own direct financial contributions to the operation of those services.

NOTING

Items for Noting

Other than the charge will appear on Council rate notices, the Council is not yet been informed of the following:

1. How the ESPL will be assessed
2. How the ESPL will be remitted to the NSW government
3. If it will be compensated for its administration costs in relation to raising, collecting and remitting the ESPL
4. Who will bear the costs of collecting outstanding ESPL amounts such as third-party debt collection services and/or legal expenses
5. If the ESPL will be a charge upon the land – similar to existing rates and utility charges.

Items for Noting

**7.2 MULTICULTURAL NSW REGIONAL
ADVISORY COUNCILS**

AUTHOR: General Manager

STRATEGIC OUTCOME: Supported and engaged communities

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

FILE NO:

REPORT:

The NSW Minister for Multiculturalism the Hon John Ajaka MP is encouraging people from across NSW to become a champion of social cohesion and harmony by applying to join a Multicultural NSW Regional Advisory Councils.

Last week the Community Engagement Manager Richard Acheson held community meetings in a number of locations throughout the RAMROC region and he indicated that Expressions of Interest for appointment to Regional Advisory Councils will close on 12th February 2016.

Within the State Network of 12 RACs, there will be an RAC for the Riverina Region and an RAC for the Murray- Lower Darling Region.

Each RAC will have up to 8 places for community members. The remaining RAC Members are 7 Government Agency appointees.

Richard Acheson pointed out that it would be good to receive Expressions of Interest from interested persons for both the Riverina and Murray-Lower Darling RACs.

The EOI form can be accessed on website www.multicultural.nsw.gov.au

Whilst it is acknowledged that the closure date will have passed by the time the Council considers this matter it may be possible to make a late nomination. The Council only received the information regarding the issue on 3rd February 2016.

Items for Noting

7.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL – ANNUAL DETERMINATION.

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

REPORT:

The NSW Local Government Tribunal has written to the Council to advise that:

- It has commenced its review for the 2016 determination;
- It is required to make a determination by 30th April 2016;
- It will review maximum and minimum fee levels and take into account the government's public sector wages policy that caps annual increases at 2.5%;
- It notes that the Fit for the Future program intends to review Councillor remuneration;
- Given the above it does not intend to call for submissions in relation to the annual review; and
- It will seek an industry wide view from Local Government NSW.

