



ORDINARY MEETING OF COUNCIL

Wednesday 15 June, 2022

at 9:15am

Council Chambers

56 Chanter Street, Berrigan



Agenda



Council Meeting

Wednesday 15 June, 2022

BUSINESS PAPER

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 15 June, 2022** when the following business will be submitted:-

ITEMS OF BUSINESS

1.	OPENING OF MEETING	4
2.	ACKNOWLEDGEMENT OF COUNTRY	4
3.	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS	4
4.	CONFIRMATION OF PREVIOUS MINUTES	4
5.	DISCLOSURES OF INTEREST	4
6.	MAYORAL MINUTE(S)	5
6.1	Mayoral Minute - Regional Health and Hospital Services	5
7.	REPORTS OF COMMITTEES	16
8.	REPORTS TO COUNCIL	17
8.1	Council Action List Report	17
8.2	Finance - Accounts	18
8.3	Permanent Water Saving Policy	23
8.4	Private Employment Policy	33
8.5	Undetected Leaks Policy	39
8.6	Recognition of Service Policy	46
8.7	Council Operated Enterprises Policy	51
8.8	Councillor Expenses and Facilities Policy	59
8.9	Contributory Footpath and Kerb and Gutter Schemes Policy	85
8.10	Mayoral and Councillor Allowances	95

8.11	Superannuation for Councillors	96
8.12	Mary Lawson Wayside Rest – Final Draft Design Concept	98
8.13	Request for Financial Assistance – Tocumwal Lions Community Hostel	100
8.14	Finley Railway Park Committee of Management	102
8.15	Tocumwal Chamber of Commerce – Request for Ongoing Rental and Other Assistance	104
8.16	Procurement and Disposal Framework	109
8.17	Development Determinations for Month of May 2022	138
8.18	Active Ageing and Disability Inclusion Action Plan 2022 - 2026	143
8.19	Customer Service Charter	144
8.20	Child-Safe Policy and Framework	145
8.21	Trade Waste – Finley Dair	155
8.22	Request for Assistance – Finley Football Netball Club	157
8.23	Unsolicited Proposal – 27 Davis Street, Berrigan	159
8.24	Berrigan Shire Council Rebrand	163
8.25	s335 Committees of Management – “one third” Loan and Grant Scheme	165
9.	NOTICES OF MOTION / QUESTIONS WITH NOTICE	167
9.1	Question with Notice – Fire Hazard Concerns, Barooga	167
10.	CONFIDENTIAL MATTERS	168
11.	MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE	168
12.	COUNCILLOR REPORTS	168
12.1	Mayors Report	168
12.2	Verbal Reports from Delegates	168
13.	CONCLUSION OF MEETING	168

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



KARINA EWER
CHIEF EXECUTIVE OFFICER

1. OPENING OF MEETING

In the spirit of open, accessible and transparent government, Berrigan Shire Council's meetings are audio recorded. By speaking at a Council Meeting, members of the public agree to being recorded. Berrigan Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Berrigan Shire Council.

Confidential matters of Council will not be audio recorded.

Recordings are protected by copyright and owner by Berrigan Shire Council. No part may be copied, recorded, reproduced or transmitted without the prior written consent of the Chief Executive Officer. Any recording is not, and shall not, be taken to be an official record of Berrigan Shire Council meetings or the discussion depicted therein. Only the official minutes may be relied upon as an official record of the meeting.

An audio recording of the Council Meeting will be taken for administrative and minute preparation purposes only and is provided to the public for listening purposes to support Council's statutory obligations.

2. ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the original inhabitants whose country we are gathered on, and we pay respect to the elders, past, present, and future and extend respect to all first nations people."

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS

4. CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the Minutes of the meeting held in the Council Chambers on Wednesday 18 May, 2022 be confirmed.

5. DISCLOSURES OF INTEREST

6. MAYORAL MINUTE(S)

6.1 Mayoral Minute - Regional Health and Hospital Services

Recommendation: that the Council:

1. adopt the recommendations noted in the *Health outcomes and access to health and hospital services in rural, regional and remote New South Wales*;
2. request that letters go to the Premier and Leader of the Opposition noting Council's adoption of the recommendations of the report and ask for their support to ensure those recommendations are duly implemented;
3. approve the media release regarding rural and regional health outcomes

Report:

On 26 May 2022, I attended the Country Mayors meeting in Sydney with Deputy CEO Matt Hansen. Among the topics discussed on the day was the report released on 5 May 2022 which was commissioned by the Legislative Council into health and hospital services in rural, regional and remote NSW.

The Inquiry's Report can be found at the link provided below:

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2615/Report%20no%2057%20-%20PC%202%20-%20Health%20outcomes%20and%20access%20to%20services.pdf>

The Terms of Reference for the Inquiry were as follows:

Terms of reference

That Portfolio Committee No. 2 - Health inquire into and report on health outcomes and access to health and hospital services in rural, regional and remote NSW, and in particular:

- (a) health outcomes for people living in rural, regional and remote NSW;
- (b) a comparison of outcomes for patients living in rural, regional and remote NSW compared to other local health districts across metropolitan NSW;
- (c) access to health and hospital services in rural, regional and remote NSW including service availability, barriers to access and quality of services;
- (d) patient experience, wait-times and quality of care in rural, regional and remote NSW and how it compares to metropolitan NSW;
- (e) an analysis of the planning systems and projections that are used by NSW Health in determining the provision of health services that are to be made available to meet the needs of residents living in rural, regional and remote NSW;
- (f) an analysis of the capital and recurrent health expenditure in rural, regional and remote NSW in comparison to population growth and relative to metropolitan NSW;
- (g) an examination of the staffing challenges and allocations that exist in rural, regional and remote NSW hospitals and the current strategies and initiatives that NSW Health is undertaking to address them;
- (h) the current and future provision of ambulance services in rural, regional and remote NSW;
- (i) the access and availability of oncology treatment in rural, regional and remote NSW;
- (j) the access and availability of palliative care and palliative care services in rural, regional and remote NSW;
- (k) an examination of the impact of health and hospital services in rural, regional and remote NSW on indigenous and culturally and linguistically diverse (CALD) communities; and
- (l) any other related matters.

The terms of reference for the inquiry were self-referred by the committee on 27 August 2020.¹

The Inquiry was embarked upon in response to growing concerns expressed in the community about the retraction of services from regional, rural and remote NSW and the issues the lack of on ground services are causing for communities. The words of the Chair of the Inquiry, The Hon Greg Donnelly MLC, sum up the situation well:

The delivery of health services in New South Wales is a joint responsibility between the Australian and New South Wales governments. In simple terms, the Australian Government is responsible for the provision of GP services, and the State Government is responsible for the public hospital system. Eleven years ago, as a result of the Garling

Inquiry, the State Government established 15 Local Health Districts to deliver health care that was to be tailor made for the communities they service.

While recognizing that the provision of health services to an area as large as rural, regional and remote New South Wales is challenging and complex, throughout this inquiry the committee heard repeatedly about individuals and families let down by the health system. We heard stories of emergency departments with no doctors; of patients being looked after by cooks and cleaners; of excessive wait times for treatment; and of misdiagnoses and medial errors. Tis evidence is by no means a reflection of the NSW Health staff working tirelessly in challenging circumstances; rather it is an indictment of the system that has allowed this situation to develop. Overall, the committee has found that residents of rural, regional and remote New South Wales have poorer health outcomes and inferior access to health and hospital services, face significant financial challenges in accessing these services, compared to their metropolitan counterparts. This is a situation that can and should not be seen as acceptable.

The sentiment and information provided in those opening paragraphs, I believe, adequately sums up many of the stories I have heard whilst attending our own community forums into issues related to access to health and mental health services in the Berrigan Shire. It is part of the reason Council will be working more closely with Murray Local Health District to ensure our voice is heard more clearly as decisions regarding our health services into the future are made. It is also why I feel it is important to strongly back the work being done by the Country Mayors Association to ensure the 44 recommendations from the report are adopted by both sides of politics to ensure the service to our community is improved.

Attached at **"Appendix 6.1-A"** is the Media Release I would like to send out after Council has considered the adoption of these recommendations.

The 44 Recommendations made in the Report are as follows:

Recommendations

- Recommendation 1** 34
That NSW Health review the current funding models for all rural and regional Local Health Districts in order to identify any service delivery gaps and provide any recommendations for funding increases.
- Recommendation 2** 35
That the NSW Government review the Isolated Patients Travel and Accommodation Assistance Scheme (IPTAAS) as a matter of priority, with a view to:
- increasing the current reimbursement rates for accommodation and per kilometre travel
 - expanding the eligibility criteria, with consideration given to people participating in medical trials, those that hold private health insurance and those that are referred to treatment centres that are not geographically closest to them due to the urgency of the treatment required
 - streamlining the application process to make it easier for patients to access the scheme
 - undertaking on an ongoing basis a public awareness program of the scheme across the state in communities and among health professionals who can then inform patients.
- Recommendation 3** 36
That NSW Health, the rural and regional Local Health Districts and Transport for NSW work collaboratively to ensure, where feasible, more frequent and appropriately timed affordable transport services are available to support people to attend medical appointments in rural, regional and remote areas.
- Recommendation 4** 36
That NSW Health review the funding available for air transport.
- Recommendation 5** 37
That NSW Health and the rural and regional Local Health Districts actively engage with local community groups and charities to understand the services and resources they provide, and to ensure that where possible and appropriate, service gaps are filled by government.
- Recommendation 6** 37
That on the two-year anniversary of the tabling of this report, Portfolio Committee No. 2 – Health undertake an inquiry and report on the progress and developments that have been made to address the matters raised by this inquiry.

- Recommendation 7** 72
That the NSW Government urgently engage with the Australian Government at a ministerial level to:
- establish clear governance arrangements and a strategic plan to deliver on the health reforms recommended in this report to improve doctor workforce issues
 - progress those initiatives that both levels of government have identified as meritorious, but where progress has been slow or non-existent.
- Recommendation 8** 72
That the NSW Government investigate ways to support the growth and development of the primary health sector in rural, regional and remote areas, and support the sector's critical role in addressing the social determinants of health and reducing avoidable hospitalisations for the citizens of New South Wales.
- Recommendation 9** 74
That NSW Health work with the Australian Government and the Primary Health Networks to expedite the implementation of a single employer model for GP trainees across rural, regional and remote New South Wales.
- Recommendation 10** 74
That the NSW Government work with the Australian Government to establish a Rural Area Community Controlled Health Organisation pilot, with a view to evaluating and refining it for roll-out in all areas of New South Wales where existing rural health services do not meet community needs.
- Recommendation 11** 75
That NSW Health work with the Australian Government collaboratively to immediately invest in the development and implementation of a 10-Year Rural and Remote Medical and Health Workforce Recruitment and Retention Strategy. This should be done in consultation with rural, regional and remote local government, schools, community services, human services, unions, professional organisations, general practice, pharmacists and community organisations. It should set out a clear strategy for how NSW Health will work to strengthen and fund the sustainability and growth of rural, regional and remote health services in each town including quantifiable targets for tangible improvement in community-level health outcomes, medical and health workforce growth, community satisfaction, and provider coordination and sustainability. It must also address hospital and general practice workforce shortages including General Practitioner, nurses and midwives, nurse practitioners, mental health nurses, psychologists, psychiatrists, counsellors, social workers, paramedics, allied health practitioners and Rural Generalists.
- Recommendation 12** 76
That NSW Health review the working conditions, contracts and incentives of GPs working as Visiting Medical Officers in public health facilities in rural, regional and remote New South Wales, to ensure that the GP/VMO model remains viable while broader innovation and reform progresses.
-

-
- Recommendation 13** 76
That NSW Health establish a state-wide system of GP/VMO accreditation, which is independent of the Local Health Districts. As part of this system, NSW Health should ideally look to establish an online GP/VMO availability system where GP/VMOs can nominate dates and locations they are available to work that can be accessed by the rural and regional Local Health Districts and general practices in filling vacancies.
- Recommendation 14** 77
That NSW Health work with the Australian Government, the Primary Health Networks, the university sector and the specialist medical colleges to increase rural GP and specialist training positions, integrating these within the new employment and service delivery models recommended in Recommendations 9 and 10.
- Recommendation 15** 77
That NSW Health review the current employment arrangements and remuneration structure for trainee doctors with a view to aligning rural trainees' remuneration and incentives with those provided to metropolitan students travelling for rural training.
- Recommendation 16** 97
That NSW Health expedite its review of the nursing and midwifery workforce with a view to urgently increasing nurse and midwifery staffing numbers based on local need across rural, regional and remote New South Wales. The outcome should ensure there are staffing levels that enable optimal patient care and for that care to be delivered in a professionally, physically and psychologically safe environment. NSW Health should publicly report on an annual basis its performance in meeting this outcome.
- Recommendation 17** 98
That NSW Health work to widely implement the Nurse Practitioner model of care in rural, regional and remote New South Wales, by:
- funding the recruitment and training of additional Nurse Practitioners to work in rural, regional and remote areas, particularly in facilities without 24/7 doctor coverage, or that utilise virtual medical coverage
 - working with the Australian Government to address the practical barriers to creating and supporting these roles identified by the Australian College of Nurse Practitioners.
- Recommendation 18** 98
That in addition to peer group B hospitals, NSW Health employ a geriatric nurse in all peer group C hospitals. Where a geriatric nurse is not employed, NSW Health develop and provide staff members with annual training in geriatric care to ensure an ageing population is given the best health care when visiting a health care facility.
-

