



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 **19<sup>th</sup> March, 2014**, when the following business will be submitted:-

**9.00AM**

**Public Question Time**

**COUNCIL MEETING**

1.	APOLOGIES .....	3
2.	DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST .....	3
3.	VISITORS ATTENDING MEETING.....	3
4.	CONFIRMATION OF MINUTES.....	3
5.1	FINANCE – ACCOUNTS .....	3
5.2	TOCUMWAL FRIENDS OF THE LIBRARY COMMITTEE OF MANAGEMENT .....	7
5.3	RETREAT PUBLIC HALL COMMITTEE OF MANAGEMENT.....	8
5.4	CONTRIBUTION – LEGAL EXPENSES .....	9
5.5	2014 BUSINESS AND ENVIRONMENT AWARDS.....	11
5.6	NSW PUBLIC LIBRARY FUNDING CAMPAIGN .....	12
5.7	2014 CORPORATE WORKSHOP .....	16
5.8	FINANCIAL HARDSHIP POLICY .....	20
5.9	OFF-LEASH AREA FOR COMPANION ANIMALS .....	25
5.10	INTERNATIONAL CHILDREN’S GAMES – LAKE MACQUARIE .....	26
5.11	LOCAL ENVIRONMENT PLAN AND RATING CATEGORIES .....	27
5.12	RESPONSE TO NEW SOUTH WALES INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL’S FINAL REPORT.....	37
5.13	TENDER NO. T03/13/14 – AUDIT SERVICES TO THE YEAR ENDING 30 JUNE 2016.....	38
6.1	100 YEARS OF AUSTRALIAN RED CROSS .....	40
6.2	COMPARATIVE INFORMATION FOR NSW LOCAL GOVERNMENT .....	41
6.3	INTERNATIONAL WOMEN’S DAY .....	43
6.4	DEVELOPMENT DETERMINATIONS FOR MONTH OF FEBRUARY 2014 .....	44
7	CLOSED COUNCIL .....	47
7.1	TENDER NO. T03/13/14 – AUDIT SERVICES TO THE YEAR ENDING 30 JUNE 2016.....	<b>Error! Bookmark not defined.</b>
	RESOLUTIONS FROM THE CLOSED COUNCIL MEETING.....	50

7.1	MINUTES OF A CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 5 <sup>th</sup> MARCH, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 5.07 pm. ....	51
7.2	Minutes of a Meeting of the EVENTS COMMITTEE held on March 5 <sup>th</sup> 2014 in the Council Chambers commencing at 4.28 pm.....	58
7.3	Minutes of a Meeting of the RISK MANAGEMENT COMMITTEE held Wednesday, 5 <sup>th</sup> March, 2014 commencing 4.00 pm .....	59
8.	MAYOR'S REPORT .....	60
9.	DELEGATES REPORT .....	61
10.	GENERAL BUSINESS .....	62
11.	CLOSE OF MEETING	

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

ROWAN PERKINS  
GENERAL MANAGER



## **Council Meeting**

Wednesday, 19<sup>th</sup> March, 2014

### **BUSINESS PAPER**

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1. **APOLOGIES**
2. **DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
3. **VISITORS ATTENDING MEETING**
4. **CONFIRMATION OF MINUTES**  
**RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 19<sup>th</sup> March, 2014 be confirmed.**

#### **5.1 FINANCE – ACCOUNTS**

**AUTHOR: Finance Manager**

**RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 28<sup>th</sup> February, 2014, be received and that the accounts paid as per Warrant No. 02/14 totalling \$1,811,556.19 be confirmed.**

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#### **REPORT**

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 28<sup>th</sup> February, 2014 will be certified by the Finance Manager.
- b) The Finance Manager will certify that the Cash Book of the Council was reconciled with the Bank Statements as at 28<sup>th</sup> February, 2014.

Items requiring Council Resolution

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- c) The Finance Manager will certify the Accounts, including the Petty Cash Book made up to 28<sup>th</sup> February, 2014, totalling \$1,811,556.19 and will be submitted for confirmation of payment as per Warrant No. 02/14
- d) The Finance Manager certifies that all Investments have been placed in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993 (as amended), the Minister's Amended Investment Order gazette 11 January 2011, clause 212 of the Local Government (General) Regulations 2005 and Third Party Investment requirements of the Department of Local Government Circular 06-70.
- e) February has shown an increase in total funds held at the end of January. The increase is due to the receipt of the 3<sup>rd</sup> instalment of the FAG and Rates and is comparable with the same period last year. Total funds held are expected to remain stable in March.

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# Berrigan Shire Council Business Paper, 19<sup>th</sup> March, 2014

## Items requiring Council Resolution

### Statement of Bank Balances as at 28 February 2014

**Bank Account Reconciliation**

Cash book balance as at 1 February 2014	\$1,677,101.53
Receipts for February 2014	\$ 2,444,452.86
Transfers from NAB at Call Account	\$ -
	<b>\$4,121,554.39</b>
Less Payments Statement No 02/14	
Cheque Payments V75259-V75273	\$ 24,016.35
Electronic Funds Transfer (EFT) payroll	\$ 358,684.89
Electronic Funds Transfer (EFT) creditors E017552-E017789	\$ 1,413,215.74
Transfers to NAB At Call Account	
Loan repayments, bank charges, etc	\$ 15,639.21
Total Payments for February 2014	<b>\$ 1,811,556.19</b>
Cash Book Balance as at 28 February 2014	<b>\$2,309,998.20</b>
Bank Statements as at 28 February 2014	\$ 2,323,272.64
Plus Outstanding Deposits	
Less Outstanding Cheques	\$ 13,274.44
<b>Reconciliation Balance as at 28 February 2014</b>	<b>\$2,309,998.20</b>

**INVESTMENT REGISTER**

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
National Australia Bank	01/09	At Call	2.60%		\$ 505,400.66
Central Murray Credit Union	94/13	180	4.15%	10/05/2014	\$ 1,000,000.00
Central Murray Credit Union	95/13	210	4.15%	13/03/2014	\$ 1,000,000.00
Bendigo Bank	85/11	179	3.80%	14/03/2014	\$ 2,000,000.00
WAW Credit Union	83/11	180	3.80%	27/04/2014	\$ 2,000,000.00
Commonwealth Bank Australia	98/13	180	3.90%	26/05/2014	\$ 1,000,000.00
Hume	91/12	270	3.80%	9/09/2014	\$ 1,000,000.00
Hume	87/11	180	3.70%	27/07/2014	\$ 1,000,000.00
Hume	97/13	180	3.70%	3/06/2014	\$ 1,000,000.00
Bank Of Queensland	90/12	270	3.80%	11/07/2014	\$ 2,000,000.00
AMP	99/13	270	3.90%	12/09/2014	\$ 1,000,000.00
Goulburn Murray Credit Union	76/09	180	3.75%	26/05/2014	\$ 1,000,000.00
					<b>\$ 14,505,400.66</b>

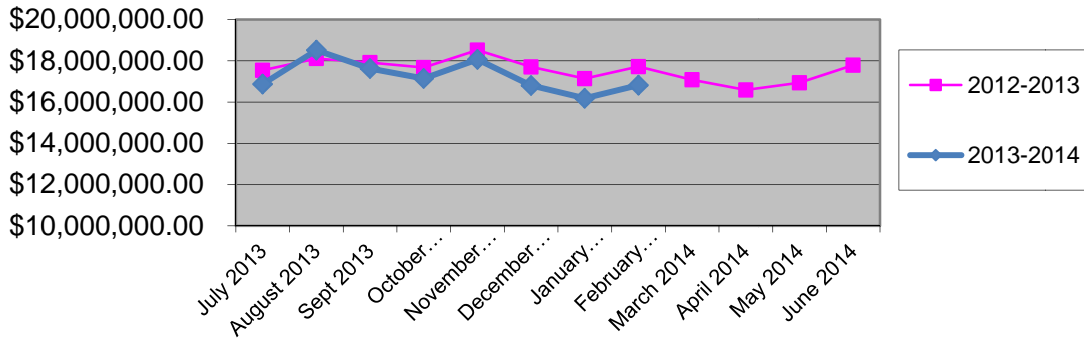
**Total Funds Held at 28 February 2014**

**\$16,815,398.86**

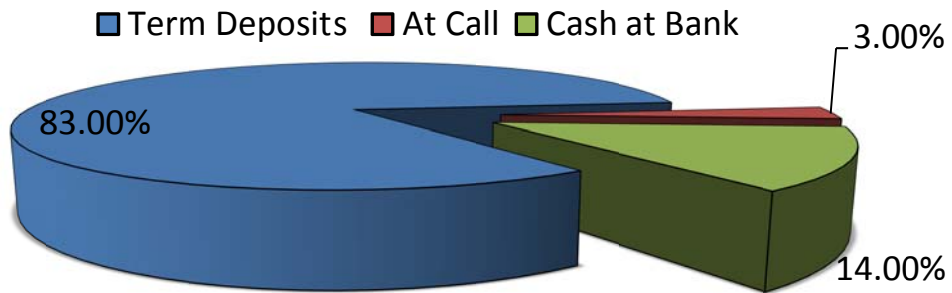
Items requiring Council Resolution

RESOLUTION

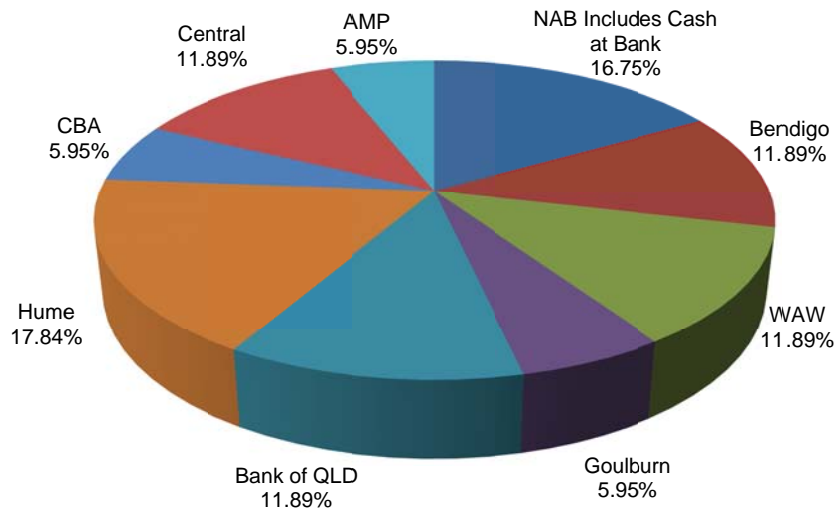
Summary of Total Fund Held at Month End



Funds Held By Council at Month End



Funds held with each Institution at Month End



Items requiring Council Resolution

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**5.2 TOCUMWAL FRIENDS OF THE LIBRARY  
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:** 03.095.2

**RECOMMENDATION:** - that the Council:

A) Revoke existing members of the Tocumwal Friends of the Library  
Committee of Management.