NOTING

Items for Noting

7.4 DEVELOPMENT DETERMINATIONS FOR MONTH OF JANUARY 2016

AUTHOR: Support Officer

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

REPORT: APPLICATIONS DETERMINED FOR JANUARY

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken		
125/15/DA/D9	10 Lot Subdivision	HUGHES STREET, BAROOGA NSW 3644 (Lot21//DP1090571)	Mr Glen Martin	KIZHOST PTY. LTD.	Approved 19-01-2016	\$ 0.00	<i>Active</i> 46	<i>Total</i> 142	
29/16/DA/DM	Extension of Verandah at Tocumwal Recreation Reserve Old Clubhouse	KELLY STREET, TOCUMWAL NSW 2714 (Lot7045//DP1019566)	Berrigan Shire Council	DEPARTMENT OF LANDS	Approved 06-01-2016	\$ 9200.00	<i>Active</i> 13	<i>Total</i> 75	
66/16/DA/D9 - M	Modification to 49/14/DA/D9	1-35 HAMILTON STREET, FINLEY NSW 2713 (Lot1//DP1202833)	Mr Clayton Pearse	MRS C PEARSE	Approved 20-01-2016	\$ 0.00	<i>Active</i> 29	<i>Total</i> 29	
68/16/DA/D1	6 Lot Subdivision Replacement Dwelling	133 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot6//DP665754)	Decentralised Demountables Pty Ltd	M E STEVENSON & D G MCKNIGHT	Approved 27-01-2016	\$ 555226.00	<i>Active</i> 26	<i>Total</i> 34	
70/16/DA/D5	Residential Storage Shed	12 BALDWIN COURT, TOCUMWAL NSW 2714 (Lot35//DP1089280)	Goulburn Valley Building	MR W F LAWRENCE	Approved 07-01-2016	\$ 19750.00	<i>Active</i> 11	<i>Total</i> 11	
71/16/DA/DM	Storage Shed	77-81 MURRAY STREET, TOCUMWAL NSW 2714 (Lot2//DP1089036)	Mr Geoff Bury	LAWMUCOT PTY LTD	Approved 08-01-2016	\$ 10000.00	<i>Active</i> 12	<i>Total</i> 12	
72/16/DA/D5	Residential Storage Shed	86 COREE STREET, FINLEY NSW 2713 (Lot B//DP391182)	Mr Peter John Ibbott	MR P J IBBOTT	Approved 07-01-2016	\$ 10000.00	<i>Active</i> 11	<i>Total</i> 11	
73/16/DA/DM	Demolition	160-162 DENILIQVIN STREET, TOCUMWAL NSW 2714 (Lot332//DP1073141)	Mr Mark Baldwin	MR RM BALDWIN AND MRS M BALDWIN	Approved 07-01-2016	\$ 3000.00	<i>Active</i> 10	<i>Total</i> 10	
74/16/DA/D1	BV Dwelling & Attached Garage	1 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot20//DP285573)	Stoneway Constructions	MS P WILSON	Approved 13-01-2016	\$ 402657.00	<i>Active</i> 12	<i>Total</i> 12	
44/16/CD/M1	BV Dwelling & Attached Garage	85 TONGS STREET, FINLEY NSW 2713 (Lot184//DP43669)	Mr Robert & Mrs Lillita Gray	MS LR GRAY	Approved 07-01-2016	\$ 230479.00	<i>Active</i> 2	<i>Total</i> 2	
75/16/DA/D5	Front Verandah	2-4 HOYLE STREET, TOCUMWAL NSW 2714 (Lot A//DP359318)	Mr Peter Lacey	MRS C LACEY	Approved 20-01-2016	\$ 2000.00	<i>Active</i> 6	<i>Total</i> 6	
76/16/DA/DM	Use of Land for Transportable Dwelling	85 WOLLAMAI STREET, FINLEY NSW 2713 (Lot1//DP981583)	Mr Michael Walsh	MR M J WALSH	Approved 22-01-2016	\$ 0.00	<i>Active</i> 6	<i>Total</i> 6	

NOTION

Items for Noting

45/16/CD/PC	Detached Dwelling	11 PUTTER COURT, BAROOGA NSW 3644 (Lot106//DP1133352)	Alpine Building Permits & Consultants	MR WR GOULD AND MRS JC GOULD	Approved 21-01-2016	\$ 444645.00	Active 1	Total 1
46/16/CD/PC	Verandah & Deck	11 HORSFALL STREET, BERRIGAN NSW 2712 (Lot2//DP204463)	BW&A National Building Consultants	MR P CHAMBERLAIN & MRS Y N CHAMBERLAIN	Approved & 18-01-2016	\$ 26500.00	Active 1	Total 1

APPLICATIONS PENDING DETERMINATION AS AT 2/1/2016

Application No.	Date Lodged	Description	Property Location
77/16/DA/DM	22-01-2016	New Bowling Greens & Facility	BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot 2//DP1096569)
78/16/DA/D5	27-01-2016	3 Car Garage	40 MARIAN DRIVE, TOCUMWAL NSW 2714 (Lot 64//DP789897)
79/16/DA/D5	27-01-2016	Carport	111 VERMONT STREET, BAROOGA NSW 3644 (Lot 52//DP610619)

TOTAL APPLICATIONS DETERMINED / ISSUED

	This Month (January)	Year to Date	This Month Value	Year to Date Value
<i>Development Applications Determined</i>	11	67	\$1,011,833	\$32,196,545
<i>Construction Certificates Issued</i>	6	54	\$999,633	\$10,317,365
<i>Complying Development Cert. Issued</i>	3	48	\$701,624	\$6,384,624
<i>Local Activity Approvals Issued</i>	6	67	0	