-
- Recommendation 19** **99**
That the rural and regional Local Health Districts:
- formalise and remunerate on call arrangements for nurses and midwives across all public health facilities in accordance with industrial awards
 - engage with the emergency departments in their area to develop agreed plans to address security issues with timeframes and regular progress reporting
 - increase and formalise professional development opportunities for nurses and midwives, ensuring that rostering accounts for this.
- Recommendation 20** **100**
That NSW Health, as part of its review of the nursing and midwifery workforce:
- develop stronger partnerships with the university sector to more proactively engage local people and support them through rural and regionally based education, training and professional development to become qualified nurses and midwives
 - develop partnerships between rural, regional and metropolitan Local Health Districts to devise programs for nurses and midwives who are either early career, specialised or are experienced to practice in rural and remote locations
 - implement professional, financial and career enhancement incentives for nurses and midwives who work in rural and remote locations.
- Recommendation 21** **139**
That NSW Health working with the Commonwealth and all relevant service providers investigate strategies to ensure public patients being treated in regional cancer centres can access private-public services while reducing out-of-pocket costs.
- Recommendation 22** **140**
That NSW Health and the rural and regional Local Health Districts work with the Primary Health Networks and other partners to promote improved communication between service providers, including through the use of shared medical record systems, in order to ensure continuity of care for patients.
- Recommendation 23** **141**
That NSW Health, in conjunction with The Australian and New Zealand Society of Palliative Medicine, the Royal Australian College of General Practitioners, the Royal Australasian College of Physicians and the Aboriginal Health and Medical Research Council of NSW urgently establish a palliative care taskforce to:
- plan palliative care access and services of equivalence to those living in metropolitan areas
 - map who is currently providing palliative care services and their level of training, as well as where these services are offered
 - establish an agreed, uniform state-wide platform for the collection of palliative care and end of life care data to allow for clinical benchmarking of regional palliative care services
 - investigate and promote innovative models of palliative care services
 - ensure culturally appropriate palliative care services are available to First Nations peoples.
-

-
- Recommendation 24** 141
That NSW Health and the rural and regional Local Health Districts expand the Far West NSW Palliative and End-of-Life Model of Care to other rural and remote settings across New South Wales.
- Recommendation 25** 142
That Portfolio Committee No. 2 – Health consider undertaking an inquiry into mental health, including into mental health services in rural, regional and remote New South Wales in the future.
- Recommendation 26** 142
That the NSW Government implement the midwifery continuity of care model throughout rural, regional and remote New South Wales.
- Recommendation 27** 142
That the rural and regional Local Health Districts, and those metropolitan Local Health Districts that take in regional areas of the state, review their maternity services in order to develop plans for midwifery, GP Obstetrics, specialist Obstetrics and newborn services.
- Recommendation 28** 143
That NSW Health in conjunction with NSW Ambulance and unions review the use of ambulance vehicles for patient transfers, and in partnership with the rural and regional Local Health Districts explore extending the hours of operations of patient transfer vehicles to provide 24-hour coverage and minimise the number of low-acuity jobs that paramedics attend to, to relieve pressure on ambulance crews.
- Recommendation 29** 144
That NSW Health in conjunction with NSW Ambulance:
- undertake a community profiling program across rural, regional and remote New South Wales to identify the paramedic needs of communities
 - ensure the equitable distribution of paramedics at all levels, including Extended Care and Intensive Care Paramedics and update ambulance deployment modelling to reflect present day demand, ensuring that ambulances are deployed as rostered
 - expand the Intensive Care and Extended Care Paramedics program across rural, regional and remote New South Wales and allow paramedics outside metropolitan areas to undertake training, skills consolidation and skills maintenance locally
 - explore innovative models of care utilising the skill sets of paramedics to better support communities that lack primary health care services, including consideration of embedding paramedics at facilities that do not have access to a doctor
 - undertake a review of the efficacy of the current call triaging system and referral services.
-

-
- Recommendation 30** **146**
That NSW Health:
- commit to providing continuity of quality care with the aim of a regular on-site doctor in rural, regional and remote communities
 - commit to a model of care under which virtual care technology is used to supplement, rather than replace, face-to-face services
 - where virtual models of medical care are operating, roster additional suitably trained nursing staff to assist in the provision of the physical care usually attended to by the medical officer
 - provide staff members with training on how to effectively use telehealth and other virtual models of care
 - create a public information campaign specifically targeted to rural, regional and remote communities in order to assist patients to effectively engage with virtual care, including factsheets and checklists to set expectations and support positive interactions
 - ensure that the use of virtual care, if required, is undertaken in consultation with community members, health providers and local governments in rural, regional and remote areas
 - investigate telehealth cancer care models to improve access to cancer treatment and care including the Australasian Tele-trial model to boost clinical trial participation in regional areas.
- Recommendation 31** **160**
That NSW Health acknowledge the significant cultural barriers that telehealth poses for First Nations communities and work to ensure face-to-face consultations are prioritised.
- Recommendation 32** **161**
That NSW Health and the Local Health Districts improve the cultural safety of health services and facilities by engaging with Aboriginal Elders and local communities to:
- revise and incorporate local content into cultural awareness training such as *Respecting the Difference. Aboriginal Cultural Training*
 - listen to their experiences of the healthcare system and seek guidance around what cultural safety strategies should be applied in their areas
 - include prominent Acknowledgements of Country in all NSW Health facilities as a starting point.
- Recommendation 33** **161**
That NSW Health and the Local Health Districts, particularly those located in rural, regional and remote areas, prioritise building their Indigenous workforce across all disciplines, job types and locations. This should include additional funding targeted at increasing the number of Aboriginal Care Navigators and Aboriginal Peer Workers.
- Recommendation 34** **162**
That NSW Health and the Local Health Districts prioritise formalising partnerships with all Aboriginal Community Controlled Health Services to support the delivery of health services and improve the health outcomes of First Nations people in New South Wales. These partnerships should include formal documentation of service delivery responsibilities and expected outcomes.
-

-
- Recommendation 35** 162
That the NSW Government mandate the requirement for each Local Health District to have at least one Indigenous community representative on the governing board.
- Recommendation 36** 178
That the NSW Government maintain a Regional Health Minister in cabinet and provide that Minister with appropriate authority to address issues raised in the inquiry and future issues that affect the rural, regional and remote health system and its communities.
- Recommendation 37** 178
That NSW Health complete and publish the final evaluation of the *NSW Rural Health Plan: Towards 2021* before finalising the next rural health plan for New South Wales.
- Recommendation 38** 178
That the NSW Government ensure that the development of the next Rural Health Plan:
- acknowledges that rural and remote health systems are fundamentally different to urban and regional city health systems
 - includes genuine consultation with rural and remote communities
 - contains realistic, measurable and quantifiable goals in terms of tangible health outcomes
 - provides the funding and support required to deliver against those goals.
- Recommendation 39** 179
That NSW Health and the rural and regional Local Health Districts upgrade and enhance their collaborative work with the Primary Health Networks to:
- ensure that high quality health services for rural, regional and remote New South Wales are cooperatively planned and successfully delivered
 - drive innovative models of service delivery, including those recommended elsewhere in this report.
- Recommendation 40** 180
That NSW Health and the rural and regional Local Health Districts:
- commission an independent review of workplace culture including complaints management mechanisms and processes to align with a culture in which feedback from staff is encouraged, based on values of openness, continuous improvement and respect
 - implement complaints management training for staff, particularly those in management positions
 - commission the conduct of independent and confidential staff satisfaction surveys to measure progress and cultural improvements over time
 - review and enhance whistle blower protections to ensure staff feel comfortable in speaking up, with training material to be developed and implemented across the Local Health Districts to support this change
 - develop and fund a plan to eliminate bullying and harassment within the rural and regional Local Health Districts.
-

Recommendation 41

181

That the NSW Government establish an independent office of the Health Administration Ombudsman to receive and review concerns about the administrative conduct of management of Local Health Districts and NSW Health from staff, doctors, patients, carers and the public. The Health Administration Ombudsman is to be empowered to review administrative decisions of NSW Health and Local Health District management, including but not limited to, alleged cover-ups of medical errors or deaths, false or misleading data, inaccurate communications and/or media reporting, Visiting Medical Officer accreditation decisions, staff blacklisting, and bullying or harassment of whistle-blowers. Additionally, the Health Administration Ombudsman is to provide an annual report to Parliament and the public.

Recommendation 42

182

That the rural and regional Local Health Districts:

- review, reinvigorate and promote the role of Local Health Advisory Committees to ensure genuine community consultation on local health and hospital service outcomes, and health service planning
- investigate methods of better informing communities about the services that are available to them, and publish additional data such as wait times and minimum service standards for the facilities within their remit.

Recommendation 43

182

That the rural and regional Local Health Districts work with rural and remote communities to develop Place-Based Health Needs Assessments and Local Health Plans in collaboration with the Department of Regional NSW, local government, education, human services, community services, community and First Nations organisations and local health providers that are responsive to the variations in determinants, lifestyle and disease burden for each community and its population.

Recommendation 44

183

That the NSW Government adopt a Health in All Policies framework (similar to the policy in South Australia) to ensure that the health of people in New South Wales is central to government decision making, and which recognises that community physical and mental health is a responsibility of all Ministers and Departments of government. Further, such a framework should include a requirement that all decisions of government are assessed to determine the impact on human and environmental health to ensure a whole-of-government ownership of health outcomes for people living in New South Wales.

7. REPORTS OF COMMITTEES

Nil

8. REPORTS TO COUNCIL

8.1 Council Action List Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

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

Report:

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

8.2 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 May 2022,
- b) Confirm the accounts paid as per Warrant No. 05/22 totaling \$3,843,802.70 and
- c) Note the report on investments attached as **"Appendix 8.2-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 May 2022 is certified by the Finance Manager.
 - b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 May 2022.
 - c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 May 2022, totaling \$3,843,802.70 and will be submitted for confirmation of payment as per Warrant No. 05/22
 - d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
 - e) Overall funds have seen an increase in May due to the receipt of the advance payment of the Financial Assistance Grant. Our advance payment allocation has also increased from 50% to 75% of the total payment. 4th instalment rates were also due in May which has increased our revenue collection.
 - f) Further information regarding Council's investments is attached to this Agenda as **"Appendix 8.2-A"**.
-

Statement of Bank Balances as at 31 MAY 2022

Bank Account Reconciliation

Cash book balance as at 31 MAY 2022	\$15,463,520.45
Receipts for MAY 2022	\$ 3,487,839.51
Term Deposits Credited Back	\$ 2,000,000.00
	<u>\$20,951,359.96</u>
<i>Less Payments Statement No 05/22</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 674,924.59
Electronic Funds Transfer (EFT) Creditors E039748-E039876	\$ 1,104,486.09
Term Deposits Invested	\$ 2,000,000.00
Loan repayments, bank charges, etc	\$ 64,392.02
Total Payments for MAY 2022	\$ 3,843,802.70
Cash Book Balance as at 31 MAY 2022	<u>\$17,107,557.26</u>
<i>Bank Statements as at 31 MAY 2022</i>	\$17,085,926.35
Plus Outstanding Deposits	\$ 21,630.91
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 MAY 2022	<u>\$17,107,557.26</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	GENERAL	133/17	365	**2.90%	23/05/2022	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**2.90%	31/05/2022	\$ 2,000,000.00	BBB+
AMP	WATER	136/18	365	**0.80%	19/10/2022	\$ 2,000,000.00	BBB+
AMP	SEWER	144/19	365	**1.25%	23/03/2023	\$ 2,000,000.00	BBB+
Bank Of Queensland	GENERAL	147/22	365	3.15%	29/05/2023	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	141/18	364	*0.30%	13/09/2022	\$ 2,017,008.19	BBB+
Bendigo Bank	WATER	142/18	365	*0.30%	26/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.30%	28/09/2022	\$ 5,039,534.40	BBB+
Central Murray Credit Union	SEWER	126/16	365	0.40%	31/08/2022	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	146/19	365	0.30%	31/08/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.50%	18/11/2022	\$ 2,000,000.00	AA-
						<u>\$ 26,056,542.59</u>	