B) pursuant to Section 355 of the Local Government Act, 1993, appoint  
the following persons to the TOCUMWAL FRIENDS OF THE  
LIBRARY Committee of Management:

President	Liz McLaurin
Secretary	Esther Bryan
Treasurer	Susan Tyler
Committee	Lois Johnson, Josie Johnson, Gayle Blakey, Ann Way, Jan Whitten, Rosita Baker, Kathleen Ritchie and Barbara Davis

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**REPORT:**

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

RESOLUTION

Items requiring Council Resolution

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**5.3 RETREAT PUBLIC HALL 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:** 05.101.5

**RECOMMENDATION:** - that the Council:

- A) Revoke existing members of the Retreat Public Hall Committee of Management.
- C) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the RETREAT PUBLIC HALL Committee of Management:

President	Stephen Kydd
Secretary	Rose Tilley
Treasurer	Kerry-Anne Kydd
Committee	John Beer, Lorraine Beer, Colin Taylor, Gill Taylor, Stephen Barnes, Marj Maxwell, Gary Wright, Dorothy Wright.

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**REPORT:**

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



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**Items requiring Council Resolution**

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**5.4 CONTRIBUTION – LEGAL EXPENSES****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.3 Strengthen strategic relationships and partnerships with community, business and government**FILE NO:** 14.165.7**RECOMMENDATION:** - that the Council contribute \$248.74 to Local Government NSW towards the legal expenses of Canterbury City Council as requested.

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**REPORT:**

The Council has received a request from Local Government NSW (LGNSW) for assistance with Legal Costs for Canterbury City Council under LGNSW's legal assistance policy. The request is for the amount of \$248.74 including GST.

Where a council has a matter before a court where the outcome is of interest to the industry in NSW as a whole, LGNSW may seek the financial assistance of other councils in NSW to defray costs.

Local Government NSW Policy and Guidelines - *Requests for Assistance with Legal Costs* states:

*A Council may apply for the support of the Association in seeking contributions from all Councils to assist with its legal costs where that Council is involved in litigation and the principle in question in the matter:*

- involves a major Local Government principle which may be eroded but for pursuing the matter; and*
- is one which should not be eroded merely because the Council involved is not itself, so seriously affected by the outcome of the case that the legal costs associated with pursuing the principle outweigh any other consequences. That is, just because the council involved itself, has decided in all the circumstances not to further pursue the matter, legal assistance can be provided where the matter is of such significance and broader concern to the whole of local government to warrant pursuing the principle;*

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### Items requiring Council Resolution

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In July 2013 the Council resolved to revoke its policy to deal with such matters and directed that requests of this nature – regardless of the amount – were to be brought to the Council for consideration.

The request relates to a matter before the NSW Court of Appeal regarding the granting of an easement over public open space. Canterbury City Council has argued that if the decision is allowed to stand it would create an unwelcome precedent and have adverse implications for other Councils looking to protect public recreation land from alienation for private purposes.

While the matter in question does not affect the Council directly, this Council has in the past been the recipient of assistance from other councils under this scheme.

There is no obligation on the Council to provide assistance should it choose not to do so.

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**Items requiring Council Resolution**

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**5.5                    2014 BUSINESS AND ENVIRONMENT AWARDS****AUTHOR:**            General Manager**FILE NO:**            02.023.2

**RECOMMENDATION:** - that the Council, pursuant to the provisions of its Drug and Alcohol Free Workplace Policy designate the 2014 Business and Environment Awards as an “approved event” at which alcohol may be provided and consumed in accordance with the Policy.

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**REPORT:**

As Councillors may be aware, its Drug and Alcohol Free Workplace Policy, in part, precludes the consumption of alcohol in the workplace.

As the Business and Environment Awards are a workplace function and the consumption of alcohol would be precluded unless the Council designates the function as an “approved function” and permits such consumption.

The Policy requires that where such approval is given, alternative drinks i.e. low alcohol and soft drinks are provided as well as food, and that any alcohol is served by “responsible service of alcohol” qualified persons.

The above conditions will be met at the event.

The Council could choose to not allow alcohol consumption at the event, however it is believed that this would limit support for the event whilst also being ineffective due to the venue being a Registered Club with alcohol readily available in other sections of the facility.

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 Items requiring Council Resolution
 

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**5.6 NSW PUBLIC LIBRARY FUNDING CAMPAIGN**
**AUTHOR:** Library Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 03.095.2

**RECOMMENDATION:** - that the Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

- a. Making representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services;
- b. Writing to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;
- c. Approving the distribution of NSW Public Library Associations campaign information in Council libraries;
- d. Taking a lead role in activating the campaign locally.

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**REPORT:**

The NSW public library funding situation is an historic issue that has been ignored by successive NSW governments. The funding level has now reached a crisis point. The key issues are:

- NSW receives the lowest per-capita funding for public libraries from the State Government of all states in Australia;
- State Government expenditure on public libraries has decreased as a proportion of total public library expenditure from 23% in 1980 to 7% in 2013.
- NSW Local Government councils are currently paying 93% of the costs to operate public libraries in NSW (which are governed by state legislation);
- The current NSW Public Library Funding Strategy includes three components:

### Items requiring Council Resolution

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- Per capita subsidy (legislated at \$1.85 per NSW resident) - \$13,503,243 in 2012-13,
- Disability & Geographic Adjustment (DGA) - includes a component of population-based payments and a proportion of payments based on five disability factors developed by the NSW Local Government Grants Commission (pre-school children; people over 65; people from a NESB; population distribution; isolation ) - \$6,551,966;
- Library Development Grants - \$549,996 (this amount has reduced from \$3.3m in 2005-06)
- The NSW Public Library Funding Strategy is not indexed to population growth or the consumer price index (CPI). This means that:
  - Funds have been taken from the Library Development Grant pool over a number of years to meet the increased per capita subsidy costs (and the per-capita component of the Disability and Geographic Adjustment fund) as the NSW population increases each year. If the government had not provided an “additional” \$2m to maintain the Country Public Libraries fund contribution in 2013-14, there would be no funding left for Library Development Grants; and
  - If the current funding situation is not addressed urgently, NSW councils will suffer a reduction in their Disability and Geographic Adjustment payments to meet the increase in legislated per-capita subsidy costs for additional NSW population.

#### Action to date

During the 2011 election campaign, the current NSW State Government made a pre-election commitment to undertake a comprehensive review of the quantum and allocation of funding for NSW public libraries. To date there has been no significant action by the government to meet this commitment.

In the absence of any government action the Library Council of NSW used the government’s pre-election commitment as a trigger to convene a committee of representatives from the Public Libraries NSW Association (representing regional and rural councils and libraries), the NSW Metropolitan Public Libraries Association (representing metropolitan councils and libraries), and the State Library of NSW, to develop an evidence-based submission about public library funding.

The Library Council of NSW then provided a submission to the State Government called *Reforming Public Library Funding* in October 2012. The evidence-based submission recommended a fairer, simplified and more transparent method for the distribution of funds.

The following principles for a new approach were recommended:

### Items requiring Council Resolution

- Establish a base level of funding for councils with populations below 20,000 people (a safety net for small councils);
- Grant a modest increase in per capita allocations for all councils to recognise cost movements since 1994;
- Address disadvantage transparently through the application of appropriate disability factors;
- Phase out anomalies in current allocations due to former council amalgamations;
- Ensure sustainability by providing that no council receives less recurrent funding than 2012/13; and
- Build and maintain infrastructure via a substantial capital fund, entitled the *Building Library Infrastructure Program*.

The Library Council recommended that recurrent public library funding to councils be adjusted from the current \$26.5M to \$30M per annum from 2013/14 and indexed from the following year. This would be allocated as follows: 68% (\$20.4M in 2013/14) to councils by population with a base level of funding for councils with fewer than 20,000 residents, 17% (\$5.1M) to councils by NSW Local Government Grants Commission (LGGC) disability factors to explicitly address disadvantage and 15% (\$4.5M) applied to Statewide Programs.

In addition, a *Building Library Infrastructure Program* of \$30M per annum for building and maintaining infrastructure was recommended to replace the now defunct provision of grants from operating funds. This program would enable councils to renew library buildings, systems, collections and equipment in regional, urban and growth areas. It was proposed that this be phased in, rising to \$30M over the 4 years from 2013/14 and indexed thereafter.

Many NSW councils wrote to Hon. George Souris, Minister for the Arts during 2012, urging the State Government to adopt *the Reforming Public Library Funding* strategy. Despite a high level of expectation that the State Government would fulfil its pre-election undertaking to review and increase its funding allocation to NSW public libraries, this did not eventuate in the 2013 state budget.

#### **Campaign**

The NSW Public Library Associations (NSWPLA), representing country and metropolitan libraries, are now co-ordinating a targeted campaign to bring the situation to the attention of politicians and funding decision makers to address the problem.

Local Government NSW (LGNSW) and the Australian Library and Information Association (ALIA) are assisting NSWPLA in this campaign and information will be provided to councils and public libraries on an ongoing basis from these bodies throughout the campaign. In addition, local supporters of public

### Items requiring Council Resolution

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libraries including Friends of the Library groups and library users will be engaged in the campaign to lobby State Members.

Given that 44% of the state's population are library users, it is anticipated that there will be strong support for the campaign in the community. Research also highlights the high value placed on public libraries by users and non-users alike. There will be high level media engagement and local and national champions of public libraries will be advocating for funding reform.

#### **Conclusion**

There is currently a high degree of uncertainty as to the level of ongoing funding for public libraries in NSW from the State Government. The intent of the NSW Library Act in 1939 was for equal funding from state and local governments to provide library services. Since that time local government has increasingly carried the funding burden and the situation has deteriorated significantly over the past few decades. Without urgent action from local government and NSW Public Library Associations, this situation will continue and local councils will once again be forced to pick up the funding shortfall.