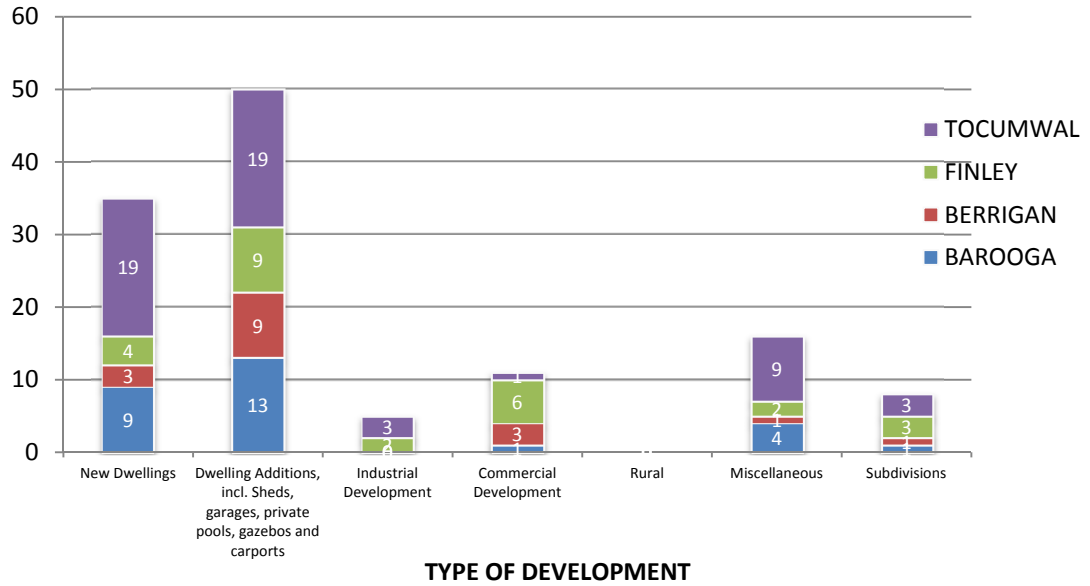
OTHER CERTIFICATES ISSUED FOR JANUARY

	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total	Jan	Year Total
BAROOGA	6	67	0	11	0	8	0	5	0	0	0	2
BERRIGAN	5	32	0	0	0	4	0	0	0	0	0	0
FINLEY	18	59	0	3	0	2	0	0	0	0	0	0
TOCUMWAL	7	68	0	0	0	3	0	0	0	1	0	2
TOTAL	36	226	0	14	0	17	0	5	0	1	0	4