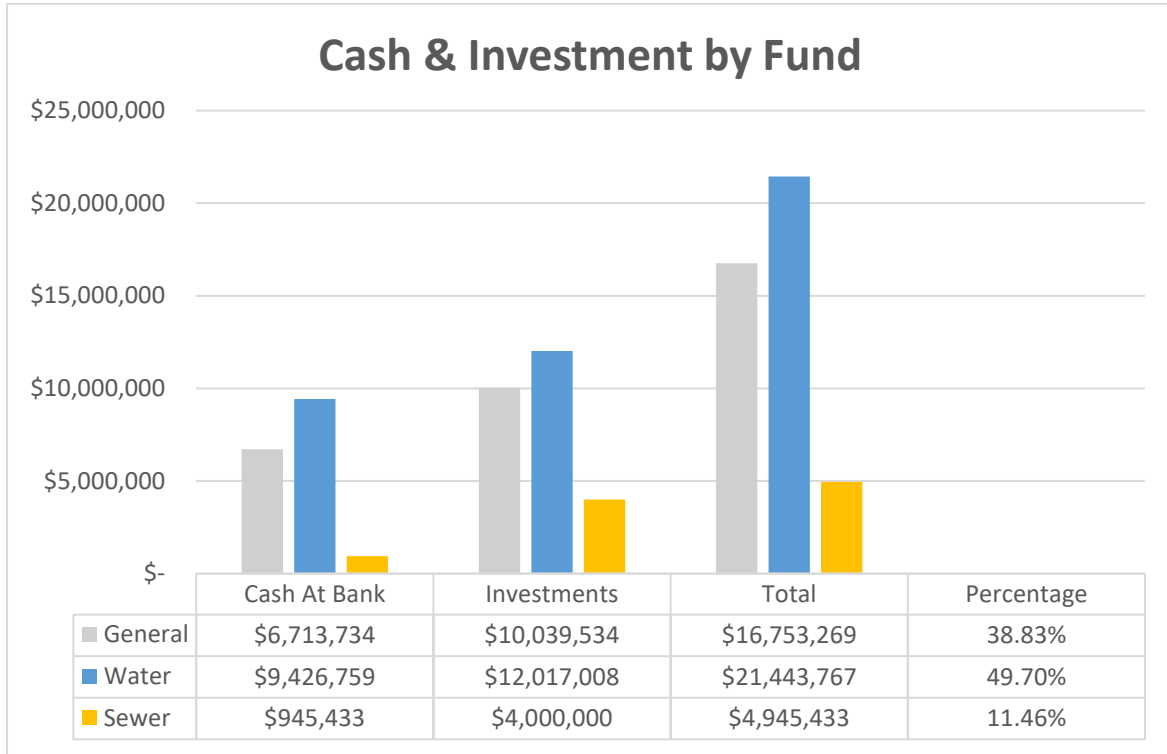
Total Funds Held at 31 MAY 2022

\$43,164,099.85

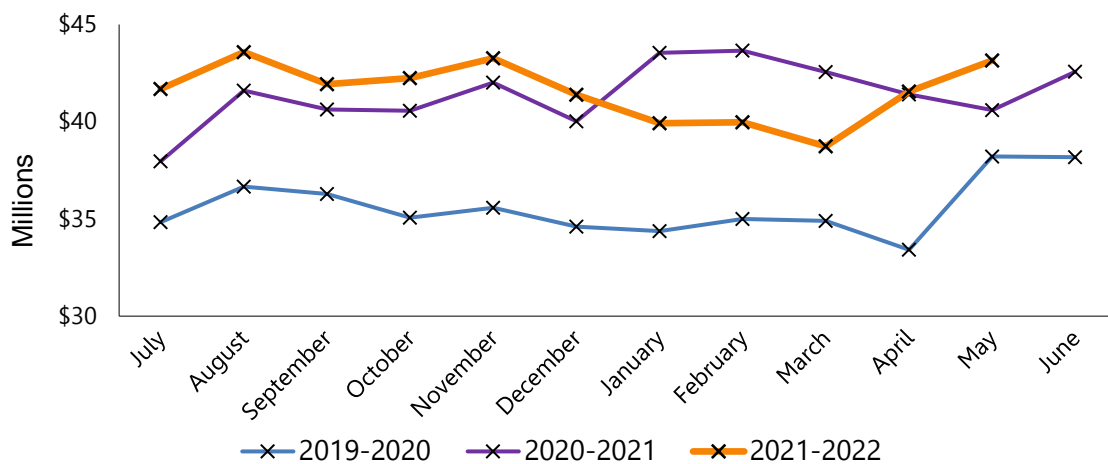
Tahlia Fry - Finance Manager

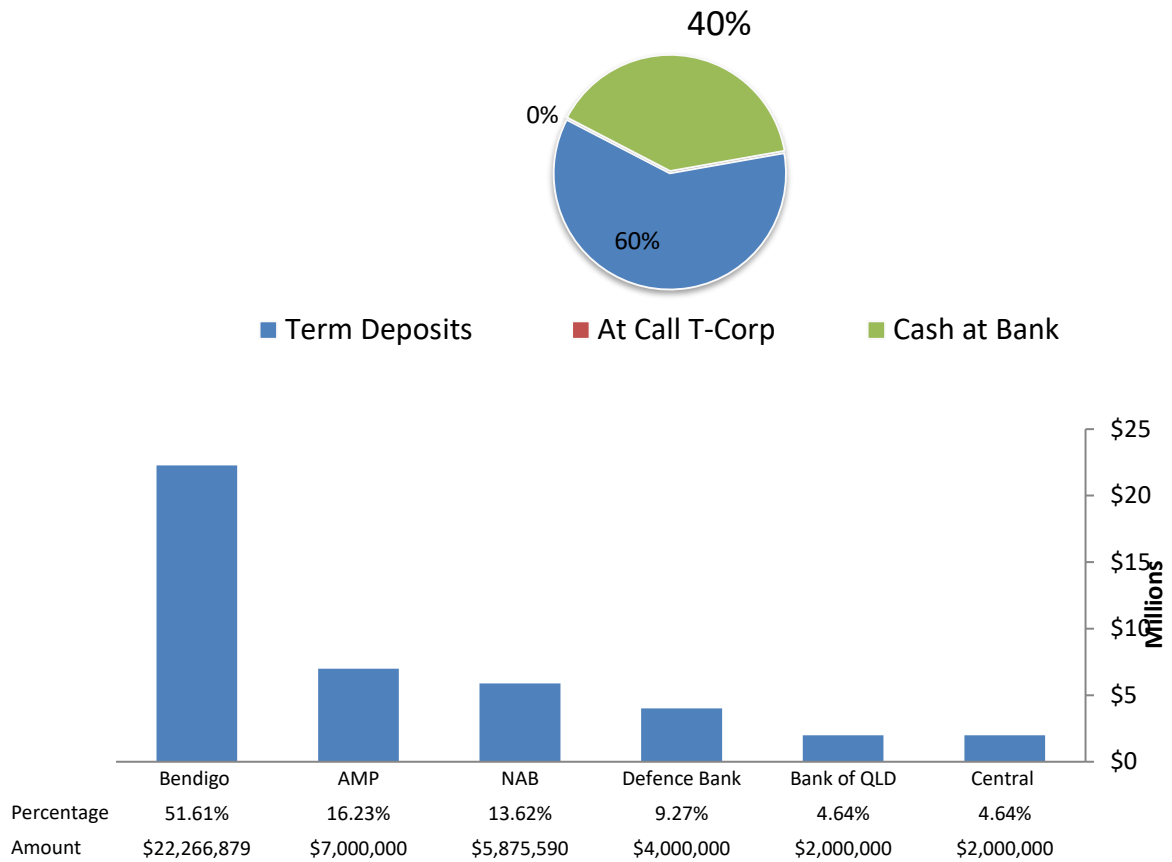
*The Council also receives an additional 0.25% commission
**The Council also receives an additional 0.20% commission

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



Total Cash and Investments





Term Deposits Credited Back

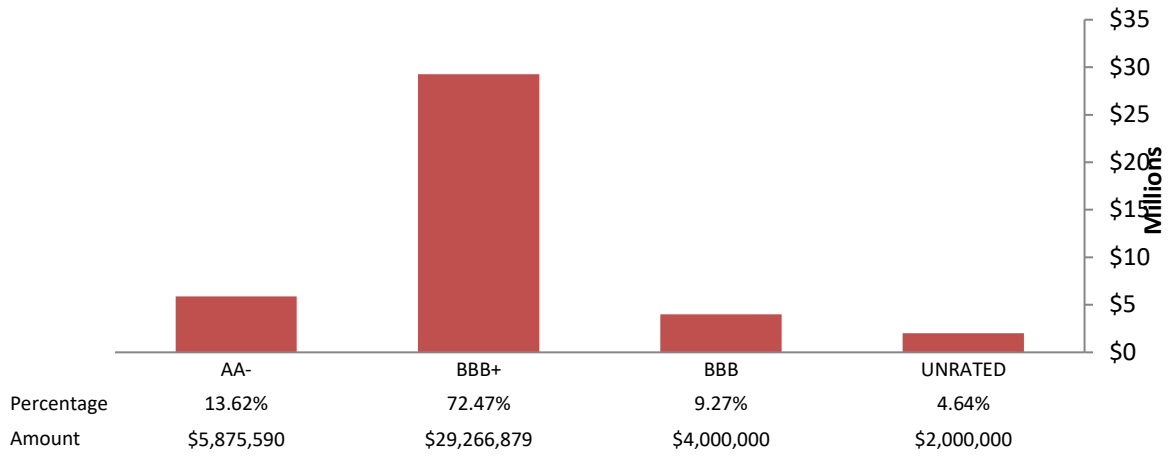
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
Goulburn Murray Credit Union	365	\$ 2,000,000.00	0.40%	13/05/2023
AMP	182	\$ 1,000,000.00	**0.85%	23/05/2022
AMP	365	\$ 2,000,000.00	**0.35%	31/05/2022

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
AMP	365	\$ 1,000,000.00	**2.90%	23/05/2022
Bank Of Queensland	365	\$ 2,000,000.00	3.15%	27/05/2022
AMP	365	\$ 2,000,000.00	**2.90%	31/05/2022

*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission



8.3 Permanent Water Saving Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Revoke its Permanent Water Saving Policy adopted on 19 September 2018, and
2. Adopt the Permanent Water Saving Policy as set out below:



Policy

59

PERMANENT WATER SAVING

+	
Strategic Outcome:	Supported and engaged communities
Policy type	Strategic
Date of Adoption:	15 June 2022 Minute Number: <input type="text"/>
Date for Review:	17 June 2026
Responsible Officer:	Director Infrastructure
Document Control:	Replaces Permanent Water Saving Policy adopted 19 September 2018
Delivery Program Link:	<i>Delivery Program Objective: 3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services</i>
<input type="checkbox"/>	

1. POLICY STATEMENT

The following permanent water saving restrictions and prohibitions have been introduced to regulate the responsible use of water resources and prevent waste and misuse.

The policy will do this by:

- setting out permanent restrictions and prohibitions on the use of water in areas of Berrigan Shire served by reticulated water; and
- specifying principles for the consideration of applications for exemption from particular restrictions or prohibitions

2. PURPOSE

The purpose of the policy is to regulate the responsible use of water resources and prevent the waste and misuse of water within the Berrigan Shire local government area.

3. SCOPE

The policy applies to water supplied by Berrigan Shire Council from all water reticulation pipes within the Shire.

This policy does not apply to water sourced from other sources such as:



Policy

- Recycled water supplied by Berrigan Shire Council; or
- Grey water;
- Water sourced from a bore or well; or
- Rainwater collected by an occupier of land in a rainwater tank from the roof of a building on that land, provided that rainwater within the tank is not augmented in any way by water supplied by Berrigan Shire Council

4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 3.1.4

Coordinate and facilitate the delivery of potable water, public health and safety services

5. DEFINITIONS

Automatic Watering System:	A watering system capable of being set to turn on and off automatically at pre-determined times, without human intervention.
Dripper:	A device that drips water at a low rate of flow directly onto the root zone of plants.
DST:	Daylight Savings Time
EST:	Eastern Standard Time
Fountain:	Any indoor or outdoor ornamental fountain: <ul style="list-style-type: none">• with a volume of less than 500 litres and that projects water more than 20cm above the water outlet; or• with a volume greater than 500 litres and that emits water for ornamental purposes.
Greywater:	Household wastewater from bath tubs, showers, laundry troughs and clothes washing machines, but excludes water from kitchens, dishwashing machines and toilets.
Hand-held hose:	A hose that is held by hand when it is used.
High pressure cleaning device:	A machine which has a pump to increase the pressure of the water delivered from a trigger nozzle forming part of the device.
Manual Watering System:	A watering system which is not an automatic system; or an automatic watering system, operated other than automatically.



Policy

Microspray:	A device that incorporates a nozzle made to emit a fine spray.
Paved Area:	Includes any courtyard, decking, footpath, driveway or other area, with a concrete, asphalt, brick, tile, bitumen, timber or similar impervious surface.
Person:	Includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity and any executor, administrator or successor in law of the person.
Public Authority:	Anybody constituted by or under an Act; or exercising powers under an Act, for a public purpose and includes a Council under the <i>Local Government Act 1993</i> .
Public Garden:	Any garden, lawn, nature strip, plantation, park or reserve (other than a sports ground) managed or controlled by a public authority, but does not include a residential or commercial garden.
Recycled Water:	Water supplied by Berrigan Shire Council that is recovered from sources such as stormwater or treated sewage.
Residential:	Land used or intended to be used as a garden or lawn, from which produce (including vegetables) is
Retail Garden Nursery	Any land primarily used to propagate, grow or display plants of any description, or their produce (including vegetables) for the purpose of sale or other distribution for profit, primarily to the public.
Season:	Summer, autumn, winter or spring.
Sprayer:	A device that incorporates a nozzle made to emit a broad spray.