RESOLUTION

## Items requiring Council Resolution

**5.7 2014 CORPORATE WORKSHOP****AUTHOR: General Manager****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. Use the currently unallocated tourism budget funds of \$40k to fund development of a new tourism strategy based on the development of new tourism product and development of industry skills with such strategy development being driven by Economic Development Officer and supported by consultation with industry representatives; and further when the new strategy is developed and adopted use the Council's presently available tourism budget to implement the strategy, including funds presently allocated to the Tocumwal Visitor information Centre.**
- 2. Reclassify the intended results of the "Optimise utilization of Council assets and facilities" section of its Volunteer Strategy and Action Plan to have the following intended results classified as a high priority:**
  - a. Volunteers attend locally provided training in:**
    - i. Fund Raising**
    - ii. Marketing and Promotion**

**And the following be classified as a low priority:**

- b. Council assets and facilities meet user requirements and baseline requirements x facility for Asset Management Service Levels and Planning**
- c. Council and Volunteer Committee Asset Management Planning and expectations are aligned**
- d. Volunteers attend locally provided training in:**
  - i. Volunteer Management**
  - ii. Strategic Planning / Project Management**



**Items requiring Council Resolution**

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3. **Reclassify the intended results of the “Review in consultation with users and with reference to WHO Age-Friendly Checklists Pedestrian Access and Mobility Plans (PAMPS)” section of its Ageing and Liveability Action Plan to have the following intended results classified as a high priority:**
  - a. **Age friendly pedestrian access in and between open space, public buildings and retail centres**
4. **Reclassify the issue of “Support the development of Age Care Industry cluster in Berrigan Shire” section of its Economic Development Strategy and Action Plan to a “deferred” status.**
5. **Reclassify the issue of “Invest in planned redevelopment of Tocumwal Foreshore” section of its Economic Development Strategy and Action Plan to a “deferred” status.**
6. **Reclassify the issue of “Invest in development of walking tracks and trails River Bank Reserves” section of its Economic Development Strategy and Action Plan to a “deferred” status.**
7. **Reclassify the issue of “Create live, work, and invest prospectus and promotional plan for each town” section of its Economic Development Strategy and Action Plan to a “high” priority status**
8. **Sets its performance targets at 100% for each strategic objective area in its Delivery Program on the basis that it would regularly review these to ensure that only those items of continuing relevance were included.**
9. **Adopt a policy position that its preference for future HACC services is that it exits a service delivery role, preferably, through the transition of the BSC service to another, relatively locally based, provider. In pursuing this direction the Council will consult with its staff and Jerilderie Shire Council.**
10. **Continue to lobby for retention of funding for direct provision of Early Intervention funding to ensure that those in need of the service continue to be identified and serviced. In pursuing this direction the Council will consult with its staff and Jerilderie Shire Council.**
11. **Adopt a policy position that in relation to the funding proposal received by the Council it advise CBBTD Inc and Barooga Advancement Group that given its decision to develop a tourism strategy based on product development and industry skills development the Council does not support funding of the Cobram**

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Items requiring Council Resolution

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Barooga Visitor Information Centre and further, that the Council explain the rationale for its position to the two organizations

12. Staff further investigate the use of social media as a part of the Council's engagement strategies and report back to the Council.
13. Meet with Chambers of Commerce, Berrigan and District Development Association and Barooga Advancement Group to determine what contribution towards the proposed position of Executive Officer they can fund and that this information be considered as a part of the development of the 2014/2015 budget.
14. Continue to conduct regular community surveys and that the Water and Sewer Funds also contribute appropriately to the cost of such surveys.
15. Proceed with the purchase of additional Profile Id products at a cost of \$8,000.
16. Develop a strategic frame/policy to guide decision making when the future of community assets is considered.
17. Not support participation in a Country Living Expo.
18. Consult with Albury and Corowa Councils about development of a joint submission in relation our competitive disadvantage for delivery to State and Federal Governments.
19. Issue a Council Media Release to the effect that:
  - BSC supports RAMROC proposal retention of current ROC with increased authority scope prescribed by legislation
  - BSC position that it does not support any recommendation that it merge with neighbouring LGAS
  - BSC position that the Panel provided no evidence that ratepayers or region would benefit from an amalgamation
20. That staff provide some basic financial information regarding 50 metre pools to the Council.
21. Lobby the NSW to provided additional funds for learn to swim programs from its pool safety program.

Items requiring Council Resolution

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**REPORT:**

The Council conducted its 2014 Corporate Workshop on 20<sup>th</sup> & 21<sup>st</sup> February 2014.

A summary of the Workshop is circulated with this agenda as Appendix "A".

The above recommendation reflects the agreed outcomes from the workshop and its adoption by the Council would formalize them.

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## Items requiring Council Resolution

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### 5.8 FINANCIAL HARDSHIP POLICY

**AUTHOR:** Revenue Officer

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 25.138.1

**RECOMMENDATION:** - that the Council adopt the following draft Policy for Financial Hardship.

#### 1. POLICY STATEMENT

This policy recognises that due to exceptional circumstances, ratepayers may at times encounter difficulty in paying their rates and charges. *The Local Government Act 1993* allows Council to provide a range of measures to assist those ratepayers.

This policy prescribes the procedures to be followed in providing financial assistance to those ratepayers and debtors who are suffering genuine financial hardship with the payment of their rates and / or charges.

#### 2. PURPOSE

To provide a formal process for the administration of assisting those ratepayers who are experiencing genuine financial hardship with the payment of their rates and / or charges.

To provide a decision making framework for the appropriate assessment of all financial hardship applications.

To fulfil the statutory requirements of the Local Government Act and other relevant legislation in relation to the recovery of rates, charges, fees and other debts owing to Council.

#### 3. SCOPE

This policy is applicable to all property owners within the Shire boundaries.

#### 4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 2.2.2.3 –

*Coordinate Council Investments, financial management, financial operations & processing.*

## Items requiring Council Resolution

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### 5. POLICY IMPLEMENTATION

#### 5.1 POLICY GUIDELINES

- Council will treat all people fairly and consistently under this policy.
- Council will consider all matters relating to this policy with complete confidentiality.
- Council will treat people with respect and compassion in considering their circumstances.

#### 5.2 HARDSHIP PROVISIONS / LEGISLATION

**Section 564 of the *Local Government Act 1993*** provides for Council to accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and also to write off or reduce interest accrued on rates or charges if the person complies with the agreement.

**Section 567 of the *Local Government Act 1993*** provides for Council to write off accrued interest on rates or charges payable by a person if, in Council's opinion the reasons that the person was unable to pay the rates or charges when they became due and payable were beyond the person's control, or that the person is unable to pay the accrued interest for reasons beyond their control, or that the payment of the accrued interest would cause the person hardship.

**Section 582 of the *Local Government Act 1993***, as amended, provides for Council to waive or reduce rates, charges and interest due by any person prescribed by regulations who is in receipt of a pension, benefit or allowance under the *Social Security Act 1991* of the Commonwealth.

**Section 601 of the *Local Government Act 1993*** provides for ratepayers who incur a rate increase in the first year following a revaluation of land values to apply to Council for a rate relief if the increase in the amount of rates payable would cause them substantial hardship. In such circumstances Council has the discretion to defer payments or waive interest.

#### 5.3 HARDSHIP CRITERIA

The following conditions apply to all applications under this policy:

- That the property for which the hardship application relates is the principal place of residency or occupancy of the applicant, in line with guidelines of Pensioner Concession Subsidy.
- That the actual hardship exists and is genuine.

### Items requiring Council Resolution

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#### 5.4 MAKING AN APPLICATION FOR HARDSHIP

Consideration will be given to cases of hardship only on the following grounds:

- **Death / Terminal illness** – consideration will be given to waiving interest on rate and water accounts for a specific term.
- **Temporary illness / serious accidents** – consideration will be given to waiving interest on rate and water accounts for a specific term.
- **Financial Hardship** (extenuating circumstances) beyond the control of the ratepayer.
- **Unemployment** – this policy does not deem unemployment and consequent loss of incomes as automatic or entirely sufficient to support a claim for hardship; it will however be a consideration in the context of structuring a hardship payment plan. The debt obligation plus interest remains with the debtor, however their situation is assisted by way of a plan which is structured through consultation to recognise the financial constraints that exist.
- **For Natural Disasters** (bushfire, flooding, drought) - consideration will be given to waiving interest for rates and water accounts for a specific term.
- **Valuation Changes** - Under Section 601 of *the Act* which relates to Hardship resulting from certain valuation changes, Council has discretion to defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer, for such period and subject to such conditions as it thinks fit.

Ratepayers seeking concessions for financial hardship are to submit an application using the attached form outlining their particular circumstances. The application will be reviewed by the Revenue Officer and Finance Manager with the final approval agreed by the Director Corporate Services.

A determination under this policy will be assessed against financial data provided by the applicant. Supporting documentation may include but is not limited to:

- A copy of recent bank / financial institution statements.
- Details of all income and expenditure (monthly budget analysis)
- Letter confirming financial hardship from a recognised financial counsellor or financial planner.
- A letter with details of the extent of the losses of property will be required with regards to apply under the natural disaster clause.

## Items requiring Council Resolution

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All applications for hardship caused through revaluation must be received within 1 month of the due date for payment of the first instalment notice where the new valuation has taken effect.

### 5.5 PROCEDURES

The following procedures will be followed with all financial hardship concessions:

- Any mutually acceptable repayment schedule will have a maximum 24 month term.
- All repayment schedules are to be reviewed at the end of each quarter and upon the raising of further rates and charges.
- Any future rates and charges raised against the property are due and payable on the due dates.
- Interest will be charged and then written off where a repayment schedule is adhered to and the arrangement provides for accrued interest to be waived.
- Where a scheduled repayment default occurs, interest will be calculated and levied from the date of the last payment made in accordance with the repayment schedule. The ratepayer will be contacted in regard to the repayment default.

### 5.6 AMOUNT OF HARDSHIP CONCESSION

The amount of any financial hardship concession will be determined on the merits of each individual application but will be limited to the waiving of interest charges that would otherwise be applicable during the period of a mutually acceptable repayment arrangement.

Council reserves the right to vary the terms and conditions of this policy.

### 5.7 REPORTING

A register of all applications received by Council will be kept.

Reports to Council will be provided on a quarterly basis outlining the shortfall in Council income as a result of assistance provided.

### 5.8 PRIVACY

As per the Council's Privacy Management Plan, Personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any person unless we are required by law to do so or authorised to do so by the person whom the personal information relates.