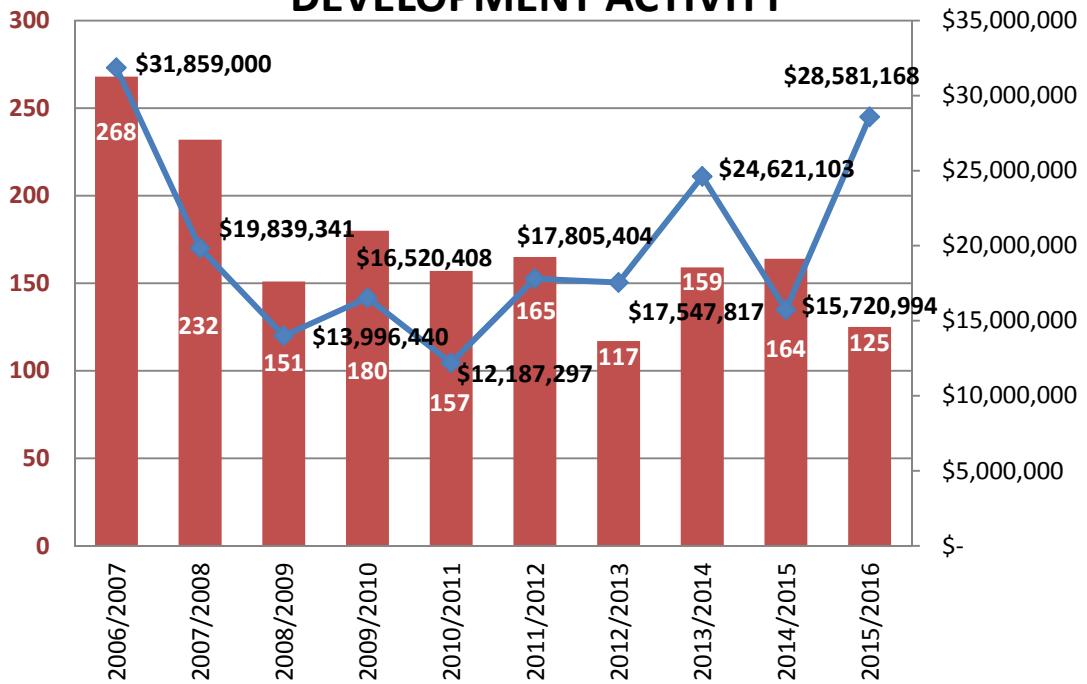
NOTING

Items for Noting

DEVELOPMENT ACTIVITY 2015 / 2016



DEVELOPMENT ACTIVITY



GZ-TION

Committee meeting reports

8.1 MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING HELD ON 3RD FEBRUARY, 2016.

RECOMMENDATION – that recommendations numbered 1 to 4 inclusive of the Corporate Services Committee Meeting held on 3rd February, 2016 be adopted.

5.2 GUIDELINES FOR COUNCIL DECISION MAKING DURING COUNCIL MERGER PERIODS

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting
FILE NO: 13.010.2

RECOMMENDATION NO 1: - that the Council note the *Council Decision Making during Council Merger Proposal Periods* guidelines issued by the Office of Local Government under s23A of the *Local Government Act 1993*.

6.1 INVESTIGATION INTO ALLEGED FUEL CARD MISUSE

AUTHOR: Director Corporate Services
STRATEGIC OUTCOME: Good government
STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting
FILE NO: 23.067.1

RECOMMENDATION NO. 3: - that the Council note the report by RSD Chartered Accountants and management's response.

RECOMMENDATION NO. 4: - that the Committee move out of closed and into open Council.

Committee meeting reports

8.2 MINUTES OF A TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 3RD FEBRUARY, 2016 IN THE COUNCIL CHAMBERS COMMENCING AT 11.20 AM.

RECOMMENDATION – that recommendation number 1 of the Technical Services Committee Meeting held on 3rd February, 2016 be adopted.

5. KERB AND GUTTER CONSTRUCTION – DRUMMOND STREET BERRIGAN (BOTH SIDES, RAILWAY TO DROHAN STREET)

AUTHOR: Executive Engineer
STRATEGIC OUTCOME: Supported and engaged communities
STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities
FILE NO: HCS 02/15/16