6. POLICY IMPLEMENTATION

6.1 Permanent restrictions and prohibitions

The following permanent water restrictions will apply in Berrigan Shire



Policy

PURPOSE	RESTRICTION / PROHIBITION
Residential or Commercial Gardens (including lawns)	<ul style="list-style-type: none"> An automatic watering system must not be used, except between 10.00pm and 10.00am on any day of the week. No restriction applies at any time to the testing of automatic watering systems to ensure that they are operating correctly. A manual watering system must not be used, except between: <ul style="list-style-type: none"> 8.00pm and 10.00am on any day of the week DST; or 6.00pm and 10.00am on any day of the week EST. No restriction applies at any time to the use of a hand-held hose fitted with a trigger nozzle, a watering-can or a bucket.
Public Gardens (including lawn) and Sports Grounds / Recreational Areas	<ul style="list-style-type: none"> An automatic watering system must not be used, except between 10.00pm and 10.00am on any day of the week. No restriction applies at any time to the testing of automatic watering systems to ensure that they are operating correctly. A manual watering system must not be used, except between: <ul style="list-style-type: none"> 8.00pm and 10.00am on any day of the week DST; or 6.00pm and 10.00am on any day of the week EST. No restriction applies at any time to the use of a hand-held hose fitted with a trigger nozzle, a watering-can or a bucket.
Fountains	<ul style="list-style-type: none"> A fountain which does not re-circulate water must not be operated. No restriction applies to topping up a fountain at any time, provided that no more water than is necessary for that purpose is used.
Wholesale, Retail Garden Nurseries	<ul style="list-style-type: none"> No restriction or prohibition applies to the watering of plants of any description (including vegetables).
Vehicle Cleaning (all vehicles)	<ul style="list-style-type: none"> A hand held hose must not be used at any time to clean a vehicle unless it is fitted with a trigger nozzle. No restriction applies to using a bucket. No restriction applies to using a high-pressure water cleaning device, a commercial car wash, or a Council run vehicle cleaning facility.
Paved Areas – Cleaning	<ul style="list-style-type: none"> A paved area must not be cleaned with water from a hose unless cleaning is required as a result of: <ul style="list-style-type: none"> an accident, fire, health hazard or other emergency;



Policy

PURPOSE	RESTRICTION / PROHIBITION
	<ul style="list-style-type: none"> o an identifiable safety hazard that has developed and a hand held hose fitted with a trigger nozzle or a high pressure water cleaning device is used; o staining to the surface has developed, and a hand held hose fitted with a trigger nozzle or a high pressure water cleaning device is used, and then only once per season; o construction or renovation work to the surface and a high-pressure water cleaning device is used.
Construction Industry	<ul style="list-style-type: none"> • A hose must not be used unless it is: <ul style="list-style-type: none"> o fitted with a trigger nozzle; and o in good condition and does not leak.

6.2 Exemptions

6.2.1 General exemptions

Berrigan Shire Council may prepare, adopt and publish general exemptions that specify generally applicable exemptions from the restrictions and prohibitions set out in the above table and the conditions under which the exemption is granted.

Exemptions under this clause may be granted without a written application being made by an applicant for an exemption, and general exemptions may be amended or revoked by the Council at any time.

The following general exemptions apply to commercial operations supplied with reticulated water by Berrigan Shire Council:

PURPOSE	CONDITIONS
Finley Livestock Exchange	Paved areas may be cleaned at any time as long as: <ul style="list-style-type: none"> • the hose used is in good condition; and • water wastage is minimised.
Commercial Car Wash Facilities	An exemption to the restrictions on vehicle cleaning is available to commercial car wash facilities that have received development consent to operate. The facility must be operated in a way that minimises water wastage.
Commercial Truck Wash Facilities	Commercial truck wash facilities are exempted from the restrictions for "vehicle cleaning" as long as: <ul style="list-style-type: none"> • the hose used is in good condition; and • water wastage is minimised.



Policy

6.2.2 Applications

A person may apply to the Council for a temporary or permanent exemption from a restriction or prohibition imposed by this policy. The application must be made in writing and addressed to the Chief Executive Officer.

All applications for an exemption will be considered, and the Council may:

- grant the application in full or in part and subject to the conditions deemed appropriate; or
- refuse the application.

The exemption ends at the date or time specified in the exemption, and may be amended or revoked at any time by the Council.

6.2.3 Assessment

Exemptions will not be granted in relation to a particular restriction or prohibition unless the Council officer determining the application is reasonably satisfied that the proposed exemption is necessary to avoid:

- an inequitable and disproportionately adverse impact on the livelihood of the applicant, which would be caused by that restriction or prohibition, and is consistent with the water saving policy of the Council; or
- any adverse effect on public health or safety.

6.3 **Penalties**

Section 637 of the *Local Government Act 1993* specifies that a person who willfully or negligently wastes or misuses water from a public water supply or causes any such water to be wasted is guilty of an offence.

The penalty for an offence under this Section is set out in Schedule 12 of the *Local Government (General) Regulation 2021*. At the date this policy was adopted the penalty for an offence was \$220.

If an offence against this section is committed, the occupier of the premises on which the offence was committed is guilty of the offence as if the occupier were the actual offender unless the occupier proves that the waste or misuse constituting the offence:

- was not reasonably within the occupier's knowledge; and
- was caused by the act of the person other than a member of the occupier's household or other than a person employed on the premises by the occupier.

If the offending continues the offender may be prosecuted. At the date this policy was adopted the maximum penalty that could be issued was \$2,200 or 20 penalty units



Policy

6.4 Enforcement

Where possible, the Council will look to educate residents and businesses on the content of this policy and the need to conserve water, rather than a punitive role actively seeking out offending use.

The Council does reserve the right to issue penalty notices for repeated and/or egregious breaches of this policy.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

7.2 Council policies and guidelines

- *Governance Policy*
- *Code of Conduct*
- *Integrated Water Cycle Management Plan*
- *Water Asset Management Plan*
- *User Fees and Charges Policy*

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:



Policy

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

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

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

*Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712*

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0	15.06.2022	Minor Review	Director Infrastructure

APPENDICES

Nil

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Permanent Water Saving Policy.

The review has identified that the policy remains fit-for-purpose and can be adopted with only cosmetic changes.

This policy provides a set of permanent water saving rules that take effect even when formal water restrictions are not in place. These rules are consistent with the Council's Integrated Water Cycle Management Plan.

These rules have been in place since the Millennium Drought.

The Council does not have the capacity to enforce this policy on a proactive basis however the policy expresses community expectations on the responsible use of water. It does allow for scope to apply penalties for repeated and /or egregious misuse of water.

8.4 Private Employment Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke its Private Employment Policy adopted on 18 January 2017, and
2. Adopt the Private Employment Policy as set out below:



Policy

63

PRIVATE EMPLOYMENT

Strategic Outcome:	Good government		
Policy type	Administrative		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	18 June 2025		
Responsible Officer:	Deputy Chief Executive Officer, Matthew Hansen		
Document Control:	Replaces Private Employment Policy adopted 18 January 2017		
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance		

1. POLICY STATEMENT

Provide a brief overview of the matter to which the policy is addressed and a brief description of the policy "environment" - i.e. legislative or regulatory matters, strategic or administrative requirement

Employees of Berrigan Shire Council wishing to undertake private employment must comply with section 353 of the *Local Government Act 1993* which states:

Member of Staff (subsection 2)

"A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of Council or that might conflict with the member's Council duties unless he or she has notified and has obtained approval from the General Manager in writing of the employment or work."

Conflict of Duties (subsection 3)

"The General Manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of the Council or that might conflict with the member's Council duties."

Prohibition of Staff to Engage in Private Work (subsection 4)

"A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council if prohibited from doing so under subsection (3)." (Conflict of Duties).



Policy

2. PURPOSE

The purpose of this policy is to establish a process to allow the Council to determine if an employee's private employment complies with the *Local Government Act 1993* (the LGA) and the Council's Code of Conduct. (the "Code").

3. SCOPE

This policy applies to all staff in paid employment with the Council.

This includes:

- full-time,
- part-time, and
- casual employees.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.3:

Council operations and financial management support ethical, transparent and accountable corporate governance

5. DEFINITIONS

Private Employment includes the following:

- Paid work as an employee of another organisation. This includes temporary employment.
- Contract work for another organisation.
- Work, paid or otherwise, for a business owned by the employee or his/her immediate family – including work on a family farm.
- Direct sales businesses – e.g., *Tupperware, Avon*, etc.

Private employment does not include the following:

- Hobbies where income is a minor or secondary consideration
- Sport where payment for playing and/or coaching is minor in nature

6. POLICY IMPLEMENTATION

6.1 Request for approval

An employee wishing to engage in private employment must obtain the express, written consent of the Chief Executive Officer.

Approval for private employment must be made in writing, addressed to the Chief Executive Officer.



Policy

6.2 Determination

The Chief Executive Officer will assess the proposed private employment to determine if the proposal complies with the requirements of the LGA and the Code. Consent will only be given if the Chief Executive Officer is satisfied the private employment complies with the requirements of the Act and the Code. The Chief Executive Officer must not unreasonably withhold consent.

The employee will receive written notification of the outcome of the application from the Chief Executive Officer. The Council will maintain a register of approvals for private employment.

6.3 Withdrawal of consent

Approval for private employment may be withdrawn by the Chief Executive Officer where the Chief Executive Officer determines that the private employment no longer complies with the Act.

Approval for undertaking private employment may be affected when an employee is absent from work due to sick leave, carer's leave or workers compensation, if there is a conflict of interest arising from fulfilling the responsibility to the primary employment with the Council.

6.4 Use of Council facilities and information

Approval for private work does not create an entitlement for an employee to make use of Council resources or information where such use breaches the Code.

Employees undertaking private employment are expected to be scrupulous in their compliance with their Code of Conduct obligations regarding use of Council facilities and information.

6.5 Use of Council facilities and information

Breaches of this policy by employees will be dealt with in accordance with the Code of Conduct, i.e. staff will be disciplined in line with the provisions of the Local Government (State) Award 2020.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (State) Award 2020*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Guidelines for the Payment of Expenses and Provision of Facilities for staff



Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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

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

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

*Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712*

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

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	18.01.2017	New Policy document	Director Corporate Services
1.1	15.06.2022	Minor review - formatting	Deputy Chief Executive Officer

APPENDICES

Nil

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Private Employment Policy.

The review has identified that the policy remains fit-for-purpose and can be adopted with only cosmetic changes. This draft policy was also reviewed by the staff Consultative Committee in May 2022.

The policy provides guidance to the Chief Executive Officer and Council staff to assess compliance with [s353 of the Local Government Act 1993](#)

8.5 Undetected Leaks Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Revoke its Undetected Leaks Policy adopted on 16 September 2020, and
2. Adopt the Undetected Leaks Policy as set out below:



Policy

94

UNDETECTED LEAKS

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Deputy Chief Executive Office		
Document Control:	Replaces and revokes the Undetected Leaks Policy adopted 16 September 2020		
Delivery Program Link:	3.1.4.2.1 Generate sufficient income from fees and charges to provide for the renewal of sewer, water supply and distribution assets		

1. POLICY STATEMENT

Water leaks can be undetected and cause higher than normal water consumption.

While Council is not legally required to notify ratepayers of suspected water leaks, where possible Council will notify of suspected leaks to assist ratepayers in managing water consumption and loss

Receipt of a water notice following an undetected leak can cause some ratepayers financial and emotional distress as they are often not aware there is an issue until notified by Council. Managing complaints and requests relating to water notices and undetected leaks adds to the workload of the revenue team. This policy provides a simple and easy-to-understand framework for managing water notices with undetected leaks.]

2. PURPOSE

To provide a framework for processing and assessing requests for a reduction in significantly higher water charges resulting from undetected water leaks.

The objectives of this policy are to:

1. provide some financial relief to property owners when water is lost due to an undetected leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services; and



Policy

2. provide a consistent and fair approach in dealing with requests for financial relief when water is lost due to an undetected leak.

3. SCOPE

Council provides potable water to the boundary of a property; water that has subsequently passed through a metered service connection becomes the responsibility of that property owner.

This policy is not intended to provide compensation to customers for water consumption charges that occur due to an undetected water leak on their property.

However, as an act of good faith and in the interest of good public relations, Council provides a means by which some assistance for higher consumption and treatment charges may be obtained, subject to the provisions of this policy being met.

4. OBJECTIVE

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

3.1.4.2.1 Generate sufficient income from fees and charges to provide for the renewal of sewer, water supply and distribution assets

5. DEFINITIONS

Significant leak: The water consumption on the water notice issued immediately prior to or immediately after the repair being completed is 1.5 times greater than the previous three equivalent billing periods average consumption

Undetected leak: occurring within pipeline breaks or connections in the ground, under slabs or within walls, etc. and are clearly not visible to the owner

6. POLICY IMPLEMENTATION

6.1 Application

Claims for assistance under this policy must be made by application. Applications must include:

- A statutory declaration indicating:
 - the abnormally high water consumption was attributable to an undetected water leak;
 - repairs have been made in accordance with Australian Standard AS/NZS 3500;
 - a full check of internal plumbing has been made to ensure no other leaks exist; and
 - no internal plumbing is defective and requiring replacement.



Policy

- supporting documentation indicating the water leak was repaired immediately (within 30 days of a notice being issued, or after the customer learnt of its existence). Evidence may include a statement or invoice from a licensed plumber indicating the cause and location of the water leak; and
- acknowledge subsequent claims within five years under this policy will not be accepted

6.2 Eligibility

6.2.1 Eligible claims

A complying claim must meet the following criteria:

- The claimant must be the owner/s of the property for which the claim applies.
- Council must receive the claim within 30 days of the issue of the water notice being issued.
- The claim must involve a **significant leak** at the property.
- The application must involve an **undetected leak** in a pipeline.