## Items requiring Council Resolution

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### 6. RELATED POLICIES

#### 6.1 LEGISLATION

- Local Government Act 1993
- Local Government Regulation 1994
- Privacy and Personal Information Act 1998

#### 6.2 POLICIES

- Revenue Policy
- Pensioner Concession Policy
- Privacy Management Plan

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#### REPORT:

The Local Government reform program – Promoting Better Practice Report on Berrigan Shire Council which was carried out 9 December 2004 made a recommendation:

Assets and Financial Management section Point 14:

*“Council should investigate the development of a rating hardship policy.”*

Berrigan Shire Council has always included a section in the Revenue Policy dealing with Financial Hardship, however Victoria has recently had to implement a Local Government Hardship Code of Practice, thus ensuring a consistent regulated processing the practice of outstanding debt being collected where hardship factors are present and proven.

It is important for Berrigan Shire Council to proactively develop a separate hardship policy (still linked with the Council’s Revenue Policy) prior to it becoming a statutory requirement in NSW.

The proposed policy sets the terms and conditions on which the Council will offer assistance to ratepayers who are suffering genuine financial hardship. The policy aims to promote consistency, and provide a formal process for administering assistance, it also sets out the guidelines to be followed in making an application.

This policy is a draft for discussion and the Council may see fit to modify this or choose not to adopt any policy at all.



**Items requiring Council Resolution**

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**5.9 OFF-LEASH AREA FOR COMPANION ANIMALS****AUTHOR:** Development Manager**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities**FILE NO:** 11.011.1 & 21.101.10**RECOMMENDATION:** - that the Kelly Street Nature Reserve is by order declared an off-leash area in accordance with the provisions of Section 13(6) of the Companion Animals Act 1998.

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**REPORT:**

Council has been in receipt of requests for the provision of an off-leash area in the township of Tocumwal to enable members of the community to provide for the exercise needs of their dogs.

The Companion Animals Act 1998 provides for the mechanism for councils to declare by order a public place to be an off-leash area.

In this instance it is considered that the land known as the Kelly Street Nature Reserve, which is centrally located within the township, as an appropriate area to allow for dogs to meet their exercise needs whilst under the supervision of their owners. The Reserve is of an appropriate size for the proposed purpose and has pedestrian access from a number of directions. See appendix "B".

Whilst the area is not securely fenced the Reserve has sufficient area to ensure that animals do not pose a danger to other users of the area. It should be noted that dogs are required to be under the control of a competent person while in the off-leash area and the penalty provisions of the Act still prevail if an incident occurs. The dedication of the land as an off-leash area may also be of assistance in reducing the number of dogs wandering as many will have their exercise needs met in a controlled environment.

There are some costs involved such as the provision of appropriate signage to identify the area and for the provision of waste receptacles for the disposal of faeces which should be minimal.

It is recommended that the Kelly Street Nature Reserve be declared an off-leash area to provide for the needs of the community and their companion animals.

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**Items requiring Council Resolution**

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**5.10 INTERNATIONAL CHILDREN'S GAMES – LAKE MACQUARIE****AUTHOR:** Strategic & Social Planning Coordinator**STRATEGIC OUTCOME:** Supported and engaged communities**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation**FILE NO:** 02.036.7**RECOMMENDATION:** - that the initial registration and any subsequent participation in the International Children's Games-Lake Macquarie be coordinated by the Council's Youth Development Committee.

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**REPORT:**

Council received 14 February 2014 from the office of the Mayor of the City of Lake Macquarie Council an invitation to young athletes aged 12 to 15 years and who live in the Shire to participate in the International Children's Games.

Lake Macquarie is hosting the 48th International Children's Games from 6-11 December 2014 and it is the first time that these Games are being held in the Southern Hemisphere. Competitors at the Games can compete in swimming, gymnastics, track and field, football, sailing, water polo, golf and, BMX events.

Places at the Games are limited and the Shire Council has received this invitation due to the hard work of Penny Jones a Tocumwal resident and member of the Finley Little Athletics Club and the desire of the Mayor of Lake Macquarie that rural children have the opportunity of participating in an international sporting event.

Council's Youth Development Committee resolved at its meeting 27<sup>th</sup> February 2014 that it would support participation in the Games as a Youth Development Committee activity subject to the full Council's acceptance of this invitation.

As a Youth Development Committee project, community members who have expressed an interest in promoting, sponsoring and supporting athletes as part of a Berrigan Shire Council delegation to the Games can do so as volunteer members of the Berrigan Shire Council Youth Development Committee. This will ensure that all issues related to participation, registration fees, insurance for fund raising activities, and delegation formation and membership can be coordinated by the Berrigan Shire Youth Development Committee.

## Items requiring Council Resolution

**5.11 LOCAL ENVIRONMENT PLAN AND RATING CATEGORIES****AUTHOR:** Revenue Officer**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting**FILE NO:** 25.138.1**RECOMMENDATION:** - that the Council:

- declare that it has made the following categorisations of rateable land shown in the table below in accordance with Section 514 of the *Local Government Act 1993*, with the categorisations to take effect from 1 July 2014.
- provide notice in the approved form to the affected rateable persons regarding the Council's categorisations in accordance with Section 520 of the *Local Government Act 1993*

Assess #	Property	Rating Category
10104	67-69 Nangunia St, Barooga	Residential - BAR
10105	71-77 Nangunia St, Barooga	Residential - BAR
10106	79 Nangunia St, Barooga	Residential - BAR
10107	95 Nangunia St, Barooga	Residential - BAR
10121	Lot 171 Snell Rd, Barooga	Residential - BAR
70	36-42 Snell Rd, Barooga	Residential - BAR
71	44-48 Snell Rd, Barooga	Residential - BAR
72	50-56 Snell Rd, Barooga	Residential - BAR
73	58-62 Snell Rd, Barooga	Residential - BAR
74	64-68 Snell Rd, Barooga	Residential - BAR
75	70-74 Snell Rd, Barooga	Residential - BAR
76	76-78 Snell Rd, Barooga	Residential - BAR
77	82-88 Snell Rd, Barooga	Residential - BAR
948	2 Putter Ct, Barooga	Residential - BAR
949	3 Putter Ct, Barooga	Residential - BAR
947	1 Putter Ct, Barooga	Residential - BAR
950	4 Putter Ct, Barooga	Residential - BAR
951	5 Putter Ct, Barooga	Residential - BAR
819	6 Putter Ct, Barooga	Residential - BAR
942	7 Putter Ct, Barooga	Residential - BAR
943	8 Putter Ct, Barooga	Residential - BAR
944	9 Putter Ct, Barooga	Residential - BAR
945	10 Putter Ct, Barooga	Residential - BAR

RESOLUTION

## Items requiring Council Resolution

946	11 Putter Ct, Barooga	Residential - BAR
952	12 Putter Ct, Barooga	Residential - BAR
10201	Buchanans Road	Residential - BAR
10504	25 Burma Road, Tocumwal	Residential - TOC
10475	Finley Road, Tocumwal	Residential - RURAL
10489	Dean Street, Tocumwal	Business - RUR TOC
10587	189 Newell Highway, Tocumwal	Business - RUR TOC
10589	187 Newell Highway, Tocumwal	Business - RUR TOC
10438	Tuppall Road, Tocumwal	Business - RUR TOC
10586	47 Tuppall Road, Tocumwal	Business - IND TOC
9256	42-46 High Street, Berrigan	Residential - BER
9255	34-40 High Street, Berrigan	Residential - BER
9257	48 High Street, Berrigan	Residential - BER
9258	50-56 High Street, Berrigan	Residential - BER
9254	16-32 High Street, Berrigan	Residential - BER
9253	16-18 Greggeries Road, Berrigan	Residential - BER

## REPORT:

The adoption and gazettal of the Council's new Local Environmental Plan (LEP) last year has required the Council to review the categorisation of the rateable land in the Shire area.

While zoning for planning purposes and categorisation for rating purposes are different and independent concepts, often a property's zoning and location (with respect to the town boundary) may have a significant bearing on the rate category applicable to a property, and therefore the rates levied.

Zoning is Councils desired and/or permitted land use, rating is based on actual land use and is the first instance used for rate categorisation, however if a property cannot be categorised by its predominant use or by following the guidelines in the Revenue Policy, land is categorised using the zoning in the LEP.

The location of the town boundary may also affect the levying of annual charges for services such as Water Access, Sewer Supply, Waste and Stormwater

The recent changes in the LEP have had a significant effect on the rating categories of **38 properties** within the Berrigan Shire Council area.

Properties have been affected in three ways:

1. 34 Rural Residential properties are proposed to be re-categorised as Residential properties for rating purposes,

## Items requiring Council Resolution

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2. 4 Farmland properties are proposed to be moved to the Business Category
3. 1 property is proposed to be moved from Rural Residential to Business – Tocumwal.

### BACKGROUND

In accordance with Section 514 of the Local Government Act 1993 (Act), each parcel of land within Berrigan Shire has been categorised for rating purposes and owners are notified in conjunction with their annual rate notice.

Under Section 554 of the Act, all land is rateable unless it is exempt from rating. Sections 555 and 556 of the Act define the categories under which a parcel of land must fall in order to be eligible for exemption from rating. Ratepayers that are eligible under these sections may apply to Council for exemption from rating.

The Act also provides for all rateable properties to be categorised into one of four categories of ordinary rates as follows:

- Farmland Category
- Mining Category
- Residential Category
- Business Category.

Council can choose to have sub-categories under each of these basic categories should it wish.

### FARMLAND

For land to be categorised as farmland in terms of section 515 it must be:

- a) a parcel of rateable land
- b) valued as one assessment
- c) the dominant use of which is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, beekeeping, horticulture, vegetable growing, the growing of crops of any kind, forestry, or aquaculture within the meaning of the Fisheries Management Act 1994, or any combination of those businesses or industries) which:
  - has a significant and substantial commercial purpose or character; and
  - is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).

## Items requiring Council Resolution

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### RESIDENTIAL

For land to be categorised as residential

- a) its dominant use is for residential accommodation (otherwise than as a hotel, motel, guest-house, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations), or
- b) in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes, or
- c) it is rural residential land.

#### **Sub-Category: Residential Rural**

Land categorised as Residential Rural

- (a) is the site of a dwelling; and
- (b) is not less than 2 hectares and not more than 40 hectares in area; and
- (c) is either:
  - i) not zoned or otherwise designated for use under an environment planning instrument; or
  - ii) zoned or otherwise designated for use under such an instrument for non-urban purposes; and
- (d) does not have a significant and substantial commercial purpose or character.