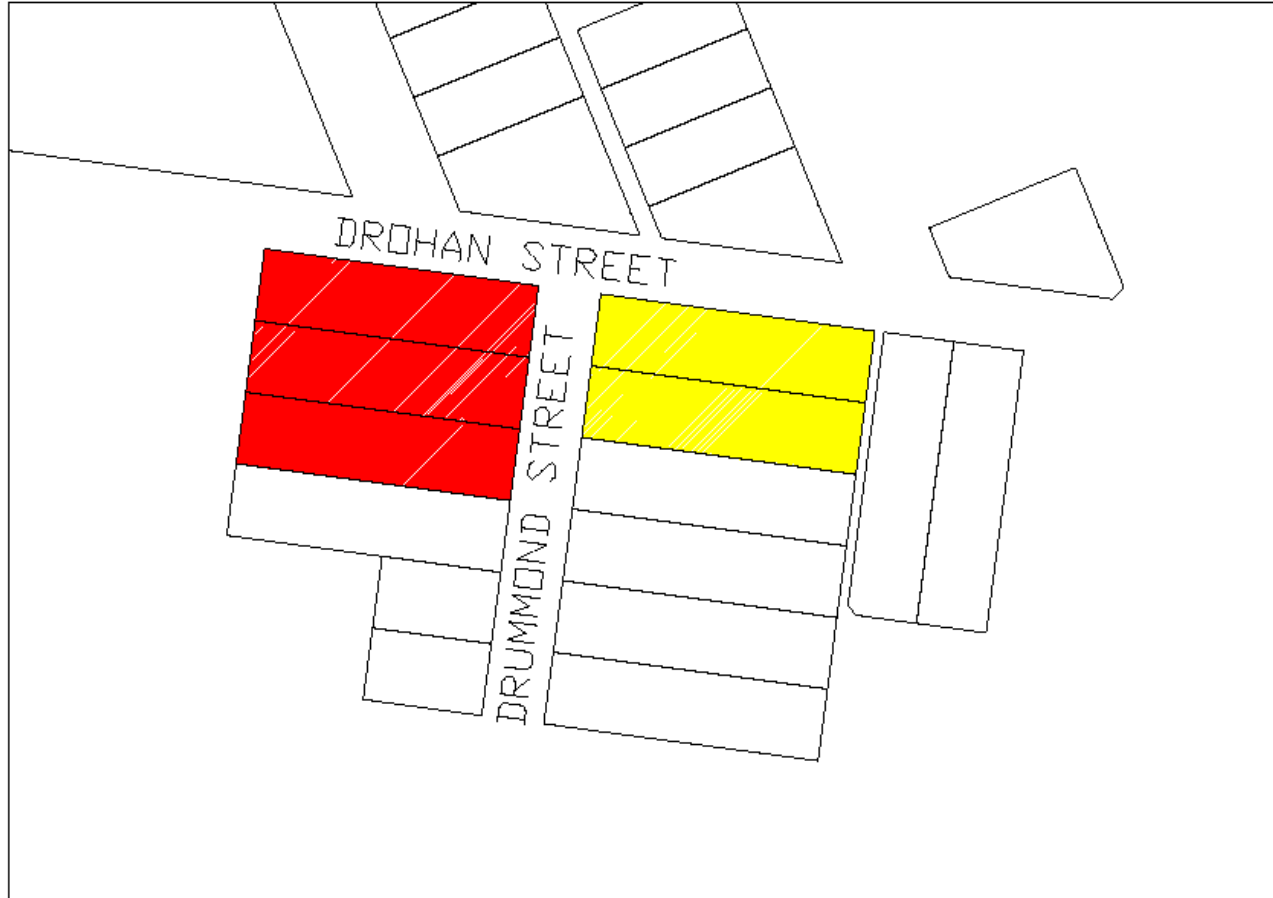
RECOMMENDATION NO 1: - that pursuant to Section 217 of the Roads Act 1993 and Council's Administration of Contributory Footpath and Kerb and Gutter Schemes Pursuant to clause 217, 218 & 219 of the Roads Act 1993 Policy and the table below, the Council now:

- a) proceed with half-cost scheme 02/15/16 installation of kerb and gutter as per the 2015/16 capital works program on the both sides of Drummond Street (from the end of the existing kerb to Drohan Street) and
- b) Reallocate \$13,493 from the kerb and gutter maintenance budget to these works.

Committee meeting reports

Drummond Street Kerb and Gutter estimated Half Cost Contributions							
Property	Owner's Percentage	Frontage (m)	Total Cost \$	Owner's Cost Excl GST \$	GST \$	Total Owner's Cost Incl. GST \$	Council Cost \$
LOT 14 SEC B DP 2425	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 15 SEC B DP 2426	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 16 SEC B DP 2427	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 22 SEC A DP 2425	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
LOT 22 SEC A DP 2425	50.00%	22.95	\$3,304.80	\$1,652.40	\$165.24	\$1,817.64	\$1,652.40
BERRIGAN SHIRE COUNCIL	0.00%	92.85	\$13,370.40	\$0.00	\$0.00	\$0.00	\$13,370.40
	TOTAL	207.6	\$29,894.40	\$8,262.00	\$826.20	\$9,088.20	\$21,632.40

Committee meeting reports



Items requiring Council Resolution

9. MAYOR'S REPORT

RECOMMENDATION – that the Mayor's Report be received.

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Items requiring Council Resolution

10. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

11. GENERAL BUSINESS

RESOLUTION