6.2.2 Ineligible claims

The following claims will not be eligible for assistance

- Claims that are the result of a second occurrence at the same property and by the same owner regardless of whether it is a related event or separate undetected leak within five years of the first leak occurrence being determined by Council.
- Claims that are the result of a leak from an appliance, pump, hot water system, pressure release or float valves, solar panels or pool heaters, pool or pond lines or liners, taps, cisterns and other water fittings, etc. where the leak would have been reasonably detectable.
- Claims that involve a leak caused directly by way of accidental or wilful damage.
- Claims that are due to a change in consumption pattern by the occupier of the property.
- Claims that do not contain the documentation or meet the terms of a complying claim.

6.3 Assessment

6.3.1 Authority to assess and approve claims

The Revenue Coordinator will initially assess eligibility claims received under this Policy. The Revenue Coordinator will then make a recommendation to the Chief Executive Officer, who will approve the claim or otherwise.

Council will advise applicant/s in writing of the decision within 30 days of receipt of the application.

6.3.2 Eligible periods



Policy

Council will only consider adjustment to water notices issued for the billing periods immediately before and/or immediately after the leak has been detected and repaired.

It is at the discretion of the Revenue Coordinator to determine if an account warrants adjustment to more than one billing period where the applicant is unable to demonstrate definitively that a leak has occurred over more than one billing period.

6.4 Assistance

The limit of Council assistance under this policy is a 50% reduction of the volume of the estimated leak.

Assistance is calculated as the difference between the mean water consumption for the previous three equivalent billing periods and the consumption recorded on the water notice issued immediately after the repairs being completed for complying claims.

The maximum reduction offered for water consumption charges is \$2,000 in aggregate.

Council will not waive interest charges accrued on unpaid water accounts that are subject to a claim under this policy.

6.5 Reporting

Approved claims are processed as credit supplementary levies rather than write-offs in the Council's rating and charging system. That is - they are deemed to be incorrectly charged rather than waived.

Notwithstanding this, the Revenue Coordinator will report to the Council all revenue foregone as a result of this policy no less than annually.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- [Local Government Act 1993](#)
- [Australian Standard AS/NZS 3500: 2003 Plumbing and Drainage](#)

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Operational Plan and associated Schedule of Fees and Charges
- Statement of Revenue Policy
- Debt Management and Hardship Policy
- Permanent Water Saving Policy
- User Fees and Charges Policy
- Water and Sewer Supply Policy



Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy.

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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

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

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

*Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712*

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

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.1	15.06.2022	Minor review (detail)	Director Corporate Services

APPENDICES

Nil

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Undetected Leaks Policy.

The review has identified that the policy remains fit-for-purpose. The only changes made to the policy clarify the rationale behind the policy – i.e., to provide a framework to minimize ratepayer distress and streamline revenue staff's management of complaints.

The objectives of this policy are to:

1. provide some financial relief to property owners when water is lost due to an undetected leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services; and
2. provide a consistent and fair approach in dealing with requests for financial relief when water is lost due to an undetected leak

8.6 Recognition of Service Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Revoke its Recognition of Service Policy adopted on 16 November 2016, and
2. Revoke its Volunteer Recognition Policy adopted on 16 November 2012, and
3. Adopt the Recognition of Service Policy as set out below:



Policy

3

RECOGNITION OF SERVICE

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	15 June 2022	Minute Number:
Date for Review:	20 May 2026	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Replaces: <ul style="list-style-type: none"> • Recognition of Service Policy adopted on 16 November 2016, and • Volunteer Recognition Policy adopted 16 November 2016 	
Delivery Program Link:	<p>2.1.3.5 <i>Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan 2017 – 2021</i></p> <p>2.1.2.1 <i>Provide facilities and support including financial to elected Council.</i></p> <p>2.1.5.1.3 <i>Continue the development of Volunteer Management system addressing workplace and health and safety issues tasks will include: Review Volunteer Policy and Procedures, Developing consultation mechanisms, Training for Volunteers</i></p>	

1. POLICY STATEMENT

This policy provides a consistent framework to allow for suitable and appropriate recognition of Councillors and long-term staff.

2. PURPOSE

The work undertaken by Berrigan Shire Council would not be possible without the loyal and dedicated service of individuals in a range of capacities, including:

- Elected members (Councillors)
- Employees
- Volunteers



Policy

As a public-facing organisation, it is important service is honoured and acknowledged in a formal and public manner.

3. SCOPE

This policy applies to Councillors, Council employees and Council volunteers

4. OBJECTIVE

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

2.1.3.5 Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan 2017 – 2021

2.1.2.1 Provide facilities and support including financial to elected Council.

2.1.5.1.3 Continue the development of Volunteer Management system addressing workplace and health and safety issues tasks will include: Review Volunteer Policy and Procedures, Developing consultation mechanisms, Training for Volunteers

5. DEFINITIONS

Service

Continuous employment or service with Berrigan Shire Council. Part-time employment is counted equally as full-time service

Unpaid parental leave and leave without pay is not counted when calculating periods of service

Volunteer committee

A committee of the Council established under s355 of the *Local Government Act 1993* and delegated specific Council functions, typically but not always, the care, control, and management of a Council facility

6. POLICY IMPLEMENTATION

6.1 Councillors

6.1.1 Long service

The Council will acknowledge the contribution made by long serving Councillors in the following manner.

Service	Acknowledgement
5 years	Certificate of Service



Policy

10, 15, 20 years	Certificate of Service, gift to the value of \$100
25, 30 years etc.	Certificate of Service, gift to the value of \$250

Presentation of service acknowledgements will be made at an annual function held by the Council

6.1.2 Farewell presentation

Where a person ceases to hold the office of Councillor, either through retirement or the result of an election, an appropriate ceremony will be held in their honour, including presentation of a suitable gift

6.2 **Employees**

6.2.1 Long service

The Council will acknowledge the contribution made by long serving employees in the following manner.

Service	Acknowledgement
5 years	Certificate of Service
10, 15, 20 years	Certificate of Service, gift to the value of \$100
25, 30 years etc.	Certificate of Service, gift to the value of \$250

Presentation of service acknowledgements will be made at an annual function held by the Council

6.2.2 Farewell presentation

Employees with over 20 years of service to the Council will be presented with a suitable gift to the value of \$500

20-25 years – The Council will present the gift at a Council meeting

25 years or more – The Council will present the gift at a retirement function arranged by the Council. Councillors, relevant members of staff, their spouses and partners will be invited to attend.

6.3 **Volunteers**

The Council wishes to recognise individual volunteers who have provided long service to the Council and through it, the community – as per the framework below.

6.3.1 Eligibility

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Recognition of Service Policy and Volunteer Recognition Policy

The Recognition of Service Policy recognises the service of Councillors and staff. The Volunteer Recognition policy recognises the service of members of the Council's volunteer committees of management.

The review identified that the policies remain fit for purpose but could be amalgamated into a single policy for ease of reference.

The policy has also been revised to bring forward eligibility for a gift and function by five years – i.e., employees will now receive a gift on retirement after 20 years' service and a function on retirement after 25 years' service.

8.7 Council Operated Enterprises Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke its Council Operated Enterprises Policy adopted on 14 December 2016, and
2. Adopt the Council Operated Enterprises Policy as set out below:



Policy

50

COUNCIL-OPERATED ENTITIES

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Council-Operated Entities Policy adopted on 14 December 2016		
Delivery Program Link:	2.1.1. <i>Council operations, partnerships and coordination of resources contribute toward Implementation of Berrigan Shire 2027.</i>		

1. POLICY STATEMENT

The Council is sometimes confronted with the opportunity to be involved in commercial enterprise outside its existing operations.

This may require the Council to commit its resources - labour, equipment or cash. It is important that the Council does not spread its resources too thin at the expense of its core activities. At the same time, however the Council should not close its doors to opportunities which may benefit its community.

This policy attempts to ensure that all appropriate issues are addressed when the Council is weighing up whether or not to be involved in a new or existing enterprise, either financially or in some other way.

The policy may also be useful when weighing up continuing with an existing commercial service

2. PURPOSE

The "why" question - i.e. why has this policy been developed.

The purpose of this Policy is to:

1. Improve the Council's decision making in relation to involvement in new or existing enterprises.
2. Ensure the Council's resources are put to the best possible use for the community.



Policy

3. Ensure Councillors are aware of the risks and likely benefits, both community and financial of any involvement or investment decision.
4. Enable the Council to distinguish between core business enterprises and non-core business enterprises.
5. Ensure that the Council receives an adequate financial return for its investment.

3. SCOPE

This policy applies to Councillors, Council staff and organizations operated by or in conjunction with the Council.

4. OBJECTIVE

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

Council operations, partnerships and coordination of resources contribute toward Implementation of Berrigan Shire 2023

5. DEFINITIONS

Commercial enterprise: An enterprise or activity operated on a systematic basis that primarily involves the provision of goods and services to the public for a fee or charge. The activity may be either a profit-making or a not-for-profit activity. The fee or charge may be paid directly by the user or by a third party

Examples of commercial enterprises currently provided by the Council include:

- Town water supply
- Waste management facilities
- Tocumwal Aerodrome

Core activity: an activity that has been traditionally undertaken by the Council and in the main funded by a Council rate or charge, or an untied grant.

Examples of core activities currently undertaken by the Council include:

- Roads and footpaths
- Stormwater drainage
- Libraries



Policy

6. POLICY IMPLEMENTATION

Where the Council is invited to be part of a new enterprise or sees an opportunity to be involved it should consider the following questions:

1. Does involvement in the enterprise align with the Council's strategic direction
2. Do the benefits of involvement outweigh the costs?
3. Is involvement in the enterprise likely to impact on core activities?
4. Will there be an impact on private operators?
5. What are the risks to the Council of involvement in the enterprise?

It should also consider the above when considering its continued involvement in existing enterprises.

6.1 Strategic direction

In consultation with the community, Berrigan Shire Council has set out its preferred strategic direction in *Berrigan Shire 2032*, its Community Strategic Plan.

Berrigan Shire 2032 was developed to provide a common lens or framework to be used by other agencies, the local community and the Council when committing to actions now and during the next ten years.

Any decisions made in respect to Council involvement in an enterprise should be considered against the strategic outcomes identified in *Berrigan Shire 2032*. The Council should only support participation in an enterprise where it can be demonstrated that it will aid in meeting its strategic outcomes.

6.2 Costs and benefits

As a rule, the Council should only be involved in activities where the benefit to the community outweighs the costs of undertaking the activity. Thus, before entering a commercial enterprise the Council will consider the related benefits and costs to the Council.

Any enterprise in which Council may be considering involvement will have a business plan which clearly shows the strategic direction of the enterprise, its market, from where income will be derived, expenditure that will be incurred and the likely impact on the community.

A cost benefit analysis should be performed, and included in the business plan, to establish that the benefits accrued will be worth the monetary outlays. Benefits to the community, both objective and subjective should be clearly stated in the report. Initial costs and recurrent costs must be considered.

6.3 Core activities

Any decision on participation in a commercial enterprise should consider the impact on the Council's core activities.



Policy

Involvement in a commercial enterprise may contribute to a core activity of the Council or be an alternate method of delivering a core Council service.

Alternatively, the commercial enterprise may be an activity outside the Council's ordinary responsibilities. In this case, the Council needs to consider the impact of any diversion of resources from its core activity to this new activity.

The Berrigan Shire Council Financial Strategy 2021 identified the following core actions relevant to Council participation in commercial enterprises:

1.3: Resist the pressure to fund services that are the responsibility of other levels of government.

1.6: Seek methods of achieving a return (or at least minimise ratepayer subsidy) on business activities such as the Finley Saleyards, Tocumwal Caravan Park and Tocumwal Aerodrome. Subsidies to programs not directly related to core Council activities should also be regularly reviewed.

2.2: Prioritise the renewal of existing assets over the development and delivery of new services.

As a rule, the Council will not become involved in new enterprises that are not part of its core business.

6.4 Impact on the private sector

The Council will not become involved in new enterprises if the community is being, and will continue to be, well served by private operators. As a general principle the Council is not in the business of competing with the private sector.

Where the Council is running a business, it will consider the provisions of the National Competition Policy and specifically in this case the principles of competitive neutrality.

The object of Competitive Neutrality is to remove any net competitive advantages or disadvantages that may be available to business activities conducted by government agencies. It is one of the principles of the National Competition Policy that applies to all levels of Government in Australia.

6.5 Risk

The Council should consider the risks inherent in participation in commercial enterprises. These risks include:

- Financial
- Public Liability
- Work Health and Safety
- Environment
- Professional Indemnity
- Community (Social/Government/Reputation)
- Legal



Policy

The Council will prepare a comprehensive risk assessment before agreeing to participate in any commercial enterprise.

When considering financial risk, as a rule the greater the expected financial return the higher the risk to be borne and Council must be mindful that it is dealing with public funds

6.6 Other considerations

Where the Council is considering investing money purely on financial grounds investments must comply with requirements of the Ministerial Investment Order and the Council's Investment Policy.

The Council should also be cognizant of s358 of the *Local Government Act* which restricts the Council's ability to participate in the formation of, or take a controlling interest, in a corporation.

The Council also needs to be aware of relevant accounting standards that may require any commercial enterprise to be consolidated and/or disclosed in the Council's financial statements.

6.7 Summary

With increasingly competing demands on its resources the Council will carefully weight up all the above factors before deciding about becoming involved in any new enterprises.