### MINING

Section 517(1) of the Act states that land is to be categorised as mining if it is:

- a) a parcel of rateable land;
- b) valued as one assessment,
- c) the dominant use of which is for a coal mine or metalliferous (i.e. metal-type) mine.

### BUSINESS

Section 518 of the Act states that land is to be categorised as business if it cannot be otherwise categorised as farmland, residential, or mining.

Before making the ordinary rate, council may determine a sub-category or sub-categories for the "business" category: section 529(1).

## Items requiring Council Resolution

By virtue of section 529(2) of the Act, a sub-category may be determined for the "business" category according to a centre of activity.

Berrigan Shire currently has three sub-categories for Business in each of the four towns:

- Business – Hospitality
- Business – Industry
- Business – Rural

However, each of these sub-categories currently has the same rate in the dollar in each town.

### PROPERTIES AFFECTED

Below is a table showing the properties affected:

<b>-Barooga Properties Nangunia Street</b>				
<b>Property</b>	<b>Area</b>	<b>Rating Category</b>	<b>Proposed New Zoning</b>	<b>Proposed New Rating Category</b>
67-69 Nangunia St, Barooga	1.216ha	Residential - RURAL	Village	Residential - BAR
71-77 Nangunia St, Barooga	1.581ha	Residential - RURAL	Village	Residential - BAR
79 Nangunia St, Barooga	0.916ha	Residential - RURAL	Village	Residential - BAR
95 Nangunia St, Barooga	0.809ha	Residential - RURAL	Village	Residential - BAR
<b>- Snell Road</b>				
Lot 171 Snell Rd, Barooga	0.516ha	Residential - RURAL	Village	Residential - BAR
36-42 Snell Rd, Barooga	0.622ha	Residential - RURAL	Village	Residential - BAR
44-48 Snell Rd, Barooga	0.421ha	Residential - RURAL	Village	Residential - BAR
50-56 Snell Rd, Barooga	0.472ha	Residential - RURAL	Village	Residential - BAR
58-62 Snell Rd, Barooga	0.525ha	Residential - RURAL	Village	Residential - BAR
64-68 Snell Rd, Barooga	0.497ha	Residential - RURAL	Village	Residential - BAR
70-74 Snell Rd, Barooga	0.459ha	Residential - RURAL	Village	Residential - BAR
76-78 Snell Rd, Barooga	0.407ha	Residential - RURAL	Village	Residential - BAR
82-88 Snell Rd, Barooga	0.405ha	Residential - RURAL	Village	Residential - BAR
<b>- Putter Court</b>				
2 Putter Ct, Barooga	0.346ha	Residential - RURAL	Village	Residential - BAR
3 Putter Ct, Barooga	0.350ha	Residential - RURAL	Village	Residential - BAR
1 Putter Ct, Barooga	0.354ha	Residential - RURAL	Village	Residential - BAR
4 Putter Ct, Barooga	0.313ha	Residential - RURAL	Village	Residential - BAR
5 Putter Ct, Barooga	0.293ha	Residential - RURAL	Village	Residential - BAR
6 Putter Ct, Barooga	0.300ha	Residential - RURAL	Village	Residential - BAR
7 Putter Ct, Barooga	0.250ha	Residential - RURAL	Village	Residential - BAR
8 Putter Ct, Barooga	0.250ha	Residential - RURAL	Village	Residential - BAR
9 Putter Ct, Barooga	0.250ha	Residential - RURAL	Village	Residential - BAR
10 Putter Ct, Barooga	0.250ha	Residential - RURAL	Village	Residential - BAR
11 Putter Ct, Barooga	0.250ha	Residential - RURAL	Village	Residential - BAR
12 Putter Ct, Barooga	0.620ha	Residential - RURAL	Village	Residential - BAR

RESOLUTION

## Items requiring Council Resolution

Buchanans Road	0.405ha	Residential - RURAL	Village	Residential - BAR
<b>- Tocumwal Properties</b>				
25 Burma Road, Tocumwal	1.175ha	Residential - RURAL	Village	Residential - TOC
Dean Street, Tocumwal	0.543ha	Farmland - TOC	Gen Industrial	Business - RUR TOC
189 Newell Highway, Tocumwal	1.768ha	Farmland - TOC	Gen Industrial	Business - RUR TOC
187 Newell Highway, Tocumwal	0.0336	Farmland - TOC	Gen Industrial	Business - RUR TOC
Tuppal Road, Tocumwal	7.56ha	Residential - RURAL	Gen Industrial	Business - RUR TOC
47 Tuppal Road, Tocumwal	0.754ha	Farmland - TOC	Village	Business - IND TOC
<b>- Berrigan Properties</b>				
42-46 High Street, Berrigan	0.228ha	Residential - RURAL	Village	Residential - BER
34-40 High Street, Berrigan	0.228ha	Residential - RURAL	Village	Residential - BER
48 High Street, Berrigan	0.076ha	Residential - RURAL	Village	Residential - BER
50-56 High Street, Berrigan	0.335ha	Residential - RURAL	Village	Residential - BER
16-32 High Street, Berrigan	0.683ha	Residential - RURAL	Village	Residential - BER
16-18 Greggerys Road, Berrigan	0.513ha	Residential - RURAL	Village	Residential - BER

**1. Residential Rural – Residential Ordinary Rates (33 Properties)**

Properties inside the town boundaries are categorised in the town rating category and are levied town rates (i.e. Residential or Business). Small semi-rural lots fringing on the outside the town boundary, which do not fit the Farmland category criteria, are usually categorized as Residential Rural.

The new LEP expands the town boundaries, bringing some of the semi-rural properties into the towns. As a result, the Council should change their rating category accordingly.

The town boundary changes in the LEP mainly effect properties in Barooga and Berrigan, with one property being affected in Tocumwal.

- Barooga
  - Nangunia Street,
  - Snell Road, and
  - Putter Court.
- Berrigan,
  - High Street, and
  - One property in Greggerys Road.
- Tocumwal
  - One property on Burma Road.

Maps showing the location of these properties are attached as Appendix “C”.

Currently (2013/14), the Residential Rural Ordinary rate is significantly less than the Town rates.



### Items requiring Council Resolution

For example:-

Category	Locality	Rate-in-\$
2013/14 Residential Rural	All towns	\$0.0057997
2013/14 Business, Residential	Berrigan	\$0.03272065
	Barooga	\$0.00942164
	Finley	\$0.02955069
	Tocumwal	\$0.01060632

The changes in rating category will have a significant effect on the general rates paid on properties re-categorised under the changes in the LEP.

#### *Annual Charges*

The basic premise of Council's current rating policy is that those properties inside the town boundaries will incur ALL annual charges, whether accessed or not, and those outside the town will incur annual charges usually only if these services are accessed. The town boundary expansion will therefore have a significant effect on properties brought into the town currently are not being charged.

Council's 2013/14 Annual Charges are:-

Water Access Charge	\$461.00
Sewerage Supply Charge	\$464.00
Domestic Waste Collected Charge	\$249.00
Domestic Waste Uncollected	\$51.00
Stormwater Charge	\$25.00
<b>TOTAL ANNUAL CHARGES</b>	<b>\$1,250.00</b>

#### **2. Farmland – Business Rural Tocumwal (4 Properties)**

The properties moving from farmland to Business Rural - Tocumwal are all located on the Newell Highway, Tocumwal.

These properties are being re-categorised as Business Rural - Tocumwal as they are zoned General Industrial and according to Council records these properties

1. either have an existing business operating from the property, or
2. are being categorised due to the zoning in the LEP and factors such as size (a property must be over 40ha to be considered a viable farm unless it can be proven that it is a high intensity farming enterprise), predominant use and occupation ( If no residence is situated on the land, it cannot be considered as Residential Rural.)
3. they fall into the Business Rural – Tocumwal category as they are not located in a center of activity ( Business Ordinary – Tocumwal) and business is the default category if a parcel of land cannot satisfy any of the conditions of any other rating category.

### Items requiring Council Resolution

2013/14 Farmland Rate	\$0.0065855
2013/14 Business Rural – Tocumwal	\$0.01060632

We can assume that the general rates on these properties will rise significantly as the Rate-in-the-\$ increase is substantial. Annual service charges on these particular blocks are not applicable so the only increase will be within the General Rates levied.

#### **3. Residential Rural to Business Rural – Tocumwal**

Only one property has been affected under the Residential Rural to Business Rural – Tocumwal category changes. This particular property is vacant land but the change in zoning to General Industrial means a re-categorisation would be appropriate as it has no predominant use that would allow it to stay rated as Residential Rural.

2013/14 Residential Rural rate	\$0.0057997
2013/14 Business Rural – Tocumwal	\$0.01060632

The change to the LEP along with the valuation change (\$32,300 increased to \$85,000) to this particular property will see the general rates increase by over 300%

This particular ratepayer has the option under Councils Revenue Policy to apply for a postponement of rates. Section 585 of the *Local Government Act* 1993 enables a ratepayer to apply for a postponement of part of the rates on land which is used only as a site of a house or rural land, but because of its zoning or permitted use, is valued for rating purposes in a way that reflects its permitted use rather than its actual use.

Council must review an application and then, if successful, refer the application to the Valuer-General to determine the attributable part of the land value (if any). The postponement applies for a period of five (5) years and applications under this section must be made to the Council in writing.

#### **NOTIFICATION AND APPEALS**

Under Section 520 of the LGA, a Council must give notice to each rateable person of the category declared for each parcel of land for which a person is rateable. The rates notice itself is normally acceptable notification.

Note that, under Section 525, affected ratepayers may apply to Council for a review of their property's rating category. Their application should provide reasons why the determination is incorrect and as much information as possible to support their case (in particular, address the categorisation

## Items requiring Council Resolution

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guidelines as produced by the Division of Local Government). The fact that their rates and charges may increase is not sufficient grounds for review.

The application for review must be submitted within thirty (30) days of receiving notice from Council regarding the changes. A review is then conducted by Council and the owner is notified of the outcome within forty (40) days of the application being received by Council. If the Council has not notified the applicant of its decision within this timeframe, the Council is taken, at the end of the 40-day period, to have declared the land to be within its existing category.

Property owners dissatisfied with the review may appeal to the Land and Environment Court, again the property owner has 30 days to lodge this appeal.