All future involvements in enterprises should be considered against all the criteria listed above. If involvement in the enterprise does not meet the requirements of any of the criteria the involvement either should not go ahead, or the issue is referred to the Council for consideration.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- Application of National Competition Policy to Local Government 1996
- Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality 1997
- Ministerial Investment Order 2011

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Berrigan Shire 2032 (Community Strategic Plan)
- Financial Strategy 2021
- Risk Management Policy and Framework
- Investment Policy
- Related Parties Policy



Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the *Local Government Act 1993*). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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

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

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

Berrigan Shire Council
56 Charter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0	15.06.2022	Formatting changes	Deputy Chief Executive Officer

APPENDICES

Nil

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Council Operated Enterprises Policy.

The review has identified that the policy remains fit-for-purpose and can be adopted with only cosmetic changes.

The policy provides guidance for the Council when considering its involvement in enterprises not directly related to its core functions.

8.8 Councillor Expenses and Facilities Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke the Councillor Expenses and Facilities Policy adopted 18 January 2022, and
2. Noting that no submissions were received during the statutory period of public exhibition, adopt the Councillor Expenses and Facilities Policy as set out below:



Policy

33

COUNCILLOR EXPENSES AND FACILITIES

Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces the Councillor Expenses and Facilities Policy adopted on 18 January 2017		
Delivery Program Link:	2.1.2.1 Provide facilities and support including financial to elected Council		

1. POLICY STATEMENT

The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Berrigan Shire Council.

The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.

The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.

Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.



Policy

Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. PURPOSE

The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.

The aims of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the council's statutory responsibilities.

3. SCOPE

The policy applies to all Councillors and if appropriate any Council Administrators appointed by the Minister for Local Government

The policy does not apply to the receipt or expenditure of Councillors or Mayoral annual fees. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council annually adopts its annual fees within this set range.

The policy does not apply to Council staff. Council staff are regulated in similar matters by separate policy

4. OBJECTIVE

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

2.1.2.1 Provide facilities and support including financial to elected Council



Policy

5. DEFINITIONS

Accompanying person:	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
Appropriate refreshments:	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act:	Means the <i>Local Government Act 1993</i> (NSW)
Code of Conduct:	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor:	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
Chief Executive Officer:	Means the Chief Executive Officer of Council and includes their delegate or authorised representative
Incidental personal use:	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Long distance intrastate travel:	Means travel to other parts of NSW of more than three hours duration by private vehicle
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none">• meetings of Council and committees of the whole• meetings of Committees facilitated by Council• civic receptions hosted or sponsored by Council



Policy

	meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
Professional development	means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
RAMJO region	the local government areas included in the Riverina and Murray Joint Organisation
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
Year	Means the financial year, that is the 12-month period commencing on 1 July each year

6. POLICY IMPLEMENTATION

6.1 Principles

Council commits to the following principles:

- **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- **Equity:** there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

6.2 Private or political benefit



Policy

Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.

Such incidental private use does not require a compensatory payment back to council.

Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.

Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of council resources and equipment for campaigning
- use of official council letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.

6.3 General Expenses

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6.4 Specific Expenses

6.4.1 General travel arrangements and expenses

All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

The mode and method of transportation to be used shall be agreed with the Council, or the Mayor and the Chief Executive Officer prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimise costs.

Each councillor may be reimbursed up to a total of \$2,000 per year, and the Mayor may be reimbursed up to a total of \$4,000 per year, for travel expenses incurred while undertaking official business or



Policy

professional development or attending approved conferences and seminars within the RAMJO region. This includes reimbursement:

- for public transport fares
- for the use of a private vehicle or hire car
- for parking costs for Council and other meetings
- for tolls
- by Cabcharge card or equivalent
- for documented ride-share programs, such as Uber, where tax invoices can be issued

6.4.2 Motor vehicle

Where possible, a Council vehicle will be made available to Councillors traveling to events within 200km of the Shire.

Where this is not possible, allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

If a Councillor chooses to use their own vehicle despite a Council vehicle being made available, or without the prior agreement of the Council, they will be ineligible to claim a reimbursement for travel more than 200km from the Shire.

Councillors seeking to be reimbursed for use of a private vehicle must provide a claim form recording the date, distance and purpose of travel being claimed.

6.4.3 Interstate and long-distance intrastate travel expenses

Given Berrigan Shire's location, travel to Victoria and the Australian Capital Territory will not be considered interstate travel for the purposes of this policy

Total interstate, and long-distance intrastate travel expenses for all councillors will be capped at a maximum of \$5,000 per year. This amount will be set aside in Council's annual budget.

Councillors seeking approval for any interstate and long-distance intrastate travel must obtain the approval of the Council via resolution prior to travel. If this is not possible then the approval should be given jointly by the Mayor and the Chief Executive Officer. If the Mayor requires approval to travel outside of Council meetings it should be given jointly by the Deputy Mayor and the Chief Executive Officer.

For interstate and long-distance intrastate journeys by air, the class of air travel is to be economy class.



Policy

Bookings for approved air travel are to be made through the Chief Executive Officer's office.

For air travel that is reimbursed as council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

6.4.4 Overseas travel

Berrigan Shire Council will not undertake any overseas travel unless a direct and tangible benefit for the council and the local community can be established.

All overseas travel will be approved by a meeting of the full Council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis and retrospective re-imbusement of overseas travel expenses that have not previously been authorised will not be permitted.

Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.

The case should include:

- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
- who is to take part in the travel
- duration and itinerary of travel
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

After returning from overseas, Councillors will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.

For international travel, the class of air travel is to be economy.

6.4.5 Travel expenses not paid by the Council

Council will not pay any traffic or parking fines for any Councillor, whether on Council business or otherwise.

Council will not pay or reimburse any administrative charges for road toll accounts.

6.4.6 Extending travel arrangements



Policy

Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Council or the Mayor and the Chief Executive Officer.

In such instances Councillors should recognise that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including meal costs and accommodation, are not considered to be reimbursable expenses

6.4.7 Accommodation and meals

Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the RAMJO region.

In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Chief Executive Officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location

The daily limits for accommodation and meal expenses are detailed in Appendix A of this policy.

Councillors will not be reimbursed for alcoholic beverages.

6.4.8 Refreshments for Council-related meetings

Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official council functions as approved by the Chief Executive Officer.

As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Appendix A of this policy.

6.4.9 Professional development

Council will set aside \$5,000 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies. This will be informed by the Councillor Induction and Professional Development Policy. With the express permission of the Councillors involved, the Chief Executive Officer may reallocate unspent professional development allowance between Councillors.



Policy

In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:

- details of the proposed professional development
- relevance to council priorities and business
- relevance to the exercise of the councillor's civic duties.

In assessing a councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out above, as well as the cost of the professional development in relation to the councillor's remaining budget.

6.4.10 Conferences and seminars

Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

Council will set aside a total amount of \$5,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:

- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

Travel to a conference or seminar outside the local area must be approved by the Council as per section 6.4.3 above. Where approved, Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer.



Policy

Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to section 6.4.7 above.

This policy provides approval for attendance and travel for the following conferences:

Local Government New South Wales Annual Conference

- Mayor
- Deputy Mayor
- Chief Executive Officer
- One other Councillor nominated by the Council

Australian Local Government Association National General Assembly

- Mayor
- Chief Executive Officer
- One other Councillor nominated by the Council

National Roads Congress

- Director Infrastructure
- One Councillor nominated by the Council

6.4.11 Corporate workshop

The Council will hold annually a Corporate Workshop. The purpose of the Corporate Workshop is to provide an opportunity for Councillors and management to collaborate on the Council's strategic direction and propose and discuss specific projects and activities.

Where the Council conducts this Corporate Workshop at a location more than 100km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines

6.4.12 Non-Council functions

Councillors attending dinners and other non-council functions are entitled to the reimbursement of their ticket or meal costs in accordance with this policy under the following circumstances:

- The function is relevant to the council's interests; or



Policy

- The Councillor receives an official invitation to attend a function organised by a community or business group operating within Berrigan Shire; or
- The event will provide Councillors with a briefing on issues facing the local community.

The direct cost of attending such functions can be reimbursed as part of the Councillors normal monthly return.

No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, a raffle ticket, or some other private benefit.

When Councillors' spouses/partners are invited guests within the local government area or a neighbouring local government area and the Mayor or Council is invited to host a table at a dinner or similar event, for fundraising, community or charitable purposes, attendance costs for Councillors and their spouses/partners will be paid by Council. Individual Councillor requests for specific events must be approved by the Mayor and Chief Executive Officer (or the Deputy Mayor in the Mayor's absence)

6.4.13 Spouse or accompanying person expenses

As a general rule, spouse and accompanying person expenses at conferences will not be reimbursed.

However, there may be limited instances where certain costs incurred by the Councillor on behalf of their spouse, partner or accompanying person are properly those of the Councillor in the performance of his or her functions (hence they are properly incurred by, and reimbursable to the Councillor). An example of this is an accompanying person providing carer support to the Councillor.

Where partners accompany Councillors to seminars and conferences and the like, the Councillor will be personally responsible for all additional costs associated with their partner's attendance, including travel, accommodation, meals, partner's programs etc.

The payment of partner expenses for attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by partners are not considered reimbursable expense

6.4.14 Information and Communications Technology (ICT) expenses

Council will provide each Councillor with facilities to allow them to undertake their civic duties.

Should a Councillor not wish to make use of these facilities, the Council will reimburse the actual out-of-pocket ITC expense for the Councillor up to a cap of \$1,000 per annum per Councillor.



Policy

The Council will not reimburse Councillors for the use of their home or business internet connection on Council business.

6.4.15 Special requirement and carer expenses

Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.

Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.

In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$4,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

6.4.16 Home office expenses

Council will provide all required stationery and print any documents required for the performance of a Councillor's civic duties. As such the Council will not reimburse the costs of a Councillor operating a home office.

6.5 **Insurances**

Councillors will receive the benefit of insurance cover to the limit specified in the Council's insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions.



Policy

All insurances are to be subject to any limitations or conditions set out in the Council's policy of ins. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.

Public Liability/Professional Indemnity - Public Liability and professional indemnity insurances apply in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of their functions as Councillors.

Councillors' and Officers' Liability - This policy covers Councillors against claims made against them for any alleged wrongful acts in the course of their duties. Wrongful Act is taken to mean any act, error, misstatement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted by the insured person.

Personal Accident - Councillors are covered, within specified limits, for any personal injury obtained while engaged in or on any activity related to their official council. This cover also extends to journey insurance, covering councillors travelling for council business including interstate or overseas travel.

Motor Vehicle - Berrigan Shire Council has an insurance policy to cover loss or damage to Council fleet vehicles. Councillors using these vehicles are covered by the policy. Council's motor vehicle insurance does not cover loss or damage of non-Council vehicles used on Council business.

6.6 Legal assistance

Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer and



Policy

the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.

Council will not meet the legal costs:

- of legal proceedings initiated by a Councillor under any circumstances
- of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a Councillor performing their role as a councillor.

Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

6.7 Facilities

6.7.1 General facilities

Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:

- personal protective equipment for use during site visits
- a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.

Councillors may book meeting rooms for official business at the Council administration office or the Berrigan Shire Library Service libraries at no charge. Rooms may be booked through the Chief Executive Officer's Personal Assistant.

Councillors will be provided with access to the photocopiers, facsimile machines, telephones and other relevant office equipment located at the council office in Berrigan for the purposes of official council business.

6.7.2 Information and Communication Technology

The Council will make available for each Councillor for use on official Council business.



Policy

- a mobile telephone of a standard equivalent to those provided to Council staff members, and
- one of the following:
 - a laptop computer
 - a "tablet" device (an iPad or equivalent)

The mobile telephone will be provided with a sim card and data plan sufficient to allow each Councillor to undertake their civic duties. Other ancillary devices such as cases, keyboards, mouses etc. will be provided as required.

Council will provide technical support for Councillors using these devices during normal working hours. Such support will be limited to use of the devices for official Council business only. Support can be requested via the Information and Communication Technology Coordinator.

Usage of ICT equipment supplied by Council is in accordance with Council's ICT policies, including:

- Communication Devices and the Internet Policy
- Social Media Policy
- Access Control Policy

6.7.3 Stationery

Council will provide the following stationery to councillors each year:

- a diary of a type and standard prescribed by the Chief Executive Officer. The standard will be equivalent to diaries supplied to Council staff members
- Business cards

6.7.4 Administrative support

Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support will be provided by the Chief Executive Officer's Personal Assistant or by a other members of council's administrative staff as arranged by the Chief Executive Officer or their delegate.

As per Section 6.2 above, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

6.7.5 Vehicles



Policy

Access to a suitable vehicle (if available) will be provided for use on official duties. Vehicles will be sourced from the council's general fleet and bookings must be made in advance through the Chief Executive Officer's Personal Assistant.

6.7.6 Employee Assistance Program (EAP)

Councillors are provided with access to Council's EAP. The EAP is a program designed to provide independent and confidential counselling support with an external provider, for those experiencing difficulties in their lives. The EAP is free of charge for access to three sessions in a calendar year.

6.8 **Mayoral facilities**

6.8.1 Vehicle

This section is to be read in conjunction with Council's general policy and in particular the Council's policy – Private Use of Council Vehicles

The Mayor will be provided with a fully serviced and maintained executive standard council vehicle, including fuel card, for official duties and commuter use associated with such duties.

The Mayor shall be provided with full private use of the vehicle upon payment of a weekly amount as determined from time to time by the council as part of its Annual Schedule of Fees and Charges.

The Mayor must keep a logbook setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The logbook must be submitted to council on a monthly basis

6.9 **Superannuation**

6.9.1 Council contribution

The Council will make superannuation contributions for Councillors as per Section 245B of the Act.