While the rate notice is sufficient notice, in this instance, it would be preferable for the Council to provide advance notice to the affected ratepayers. This is for two reasons:

- In the interests of fairness to the affected ratepayers
- To allow time for any reviews to take place before the 2013/14 rates are levied

Once category changes have been adopted through Council a letter will be sent to each individual rate payer explaining the changes that are to take place and the subsequent costs to the property owner. The letter will also explain the appeals process and Council's reasons for the changes to each individual property.

### **ELIGIBLE RATEPAYER ABILITY TO APPLY FOR DEFERAL ON PAYMENT OF RATES**

A rate payer can apply for a postponement of rates under Sec. 585; however the requirements are stringent, and would need to be looked at on a case by case basis.

### **ISSUES**

Council is restricted to "making and levying" a set amount of rate income each year (restricted by the increase set by the rate peg). Due to the restrictions within the Act in regards to levying and setting of rates, it is important to keep a fair and consistent rate book across the Shire as a whole.

If the proposed changes are not adopted and included as part of next year's levying process, the Council's position could be seen as being inconsistent with its previous Revenue and Rating Policies and inconsistent with the

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### Items requiring Council Resolution

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treatment of properties that were already inside the town boundaries and/or zoned for business use prior to the adoption of the new LEP.

An appeal on the basis from a property owner already paying town rates could lead to the Council having to review its entire Shire-wide rating categorisation.

#### OPTIONS

1. To change all properties in to their correct categories prior to setting and levying the 2014/15 rates and charges as per the table attached.
2. To only change the properties with a residence or operating business prior to this levy. As residences are built or land is sold, make the appropriate changes on approval of a Development Application or once a Notice of sale is received. There is no way to put a timeframe in bringing all properties into their correct rating categories is this option is used.

## Items requiring Council Resolution

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**5.12                    RESPONSE TO NEW SOUTH WALES  
INDEPENDENT LOCAL GOVERNMENT  
REVIEW PANEL'S FINAL REPORT****AUTHOR:**                    Strategic & Social Planning Coordinator**STRATEGIC OUTCOME:**                    Good government**STRATEGIC OBJECTIVE:**                    2.3 Strengthen strategic relationships and  
partnerships with community, business  
and government**FILE NO:****RECOMMENDATION:** - that the Council adopt the Response to  
*Revitalizing Local Government* the Final Report of the Independent Local  
Government Review Panel attached as Appendix "D".

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**REPORT:**

The final Report of the Independent Local Government Review Panel:  
*Revitalizing Local Government* has been released for public comment. The  
closing date for submissions is Friday 4<sup>th</sup> of April 2014.

Council at its Corporate Workshop held 19<sup>th</sup> to 20<sup>th</sup> February 2014 reviewed  
the recommendations of the Panel's Report: *Revitalising Local Government*.  
Attached as appendix "D" is Council's response.

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**Items requiring Council Resolution**

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**5.13 TENDER NO. T03/13/14 – AUDIT SERVICES TO THE YEAR ENDING 30 JUNE 2016**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** T03/13/14, 12.019.1

**RECOMMENDATION:** - that the Council accepts the tender submission of Richmond Sinnott Delahunty for Contract No. T 03/13/14 for the contract sum of \$22,000 (inc GST) per annum.

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**REPORT:**

This tender is for T03/13/14 – Audit Services to the Year Ending 30 June 2016.

While the value of the Council's audit services is less than the statutory tender threshold of \$150,000, Section 422 (5) of the *Local Government Act 1993* (LGA) requires that the Council call for tenders prior to the appointment or reappointment of the Council's auditor.

Section 424 (1) of the LGA allows the Council to appoint an auditor for a term of up to six years. In this instance, the Council has set a term of three years – to allow for the changes to audit services flagged in the Final Report of the NSW Independent Local Government Review Panel.

**Particulars of contract**

Tenderers were asked to submit a tender for the following services:

- Audit of the Annual Financial Statements
- Audit of the Special Purpose Financial Statements
- Audit of Pensioner Rebate
- Audit of Workers Compensation Insurance Declaration
- Audit of General Income Return
- Audit of Domestic Waster Management Reasonable Cost
- Audit of Roads to Recovery Annual Report
- Audit of expenditure of other government grants as required
- Review of senior staff remuneration packages

## Items requiring Council Resolution

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**Type of Contract**

This is a Lump Sum contract over three years at \$22,000 plus indexation.

**Value of Contract**

The nominal value of works will be \$22,000 including GST for the 2013/14 financial year – indexed at a rate of 3% each year until 2015/16

**Close of Tenders**

Tenders closed at 2.00pm. Wednesday, 12 March 2014.

**Receipt of Tenders**

At the time of closing a total of four submissions were received.

**Names of Tenderers**

Submissions were received from the following organisations in order of opening:

- Johnson MME
- Richmond Sinnott Delahunty
- Sothertons Chartered Accountants
- Crowe Horwath Auswild

**Supervision**

The superintendent of the contract will be the Director Corporate Services.

**Panel Membership**

The tenders were independently evaluated by the following staff in accordance with the Council's adopted Tendering Guidelines

- Matthew Hansen – Director Corporate Services
- Carla von Brockhusen – Finance Manager

Please refer to Confidential Item 7.1 for the confidential information in relation to this Tender.

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**Items for Noting**

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**RECOMMENDATION** – that Items for Noting numbered 6.1 to 6. Inclusive be received and noted.

**6.1 100 YEARS OF AUSTRALIAN RED CROSS**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 02.017.1

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**REPORT:**

2014 is the centenary of the Australian Red Cross.

To mark this milestone, the Berrigan Red Cross Branch is holding a Centenary Luncheon on Thursday 21<sup>st</sup> August 2014. Councillors, their partners and senior staff have been invited to attend the luncheon at a cost of \$20 per head.

The Mayor has been asked to welcome guests at the luncheon.

The Centenary is a significant event at which the Council could be represented.

Would interested Councillors please indicate if they intend to attend or not.



## Items for Noting

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**6.2 COMPARATIVE INFORMATION FOR NSW LOCAL GOVERNMENT****AUTHOR:** Director Corporate Services**STRATEGIC OUTCOME:** Good government**STRATEGIC OBJECTIVE:** 2.3 Strengthen strategic relationships and partnerships with community, business and government**FILE NO:** 14.165.3

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**REPORT:**

At its ordinary meeting held on 18 December 2013, the Council made the following resolution:

***RESOLVED** Crs: O'Neill and Morris that the Council write to the Minister for Local Government and Division of Local Government expressing the Council's concerns that the Comparative Information released that relates to the Council includes an incorrect population growth figure despite two requests to have it corrected prior to publication.*

The Council has now received a response from the Division of Local Government (DLG) – attached as Appendix “E”.

In summary the reply:

- Thanks the Council for its feedback on the new Comparative Information report
- Advises the Council that historically it did not recast population figures when preliminary ABS population figures have been updated. This is to ensure consistency over time
- Acknowledges that this has created some errors for Councils where significant changes to preliminary figures have been made
- Advises the Council that future returns will use the latest ABS data to determine the movement in population
- Advises that it will not amend the 2011/12 report but will include a disclaimer to advise the reader that data figures are not amended each year.

Overall, DLG has stuck by its position that it has calculated the population movement correctly using its methodology at the time (which, in a narrow

### Items for Noting

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sense, it has) but has recognised the issue brought to its attention by the Council by changing the methodology it will use in the future.

It is disappointing that DLG was advised of this issue well before its initial publication date and has only now acknowledged that it has an issue that needs to be corrected.

The Council has received its preliminary figures for the 2012/13 Comparative Information report from DLG for comment prior to publication. DLG has indeed addressed the population methodology error and their figure for the five year population movement is now consistent with the Council's.

**Items for Noting**

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**6.3 INTERNATIONAL WOMEN'S DAY****Author:** Library Manager**Strategic Outcome:** Diverse and resilient business**Strategic Objective:** Strengthen and diversify the local economy**File no:** 03.095.2

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**REPORT**

The Berrigan Shire Library Service, for the fourth consecutive year, hosted International Women's Day luncheon on Saturday March 8<sup>th</sup> 2014 at the Berrigan Sportsground. After the success and encouragement of the first 2011 literary lunch, which celebrated 100 years of International Women's Day, the Council has continued this highly anticipated event each year on the day.

We had our best public response with 119 participants this year. Feedback suggested that the working woman valued the opportunity to attend the Saturday event and were 40% of the audience.

Three internationally published Australian authors, Ber Carroll, Liane Moriarty and Di Blacklock spoke about their lives and 'Women who have inspired us'.

Di, Ber and Liane are friends who quarterly host an online 'bookchat' space to keep their fans informed of their lives, loves and current work. Ber has recently sold the film rights to her book, 'High Potential' and Di's work is very popular with our library members.

These authors write contemporary Australian fiction and they connected well with the local audience, with their flair for reflecting the lives of ordinary Australians through their books, plus sharing their lives and family dynamics.

Overall, the day was very successful and feedback very positive with the provision of a weekend event for women. This highlights the fact that the working woman appreciate opportunities to participate in events for women and being true to the IWD date of March 8<sup>th</sup> worked well.

## Items for Noting

## 6.4 DEVELOPMENT DETERMINATIONS FOR MONTH OF FEBRUARY 2014

**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 FEBRUARY

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
50/14/DA/D1	BV Dwelling & Attached Garage	14-16 CHARLOTTE STREET, TOCUMWAL NSW 2714 (Lot46//DP1089280)	Dennis Family Homes	MR DJ BALDWIN AND MRS TL BALDWIN	Approved 03-02-2014	\$ 253472.00	Active 5	Total 5
51/14/DA/D2	Additions to Preschool	6-8 DAWE AVENUE, FINLEY NSW 2713 (Lot22/28//DP758412)	Darren Coombs	PRE-SCHOOL KINDERGARTEN ASSOCIATION	Approved 13-02-2014	\$ 226000.00	Active 10	Total 10
52/14/DA/D1	BV Dwelling & Attached Garage	33 FINLEY STREET, FINLEY NSW 2713 (Lot153//DP1066665)	Dennis Family Homes	MR PW CICOLINI & MRS JL CICOLINI	Approved 03-02-2014	\$ 290839.00	Active 2	Total 2
49/14/CD/M1	BV Dwelling & Attached Garage	146 DENILIQUIN STREET, TOCUMWAL NSW 2714 (Lot225//DP1135941)	KENNEDY BUILDERS	MR AC KENNEDY, MS LM KENNEDY,	Approved 10-02-2014	\$ 190000.00	Active 5	Total 5
50/14/CD/M4	Residential Storage Shed	44 BARINYA STREET, BAROOGA NSW 3644 (Lot19//DP248812)	Peter Stanyer	MR P STANYER AND MRS A STANYER	Approved 07-02-2014	\$ 7500.00	Active 2	Total 2
53/14/DA/D5	Residential Storage Shed	5-7 HUNTER DRIVE, TOCUMWAL NSW 2714 (Lot16//DP1091884)	Greg Whitelaw	MR GN WHITELAW & MRS TA WHITELAW	Approved 12-02-2014	\$ 37364.00	Active 5	Total 5
55/14/DA/D9	Boundary Realignment	59-67 HAMILTON STREET, FINLEY NSW 2713 (Lot1172//DP842762)	Fred White	MRS E M WHITE AND MR F N WHITE	Approved 19-02-2014	\$ 0.00	Active 9	Total 9
51/14/CD/M4	Garage	74-76 BAROOGA STREET, BERRIGAN NSW 2712 (Lot1/8//DP758097)	Claus & Carol Von Brockhusen	MR C VON BROCKHUSEN AND	Approved 07-02-2014	\$ 12000.00	Active 0	Total 1
56/14/DA/D5	Residential Storage Shed	17 HAYNES COURT, TOCUMWAL NSW 2714 (Lot77//DP1070311)	Terry O'Connor	MR SJ GEALL	Approved 19-02-2014	\$ 13000.00	Active 2	Total 2
52/14/CD/M4	Single Car Garage	83 BRUTON STREET, TOCUMWAL NSW 2714 (Lot23//DP1089280)	Graeme Farrell	MS JM KERR	Approved 26-02-2014	\$ 12737.00	Active 2	Total 2
57/14/DA/DM	Demolition of Building	228-230 MURRAY STREET, FINLEY NSW 2713 (Lot5/27//DP758412)	BERRIGAN SHIRE COUNCIL	DEPARTMENT OF LANDS	Approved 27-02-2014	\$ 12000.00	Active 2	Total 2
58/14/DA/D5	Residential Storage Shed	122 COREE STREET, FINLEY NSW 2713 (Lot4//DP216004)	Tim Price	MS SK ARMSTRONG	Approved 28-02-2014	\$ 11745.00	Active 2	Total 2
59/14/DA/D5	Residential Storage Shed	81 ADAMS STREET, TOCUMWAL NSW 2714 (Lot16//DP733609)	Ryan Superannuation Fund	THE RYAN SUPERANNUATION FUND	Approved 28-02-2014	\$ 10000.00	Active 0	Total 2
53/14/CD/M1	Single Storey BV Dwelling	121 DENILIQUIN STREET, TOCUMWAL NSW 2714 (Lot122//DP1136229)	Mr Neil Laffey	MR NA & PL LAFFEY	Approved 28-02-2014	\$ 100000.00	Active 1	Total 1

## Items for Noting

### APPLICATIONS PENDING DETERMINATION AS AT 10-03-2014

Application No.	Date Lodged	Description	Property Location
49/14/DA/D9	24-01-2014	10 Lot Subdivision	1-35 HAMILTON STREET, FINLEY NSW 2713 (Lot1165//DP875732)
54/14/DA/D3	06-02-2014	Hard Rock Quarry	123 YARRAWONGA ROAD, BERRIGAN NSW 2712 (Lot15//DP752291)
54/14/CD/M1	06-03-2014	BV Dwelling & Attached Garage	21-23 ANZAC AVENUE, TOCUMWAL NSW 2714 (LotD//DP358840)
60/14/DA/DM	10-03-2014	Relocated Dwelling	RACECOURSE ROAD, BERRIGAN NSW 2712 (Lot54//DP1179688)

### TOTAL APPLICATIONS DETERMINED / ISSUED

	This Month (February)	Year to Date	This Month Value	Year to Date Value
<i>Development Applications Determined</i>	9	60	\$854,420.00	\$14,179,749.00
<i>Construction Certificates Issued</i>	9	44	\$1,797,420.00	\$7,581,299.00
<i>Complying Development Cert. Issued</i>	5	51	\$322,237.00	\$3,715,052.00
<i>Local Activity Approvals Issued</i>	3	35	0	0

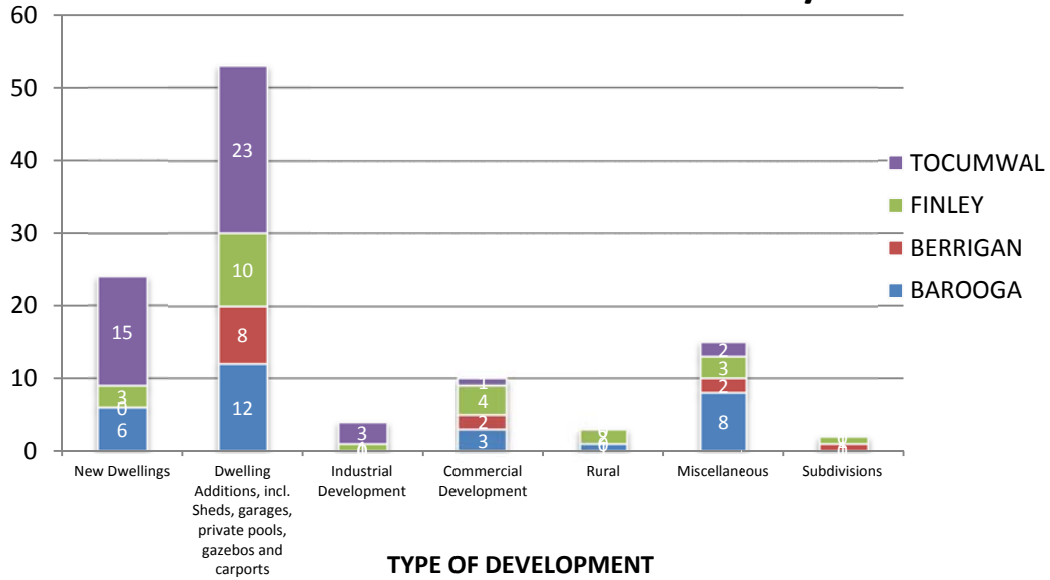
### OTHER CERTIFICATES ISSUED FOR FEBRUARY

	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	
	Feb	Year Total	Feb	Year Total	Feb	Year Total	Feb	Year Total	Feb	Year Total	Feb	Year Total
BAROOGA	12	68	0	9	0	7	0	7	0	0	0	1
BERRIGAN	4	40	0	3	0	5	0	1	0	0	0	0
FINLEY	10	84	0	4	1	7	0	0	0	2	0	0
TOCUMWAL	19	116	0	19	1	6	1	3	0	3	0	1
<b>TOTAL</b>	<b>45</b>	<b>308</b>	<b>0</b>	<b>35</b>	<b>2</b>	<b>25</b>	<b>18</b>	<b>11</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>2</b>

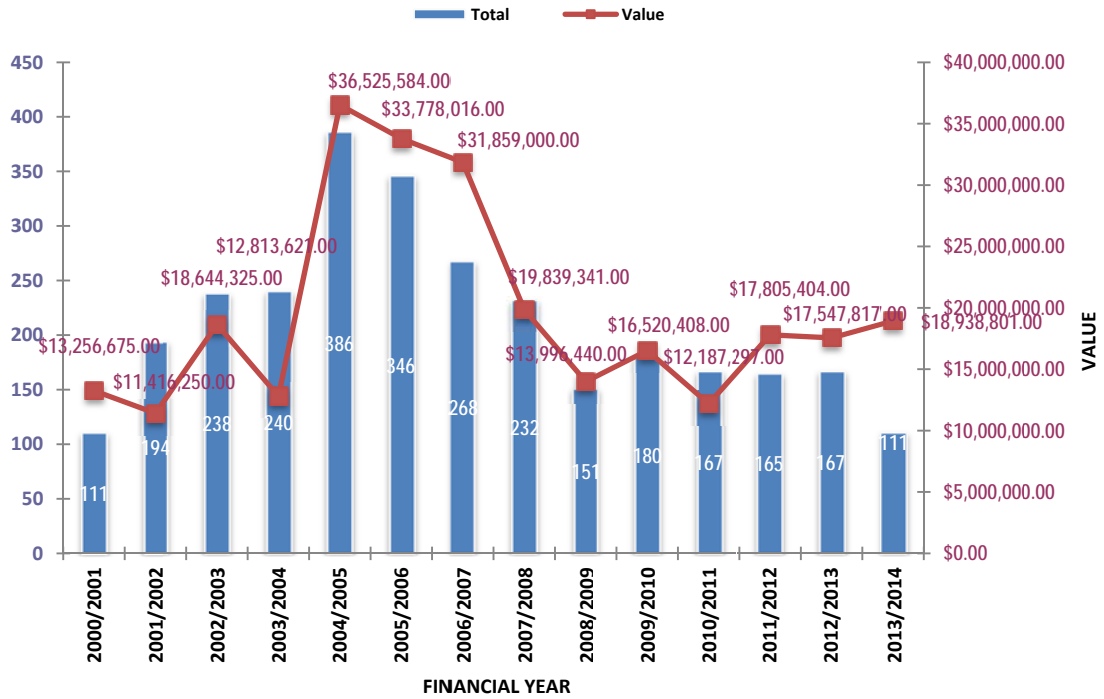
NOTING

Items for Noting

DEVELOPMENT ACTIVITY 2013 / 2014



DEVELOPMENT ACTIVITY



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**Items requiring Council Resolution****7 CLOSED COUNCIL**

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

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

The matters and information are the following:

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

**7.1 TENDER NO. T03/13/14 – AUDIT SERVICES TO THE YEAR ENDING 30 JUNE 2016**

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

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

**Items requiring Council Resolution**

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- (ii) confer a commercial advantage on a competitor of the council,  
or
- (iii) reveal a trade secret

It is not in the public interest to reveal details of submitted tenders provided to the Council as commercial in confidence.

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

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

**7.1 TENDER NO. T03/13/14 – AUDIT SERVICES TO THE YEAR  
ENDING 30 JUNE 2016**

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



**Confidential Items requiring Council Resolution**

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**Items requiring Council Resolution**

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Open Council resumed at .....

**RESOLUTIONS FROM THE CLOSED  
COUNCIL MEETING**

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

**RESOLUTION**

## Committee meeting reports

**7.1 MINUTES OF A CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 5<sup>TH</sup> MARCH, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 5.07 PM.**

**RECOMMENDATION** – that recommendations numbered 1 to 2 inclusive of the Corporate Services Committee Meeting held on 5<sup>th</sup> March, 2014 be adopted.