6.9.2 "Salary" Sacrifice

In accordance with the Australian Tax Office Interpretative Decision 2007/205, the Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

To establish this facility, a Councillor must submit a written request to the General Manager, using similar wording to that of a normal employee deduction request. The request cannot be retrospective.



Policy

6.10 Recognition of service

Councillors with qualifying service will be recognised with an appropriate function and/or gift as per the Council's Recognition of Service Policy

6.11 Processes

6.11.1 Approval, payment and reimbursement

Expenses should only be incurred by councillors in accordance with the provisions of this policy.

Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- local travel relating to the conduct of official business
- carer costs

Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.

6.11.2 Direct payment

Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Finance Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

6.11.3 Reimbursement

All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Finance Manager

6.11.4 Prepaid debit cards

Council may provide a prepaid debit card for Councillors attending approved conferences, seminars or professional development.

The maximum value of a prepaid debit card is \$100 per day of the conference, seminar or professional development to a maximum of \$500.



Policy

Requests for a prepaid debit card can be made through the Chief Executive Officer's Personal Assistant.

Councillors must return the prepaid debit card and fully reconcile all expenses against the prepaid debit card within 14 days of returning home.

6.11.5 Notification

If a claim is approved, council will make payment directly or reimburse the Councillor through accounts payable.

If a claim is refused, council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

6.11.6 Reimbursement to Council

If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the councillor for the expense
- the Councillor will reimburse Council for that expense within 14 days of the invoice date.

If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount from the councillor's allowance.

Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

6.11.7 Disputes

If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer.

If the Councillor and the Chief Executive Officer cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

6.11.8 Return or retention of facilities

All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.



Policy

Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the Chief Executive Officer to purchase any such equipment. The Chief Executive Officer will determine an agreed fair market price or written down value for the item of equipment.

The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report

6.11.9 Reporting

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

6.11.10 Breaches

Suspected breaches of this policy are to be reported to the Chief Executive Officer.

Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

6.11.11 Audit

The Council will request the Audit Risk and Improvement Committee include a review of expenses and facilities provided to Councillors in their audit work plan at least once each term of Council.

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

7.1 **Legislation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009*
- *Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities*
- *Local Government Circular 05-08 legal assistance for Councillors and Council Employees.*



Policy

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Councillor Induction and Professional Development Policy
- Councillor and staff Interaction Policy
- Private use of Motor Vehicles Policy
- Drug and Alcohol-free Workplace Policy
- Employee Assistance Policy
- Communication Devices and the Internet Policy
- Social Media Policy
- Access Control Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

Within the first 12 months of each term, Council must adopt this policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to Councillors in relation to discharging the functions of civic office. Council may amend the policy at any time under section 252 of the *Local Government Act 1993* (the Act).

Council must give public notice of its intention to adopt or amend the policy allowing at least 28 days for the making of public submissions. Before adopting or amending the policy, Council must consider any submissions made during the notice period and make any appropriate changes to the draft policy or amendment.

Council need not give public notice of a proposed amendment to the policy if it considers the proposed amendment is not substantial.

Council must comply with the above requirements when proposing to adopt a policy in accordance with Section 252 (1) of the Act even if Council proposes to adopt a policy that is the same as the existing policy.

10. DOCUMENT AVAILABILITY



Policy

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0		New Policy document	Director Corporate Services
2.1	15.06.022	Draft following SPW	Deputy Chief Executive Officer



Policy

APPENDICES

APPENDIX A - MONETARY LIMITS FOR REIMBURSEMENT

Section Name	Expense Type	At Cost	Limit Amount	Comment
Conferences *Including Travel and accommodation	Registration Costs	Actual	Costs of conferences will be detailed in 6 monthly Conference reports presented to Council	All conference attendance approved by Mayor and Deputy Mayor. Conference report to be provided to Council for noting.
Travel	Air travel Rail travel Taxi Bus Parking	Actual	Within reason	Travel arrangements must be approved by the Chief Executive Officer. See Details for travel arrangements also General travel arrangements
Accommodation and meals	Actual up to daily limit	Actual up to daily limit	1. \$500 per night 2. \$400 per night 3. \$300 per night	1. State Capital Cities and Canberra 2. Regional Cities (e.g. Orange, Bathurst, Wallangong, Coffs Harbour). 3. Country.
Accompanying person expenses	Carer or spouse acting as carer	Actual	Reimbursement request to be approved by the Chief Executive Officer.	See Care and Other Related Expenses
Attendance at non-Council functions	Cost of service provided	Actual	None	No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.
Care and Other Related Expenses	Personal care or childcare expenses up to four hours	Actual	\$150 daily \$4,000 annually	See Special Requirement and Carer Expenses
Spouse and Partner Expenses	spouse/partner expenses		None/some limited instances	See Spouse and Partner Expenses



Policy

Section Name	Expense Type	At Cost	Limit Amount	Comment
Professional development	Offered by Council for the development of skills and provision of information appropriate to the role of Councillor		\$5,000 per year per Councillor	With the express permission of the Councillors involved The Chief Executive Officer may re-allocate unspent professional development allowance between Councillors.
Out of Pocket Expenses	Minor expenses incurred when on Council business.	Actual up to daily limit.	\$100 per day	Expenses in this category may include: <ul style="list-style-type: none"> • Reasonable telephone, facsimile or internet usage • Newspapers • Tolls • Reasonable refreshments Meals not included in registration fees for conference.
Use of Private Motor Vehicle	Payment	Per km allowance as defined in Clause 16(x) of the Local Government (State) Award 2020.	Under 2.5 litre 0. 68p.km. Over 2.5 litre 0. 78p.km.	See Payment of Kilometres Clause
Legal assistance for Mayor and Councillors	Cost of Service provided	As determined by Council Resolution	Determined by Council	See Legal Expenses and Obligations
Employee Assistance Program	Cost of Service Provided	Actual	Three sessions per calendar year	As per Council's Employee Assistance Policy
Laptop or Tablet Computer	Cost of Service Provided	Monthly data allowance	One per term	To support Councillor needs to cover normal Council business use. Ancillary devices such as cases, keyboards, mouses etc. will be provided as required.
Mobile telephone	Cost of Service Provided	Monthly data allowance Monthly call allowance	One per term	To support Councillor needs to cover normal Council business use.
Use of Private Mobile Phone	Cost of service provided	At cost	\$1,000 per year	Covers use of call costs on private mobile phone for normal Council business.

Report:

The Council must, pursuant to s252(i) of the *Local Government Act* 1993, within five months after the end of each year, adopt a Policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of civic office.

Additionally, s252 provides that:

- 2) *the policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a Councillor of a facility provided by the Council to the mayor or Councillor.*
- 3) *A Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a Policy under this section.*
- 4) *A Council may from time to time amend a Policy under this section.*
- 5) *a Policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

s253 of the *Local Government Act* is also relevant to adoption of such a Policy or its amendment and states:

- 1) *A Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing 28 days for the making of public submissions.*
- 2) *Before adopting or amending the Policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment.*
- 3) *Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.*
- 4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a Council is to forward to the Director-General:*
 - a) *A copy of the Policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - b) *A statement setting out, for each submission, the Council's response to the submission and the reasons for the Council's response, and*

c) A copy of the notice given under subsection (1).

5) A Council must comply with this section when proposing to adopt a Policy each year in accordance with section 252 (1) even if the Council proposes to adopt a Policy that is the same as its existing Policy.

A draft policy was considered and adopted by the Council at its ordinary meeting on 16 March 2022.

The draft policy was a significant rewrite of the existing policy including:

1. The inclusion of a laptop computer for each Councillor
2. Clarification and streamlining of care-related expenses (childcare etc.)
3. Bi-annual reports to Council on Councillor expenses
4. A significant increase in Councillor professional development expenses – to comply with NSW Government requirements for Councillor development
5. An annual audit of Councillor expenses and facilities.

The draft was placed on public exhibition through public advertisement for the required 28 days. At the close of the exhibition period no submissions were received in relation to the draft policy which could now be adopted.

8.9 Contributory Footpath and Kerb and Gutter Schemes Policy

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation: That the Council:

1. Revoke its Contributory Footpath and Kerb and Gutter Schemes Policy adopted on 17 May 2017, and
2. Adopt the Contributory Footpath and Kerb and Gutter Schemes Policy as set out below:



Policy

40

CONTRIBUTORY FOOTPATH AND KERB AND GUTTER SCHEMES

Strategic Outcome:	Sustainable natural and built landscapes		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	17 June 2026		
Responsible Officer:	Director Infrastructure		
Document Control:	Replaces the Contributory Footpath and Kerb and Gutter Schemes Policy adopted on 17 May 2017		
Delivery Program Link:	1.3.1 Coordinate flood levee, Council road network and storm water asset management and planning		

1. POLICY STATEMENT

The infrastructure in our towns (roads, footpaths and kerb and gutters etc.) are essential for the wellbeing of our community but are often unnoticed essential infrastructure. Providing these facilities comes at a cost to the community.

Generally, these items are provided by the initial developer of the land. The cost of providing this infrastructure is then built into the price of the developed blocks. Hence, each property owner has contributed to the cost of the infrastructure outside his or her land.

Community expectations regarding infrastructure change over time. For example, most new urban sub-divisions now include kerb and gutter as standard – an item that older sub-divisions often do not have.

As our towns grow, it becomes important to link up this community infrastructure to allow the footpath and kerb and gutter network to work as it should. Installation of kerb and gutter and footpaths to fill in the "gaps" created by older sub-divisions thereby becomes necessary.

The cost of providing this infrastructure in newer sub-divisions has been borne by the property owners as outlined above, it is fair property owners in older areas contribute to the cost of new kerb and gutter and footpaths installed adjacent to their land.



Policy

The NSW government recognises this, and the *Roads Act 1993* allows for Councils to recover up to half the cost of providing infrastructure like kerb and gutter and footpaths from the adjacent landowners via a contributory charge.

All property owners are required to contribute to the cost of infrastructure passing their property, either through the initial cost of purchase or via a later contribution. The Council considers that its Half-Cost Scheme provides a simple and fair method of allocating and recovering the contribution to new infrastructure

2. PURPOSE

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects for the construction of footpaths and kerb and gutter under the *Roads Act 1993* and as a guide for the equitable distribution of costs between Council and owners of abutting properties.

3. SCOPE

This policy applies to all property within Berrigan Shire.

4. OBJECTIVE

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

1.3.1 *Coordinate flood levee, Council road network and storm water asset management and planning*

5. DEFINITIONS

- Affected property:** A property with a boundary adjacent to the proposed works;
- Front boundary:** The boundary providing the main access to the affected property. In the case of dispute where a property has access across multiple boundaries, the shortest boundary will be deemed as the front boundary
- Responsible Officer:** The staff member appointed by the Chief Executive Officer with the responsibility for the administration of contributory footpath and kerb and gutter schemes as per this policy

6. POLICY IMPLEMENTATION

6.1 General principles



Policy

The Council recognises that often the main beneficiaries of a particular contributory scheme are not necessarily the adjacent property owners. However, there is often a strong community interest in ensuring footpath and kerb and gutter networks are linked and effective.

In implementing this policy, the Council will balance the needs of the Berrigan Shire community as a whole with the interests of affected landholders

6.2 How projects are identified

The Council will identify potential projects for contributory schemes as part of its Integrated Planning and Reporting suite of Asset Management Plans, in particular in its:

- Pedestrian Access Management Plan (PAMP), and
- Stormwater Drainage Asset Management Plan

These plans, developed in consultation with the public, will identify specific projects that are suitable to be funded via a contributory scheme.

Identified projects will then be included in the Council's Capital Works Program and Operational Plan and budget. Projects will be prioritised on the basis of risk, need and available funding

Alternatively, potential projects may be identified by the Council following requests from landholders and/or other members of the community.

6.3 How the Council will consult

6.3.1 Preliminary consultation

Following inclusion of a prospective scheme in the Council's Capital Works Program, the Council will advise landholders about the scheme in writing.

The information provided to landholders will include:

- preliminary estimates for the total cost of the works,
- method of apportionment of the cost,
- the estimated cost to owner,
- details of payment options in line with this policy, and
- a method to respond to the Council, regarding their support or otherwise for the plan

Landholders will have fourteen (14) days to provide a response to the Council.



Policy

6.3.2 Site meeting

Landholders may also request a site meeting to clarify issues raised in their response. Based on the responses, the Responsible Officer will determine if a site meeting is required

If a site meeting is held all affected landholders will be invited to attend. The Council's representatives will include at a minimum, one staff member and one Councillor. A record of the meeting will be taken.

6.3.3 Initial report

The Responsible Officer shall prepare a preliminary report to a subsequent Council meeting addressing the following where appropriate:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- the need for the scheme considering the Council's Integrated Plans
- the likely beneficiaries of the scheme;
- options for the scope, staging and funding of the scheme;
- the preliminary estimate and the basis for apportionment;
- recommendation to the Committee for Council to either proceed with the scheme or not to proceed; and
- ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

Based on this report, the Council will decide whether to proceed with formal development of the scheme.

6.3.4 Final report and notice

Following Council's resolution to proceed with the Scheme, the final design, estimates and apportionment of costs shall be prepared by the Responsible Officer. Where the cost and/or scope of the project significantly changes from the initial estimate, the Responsible Officer will ensure landholders are advised.

The finalised scheme will be presented to a subsequent Council meeting for adoption.

After adoption by Council, all affected landholders will be given formal notice of their requirement to contribute, in accordance with all legislative requirements.