**5. REQUESTS FROM COMMITTEES OF MANAGEMENT FOR INCLUSION IN FOUR YEAR DELIVERY PROGRAM**

**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:**

**RECOMMENDATION NO 1** - that the following items be referred to the draft budget for further consideration:

1. Barooga Botanical Gardens Committee of Management	Installation of minor playground equipment.	\$2,390 + installation
2. Tocumwal Recreation Reserve Committee of Management	Drainage works at the area immediately inside the Morris Street entrance	\$12,551 less \$5,020 local contribution
3. Finley War Memorial Hall and School of Arts Committee of Management	Air-conditioning in the School of Arts	\$5,000 loan \$5,000 local contribution \$5,000 grant

## Committee meeting reports

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### 6. SOCIAL MEDIA POLICY

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.3 Strengthen strategic relationships and partnerships with community, business and government

**FILE NO:** 2.103.1

**RECOMMENDATION NO. 2** - that the Council adopt the following draft Policy for Social Media:

#### 1. POLICY STATEMENT

Council recognises the benefits of using social media as a means for engaging our communities, marketing, promotion and disseminating time-sensitive information to the widest possible audience.

It is acknowledged that certain risks are associated with social media tools and that these risks are not limited to reputation and the legitimate interests of Council. Moreover, it is based on the notion that under law, online content is permanent and should never be considered private.

Therefore, this policy has been developed to assist staff use social media in a productive and responsible manner.

#### 2. PURPOSE

The purpose of this policy is to:

- Guide and support Council officials responsible and productive use of social media
- Extend reach of Council messages online by strengthening its relationships with relevant audiences
- Seek feedback and suggestions from engaged residents, ratepayers, business and visitors
- Monitor social media activity as it relates to Berrigan Shire Council

#### 3. SCOPE

This policy covers:

- The establishment and content management of Berrigan Shire Council social media accounts
- The use of social media by Council officials on matters concerning the Council or likely to be viewed as concerning Council; and

## Committee meeting reports

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- Describes appropriate use of social media by Council Officials in a private or work capacity

### 4. OBJECTIVE

This policy is developed to assist the Council with the following Delivery Plan Objectives:

- 2.2.2 Council operations support ethical, transparent and accountable corporate governance
- 2.2.3 Participate in networks that promote regional and cross-border collaboration, planning and service delivery
- 3.2.2 Provide opportunities for lifelong learning, cultural expression and recreation
- 4.2.3 Engage local business through regular meetings, electronic newsletter, Council bulletin and media publications

### 5. DEFINITIONS

**Social Media** – Software tools that allow groups to generate content and engage in peer-to-peer conversations and exchange of content.

Examples include:

- Social networking sites – for example. Facebook, MySpace, Bebo, Friendster
- Video and photo sharing websites – for example. Flickr, YouTube
- Micro-blogging sites – for example. Twitter
- Weblogs, including corporate blogs, personal blogs or blogs hosted by traditional media publications
- Forums and discussion boards such as Whirlpool, Yahoo! Groups or Google Groups
- Online encyclopaedias such as Wikipedia
- Any other web sites that allow individual users or companies to use simple publishing tools.

**Council Official** – as defined in the Council Code of Conduct. It includes Councillors, Council employees and Council volunteers.

**Council Social Media Accounts:** – are only those social media accounts created with the express permission of the General Manager

**Post** – broadcast information in a public forum

## Committee meeting reports

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### 6. POLICY IMPLEMENTATION

#### 6.1. Use of Council accounts

##### 6.1.1. General principles

Social media is a public forum and Council officials will act accordingly. Posting on social media is the equivalent of a letter in the newspaper or a public address. Council officials are bound by the Berrigan Shire Council Code of Conduct and this policy applies to postings and use of Council social media accounts. This policy also applies to postings made by Council Officials on non-Council social media on matters concerning the Council or likely to be viewed as concerning Council.

When using Council social media, Council officials will

- Act in accordance with the Council's Code of Conduct and not bring the Council into disrepute
- Take responsibility for their online activity
- Only use these services in accordance with this policy and Council's Communication Devices and the Internet Policy
- Not share or re-post publicly available information that may foreseeably harm or damage the reputation of Council, other entities or persons
- Post or cause the posting on social media Confidential and Personal information held by the Council.

##### 6.1.2. Establishment and posting of Council accounts

In general, Council's activity on social media services will be via social media accounts established specifically for this purpose. Council social media accounts will only be established with the express permission of the General Manager.

Only Council officials expressly authorised by the General Manager will be permitted to add content to, and/or moderate a Council social media account and/or site. The principles of the Council's Media Policy apply to all use of Council's social media accounts. Therefore, all content posted online must be appropriately authorised.

##### 6.1.3. Monitoring

The Council will take reasonable steps to monitor and/or moderate content posted on its social media platforms by third parties.

People making requests of the Council via social media accounts will be referred back to the Council's standard customer request procedures The

## Committee meeting reports

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Council will not otherwise respond to requests on social media platforms other than the provision of straightforward publicly available information, i.e. opening hours etc.

The following inappropriate content posted on its social media platforms will be edited and/or removed:

- Personal attacks or defamatory statements or comments
- Profane or sexual language or content, or links to sexual content
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Content that violates a legal ownership interest of any other party.
- Other material as determined by the Council's General Manager.

### 6.1.4. Owner's Rights and Records Management

The Council will respect the legal and moral rights of content owners when publishing third-party content on its social media accounts. This includes ensuring that the Council has consent to use the material and that appropriate credit is given to the creator.

Online Council statements can be held to the same legal standard as traditional media communications. The Council will establish a process to ensure that the Council meets its statutory and regulatory record keeping obligations when using its social media accounts.

Council officials responsible for maintaining social media accounts will ensure that relevant procedures regarding copyright and consent and records management are followed.

### 6.1.5. Council services and committees.

Where appropriate, the General Manager may authorise a service-specific social media platform; for example Library, Home and Community Care, Economic Development etc. This policy equally applies to these dedicated accounts.

Volunteer committees of the Council may, with the express permission of the General Manager, establish dedicated social media accounts and /or sites. These accounts remain bound by this policy and the volunteers responsible for the accounts remain bound by the Council's Code of Conduct.

## Committee meeting reports

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Social media accounts operated by volunteer committees must include a disclaimer clearly stating that the views expressed are not necessarily the views or the position of the Council.

Posting on volunteer committee accounts does not fall under the banner of the Council's Media Policy and specific authorisation is not required for each individual item posted on those platforms. However, the Council reserves the right to direct a volunteer committee to remove inappropriate content or in the case of continual breach of this policy, require that it close and delete the account.

It is impractical for the Council to continually monitor activity on social media sites operated by its volunteer committees. When the Council is informed about inappropriate, offensive or otherwise objectionable material posted on these sites, it will take timely and appropriate action to rectify the issue.

### **6.2. Use of personal accounts**

#### 6.2.1. General principles

All Council officials are bound by the Berrigan Shire Council Code of Conduct. This includes their interactions on personal social media services.

When using personal social media accounts, Council officials will

- Take responsibility for their online activity. Social media is a public forum and Council officials must act accordingly. Council officials are bound by the Berrigan Shire Council Code of Conduct and this policy applies to postings to and uses of social media accounts.
- Only use these services in accordance with this policy and Council's Communication Devices and the Internet Policy. Use of social media from Council devices and/or Council internet connections is not considered private.
- Not use a personal social media account for Council purposes without the express permission of the General Manager
- Not share or re-post publicly available information that may foreseeably harm or damage the reputation of Council, other entities or persons
- Not create or establish fictitious names or identities with the intent to avoid compliance with this policy or Council's Code of Conduct
- Ensure that their postings on social media are clearly separated from their role as a Council official.
- Not present personal views in a manner to suggest that those views are endorsed or supported by the Council.



## Committee meeting reports

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- Council officers must not use corporate email addresses, for example. “<name>@berriganshire.nsw.gov.au” to create personal accounts in sites unrelated to the Council.

### 6.2.2. Councillors

As members of the community, Councillors are entitled to use social media services to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a committee of Council.

### 6.2.3. Employees

Employees will ensure that their personal use of social media services does not undermine their productiveness and effectiveness at work. Employees will give their attention to the business of Council when on duty.

Employees must not use social media to communicate with other employees about Council business without express permission

## 7. RELATED POLICIES OR STRATEGIES

### 7.1. Legislation

- *Local Government Act 1993*
- *Local Government Regulation 1994*
- *State Records Act 1998*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- NSW Government Social Media Policy and Guidelines.

### 7.2. Council policies and guidelines

- Berrigan Shire Council Code of Conduct
- Berrigan Shire 2023 (Community Strategic Plan)
- Communication Devices and the Internet Policy
- Equal Employment Opportunity, Workplace Bullying and Harassment policy
- Media Policy

## Committee meeting reports

**7.2 MINUTES OF A MEETING OF THE EVENTS COMMITTEE HELD ON MARCH 5<sup>TH</sup> 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 4.28 PM.**

**RECOMMENDATION** – that recommendations numbered 1 to 2 inclusive of the Events Committee Meeting held on 5<sup>th</sup> March, 2014 be adopted.

**4. EVENT FUNDING APPLICATION – FINLEY FOOTBALL NETBALL CLUB**

**AUTHOR:** Economic Development Officer  
**STRATEGIC OUTCOME:** Diverse and resilient business  
**STRATEGIC OBJECTIVE:** 4.3 Diversify and promote local tourism  
**FILE NO:** 08.063.3

**RECOMMENDATION NO. 1** - that the Events Committee does not fund the Finley Football Netball Club to host the MFL Grand Final Breakfast.

**4. EVENT FUNDING APPLICATION – TOCUMWAL MOTHERS DAY CLASSIC**

**AUTHOR:** Economic Development Officer  
**STRATEGIC OUTCOME:** Diverse and resilient business  
**STRATEGIC OBJECTIVE:** 4.3 Diversify and promote local tourism  
**FILE NO:** 08.063.3

**RECOMMENDATION NO. 2** - that the Council not support the Tocumwal Mothers Day Classic.



Items requiring Council Resolution

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**MAYOR'S REPORT**

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**RECOMMENDATION** – that the Mayor's Report be received.

Items requiring Council Resolution

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9. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

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10.

**GENERAL BUSINESS**

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