The notice shall:

- contain an outline of the proposed scheme; and
- set out the method of calculation of the estimated contribution.

In addition to the above legislative requirements the notice sent shall include:



Policy

- the name of a Council officer for contact regarding individual enquiries;
- proposed timing for works to be carried out; and
- further advice of Council's policy regarding payment options

6.4 How the Council will charge landholders

6.4.1 Allocation of costs

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

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

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

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

6.4.2 Invoicing

Once the project is complete, the Responsible Officer is authorised by the Council to arrange for invoices to be drawn up and sent to landholders based on this policy

Where the final cost is greater than 10% above the estimated cost, the Responsible Officer must seek Council approval via resolution before issuing invoices. The Council will have the discretion to charge an amount less than the actual cost, should it choose to do so.

6.5 How the Council will charge landholders

6.5.1 Charge against the land

As per legislation, the contribution will be recorded as a charge on each affected property as per unpaid rates under the *Local Government Act 1993*.

The amount of the contribution owing for the property will be included on notices provided under s603 of the *Local Government Act*.

6.5.2 Payment and collection



Policy

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

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

The repayment program will require landholders to enter into a formal agreement with the Council setting out the terms of the repayment. This agreement will require payment in full by the landholder by the due date as set on in the agreement.

Where a contribution debt is not repaid in line with the terms outlined in this policy and in the agreement, the Council will charge penalty interest at the maximum rate permitted for outstanding rates and charges by the Office of Local Government. The penalty interest charged will be backdated to the to date the invoice was initially issued.

The Council will collect outstanding contribution debt in line with established debt collection procedures. Landholders may make application for consideration under the Council's Financial Hardship Policy.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- *Privacy and Personal Information Act 1998*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Pedestrian Access Management Plan
- Stormwater Drainage Asset Management Plan
- User Fees and Charges Policy
- Collection Policy
- Financial Hardship Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION



Policy

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

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

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

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.05.2017	New Policy document	Director Technical Services
2.0		Minor review (detail)	Director Corporate Services

APPENDICES

Nil

Report:

As part of the ongoing review of the Council's policies, Council staff have reviewed the Contributory Footpath and Kerb and Gutter Schemes Policy.

The review has identified that the policy remains fit-for-purpose and can be adopted with only cosmetic changes.

This policy provides guidance to Council staff when administering schemes established under [Section 217 of the Roads Act 1993](#) requiring adjoining landholders to contribute to the cost of complying works adjacent to their land.

Implementation of this policy will be guided by the Council's Pedestrian Access and Mobility Plan and its Stormwater Drainage Asset Management Plan.

Below is an extract setting out the basis of the policy:

The infrastructure in our towns (roads, footpaths and kerb and gutters etc.) are essential for the wellbeing of our community but are often unnoticed essential infrastructure. Providing these facilities comes at a cost to the community.

Generally, these items are provided by the initial developer of the land. The cost of providing this infrastructure is then built into the price of the developed blocks. Hence, each property owner has contributed to the cost of the infrastructure outside his or her land.

Community expectations regarding infrastructure change over time. For example, most new urban sub-divisions now include kerb and gutter as standard – an item that older sub-divisions often do not have.

As our towns grow, it becomes important to link up this community infrastructure to allow the footpath and kerb and gutter network to work as it should. Installation of kerb and gutter and footpaths to fill in the "gaps" created by older sub-divisions thereby becomes necessary.

The cost of providing this infrastructure in newer sub-divisions has been borne by the property owners as outlined above, it is fair property owners in older areas contribute to the cost of new kerb and gutter and footpaths installed adjacent to their land.

The NSW government recognises this, and the Roads Act 1993 allows for Councils to recover up to half the cost of providing infrastructure like kerb and gutter and footpaths from the adjacent landowners via a contributory charge.

All property owners are required to contribute to the cost of infrastructure passing their property, either through the initial cost of purchase or via a later contribution. The

Council considers that its Half-Cost Scheme provides a simple and fair method of allocating and recovering the contribution to new infrastructure.

This policy is an essential part of the Council's funding model to deliver an integrated footpath and kerb and channel network and should be supported.

If this policy is adopted, the Council will develop and implement an engagement strategy template for use in the implementation of the policy, including information sheets.

8.10 Mayoral and Councillor Allowances

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council adopt the following Mayoral and Councillor allowances effective from 1 July 2022

Mayoral allowance:	\$10,180
Councillor allowance:	\$27,600

Report:

The Local Government Remuneration Tribunal is required to annually determine minimum and maximum remuneration levels for the various categories of Councils within New South Wales.

The Local Government Remuneration Tribunal is also required to review the range of Council categories and category applicable to each Council every three years.

The Tribunal has determined a 2% increase in the cap for Mayoral and Councillor fees for 2022/23, effective from 1 July 2022.

This increase is consistent with the wage increase set for Council employees in the Local Government (State) Award. It is, however, inconsistent with the Independent Pricing and Regulatory Tribunal's rate peg increase of 0.9%

A copy of the Tribunal's report is attached as "**Appendix 8.10-A**".

The table below shows the determination for Councils classified as "Rural", including Berrigan Shire Council.

Councillor Fee		Mayoral Fee (additional)	
<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
\$9,560	\$12,650	\$10,180	\$27,600

It has been the practice of this Council to take up the entire increase and set Councillor remuneration at the maximum allowable, in the interests of recognising the commitment in time made by Councillors and to continue to attract a wide and diverse group of Councillors. However, the Council is not obliged to take up this increase and set its remuneration anywhere inside the bands provided.

This increase has been fully costed in the proposed 2022/23 budget.

8.11 Superannuation for Councillors

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council make superannuation contributions for Councillors as per s254B of the *Local Government Act 1993*, effective from 1 July 2022

Report:

In 2021, the NSW Parliament passed amendments to the *Local Government Act 1993* (the Act) to allow for Councils to make superannuation contributions for Councillors as if they were employees of the Council.

This amendment was made following an extensive lobbying campaign by Local Government NSW (LGNSW) with then-president of LGNSW Cr Linda Scott [making the following statement](#)

"For too long people considering running for elected office in local government have been unable to do so unless they were independently wealthy. This reform will enable more people to consider running to be a Mayor or Councillor, and this is a welcome step forward.

"I'm thrilled that LGNSW has been able to convince the Government of the merits of this argument and that the announcement comes ahead of the local government elections scheduled for later this year.

"Ensuring elected councillors receive fair superannuation will remove a very real disincentive to stand for elected office, especially for women.

"Research shows that, on average, women retire with 47% less superannuation than men, so introducing superannuation to local government will allow more women to consider running to be an elected leader.

"This is critically important at a time when only one-in-three elected representatives in NSW local governments are women.

"Modern councils are governance-style boards of significant influence, managing community assets of immense value for the public good.

"Introducing superannuation on these earnings is recognition of this commitment and will help encourage the broadest cross-section of the community to stand for office."

[Section 254B of the Act](#) sets the requirements for Council to make superannuation contributions for Councillors

*(1) A council may make a payment (a **superannuation contribution payment**) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.*

(2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.

(3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.

(4) A council is not permitted to make a superannuation contribution payment—

(a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or

(b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or

(c) to the extent the councillor has agreed in writing to forgo or reduce the payment.

The proposed Councillors Expenses and Facilities Policy, to be considered elsewhere in this business paper includes a requirement to make superannuation contributions for Councillors. This report and proposed resolution have been prepared in the interests of transparency and to ensure compliance with the Act.

The cost of making superannuation contributions has been fully costed in the proposed 2022/23 operating budget.

8.12 Mary Lawson Wayside Rest – Final Draft Design Concept

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.3 Create safe, friendly and accessible communities

Recommendation: That the Council adopt the final draft concept design as attached as “**Appendix 8.11-A**” to this report for review prior to being forwarded to Council for adoption.

Report:

In June, 2021, Council commenced the process of engaging Thomson Hay Architects to develop a concept plan for the revitalisation of the Mary Lawson Wayside Rest Area (MLWR), Newell Highway, Finley.

Due to the unique issues presented by COVID-19, this project became quite drawn out and we have only now been able to present the final draft concept plan to Council for review, attached as “**Appendix 8.12-A**”.

During the development of the plan, Council staff went out to the community to seek input around what they would like to see happen at MLWR, and also consulted with members of the Log Cabin Museum Committee of Management and the Rotary Club of Finley.

Community Survey Responses

The survey responses on the MLWR revitalization project is included as “**Appendix 8.12-B**” to this report. Six questions were posed in the survey:

- What elements need upgrading? Are there any parts of the rest that don't work well?
- What do you like about MLWR? Is there anything you think needs to stay?
- We are looking at a potential playground upgrade. Are there any key features or themes which you think should be included?
- How often do you visit MLWR?
- Any other comments or thoughts around the revitalisation?
- Do you know any information around who Mary Lawson was?

In summarising the responses, the general consensus was:

- Most people agreed that a general refresh is required with a focus on:
 - the toilet block
 - playground
 - picnic area
 - signage
 - parking surface/kerb channel, etc.
-

- fencing
- rose garden
- There was clear support for retaining a natural feel with large trees, and a connection to the museum and history.
- Themes around the playground design were focused on a natural historic theme, utilising more natural materials and not bright coloured plastic.
- There were five requests for a splashpark.
- Playground items specifically requested included monkey bars, swing set, slide, flying fox, climbing wall, sensory play and a log cabin.
- Additional bike repair and parking request.
- More aboriginal art.

Log Cabin Museum Committee of Management

Members of the Log Cabin Museum Committee were quite open to the early concepts of a revitalisation, and expanding the view and accessibility to the museum. Their only concern was that the relocation of the playground away from its current position may hinder visitation (away from the toilet block), and around the access/egress onto Tongs Street rather than the Newell Highway.

Rotary Club of Finley

Questions posed to members of the Rotary Club were around the revitalisation concept, the relocation or retention of signage and other items, and the relocation/retention of the rose garden at the northern end of MLWR.

In a letter to Council, included in "**Appendix 8.12-C**" to this report, the Rotary Club are supportive but do want to see an incorporation of the rose garden, windmill, wishing well and memorial stone into any new design concepts.

Final Draft Concept Design

After many discussions and changes, the final draft concept design is now available for a final review. There are still some minor changes and concerns which have been raised by staff, including:

- Stormwater drainage concerns
- Provision of DDA seating
- Relocation of lighting near long vehicle parking

8.13 Request for Financial Assistance – Tocumwal Lions Community Hostel

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council inform Tocumwal Lions Community Hostel:

1. The Council supports the installation of a concrete pad on the nature strip adjacent to the entrance of Tocumwal Lions Community Hostel, subject to the pad being constructed in line with the Council's Road Opening Policy.
2. The Council will not provide financial assistance for the installation of this concrete pad.

Report:

Tocumwal Lions Community Hostel have requested assistance from the Council to install a concrete area across the nature strip outside the hostel on Jerilderie St. This will assist their residents transiting from their bus to their hostel.

A copy of the request is attached as "**Appendix 8.13-A**".

There are two matters for the Council to consider.

The first matter is the installation of a concrete pad on the nature strip. This is covered by the Council's [Road Opening Policy](#) which allows for the "Executive Engineer" – now the Asset and Engineering Manager – to issue a permit for these works subject to compliance with Council's requirements.

Secondly is the request for financial assistance to install the concrete pad. A quote for \$1,500 has been provided with the request. Requests of this nature is covered by the Council's recently adopted [Community Assistance Policy](#) which states

In general, assessment of any request will be based on community, social and economic need, project outcomes and the documented strategic priorities of the Council. Priority will be given to organisations/individuals directly connected with the Berrigan Shire, i.e., residents, businesses, service organisations, etc.

The Tocumwal Lions Community Hostel is a community-run aged care facility that provides an essential service in Tocumwal. As with aged care facilities across Australia, funding is very tight, and the COVID-19 pandemic has made their financial status even more precarious.

However, aged care is the responsibility of the Federal Government and Action 1.3 of the Council's adopted Financial Strategy states:

Resist the pressure to fund services that are the responsibility of other levels of government.

On balance, while Council can and should support the installation of a concrete pad on its nature strip as requested, funding these works is the responsibility of the Federal Government.

This request came to the Council in January 2022. Through an error on my behalf, this is only coming to the Council for a decision now.

8.14 Finley Railway Park Committee of Management

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 3. Supported and engaged communities

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

Recommendation: That the Council dissolve the Finley Railway Park Committee of Management and revoke the delegation made to that committee for the development, care, control and management of Railway Park

Report:

Railway Park in Finley has been an ongoing project for Berrigan Shire for over 20 years with its development taking place in conjunction with the associated residential development in Malone Mews and Lewis Crescent.

To provide advice and support in the development of Railway Park, the Council established a volunteer committee of management established under s355 of the *Local Government Act 1993*. This committee was largely made of residents in the new subdivision.

The following delegation was made to the committee:

The development, care, control and management of Lot 18 of an unregistered Deposited Plan being the site of the proposed Botanical Gardens within the Council's Finley Street, Finley subdivision subject to the following conditions:

- *The Committee of Management will enter into an agreement with the Council within three months to resolve responsibility for future development and maintenance responsibilities of the respective partners for the site.*

As can be seen from the delegation, the committee's initial role was to assist in the development of Railway Park. The support of the Committee was invaluable in this role and very much appreciated by Council staff and the Council at the time

Site constraints - compacted soil, lack of irrigation and change in Council operations, work health and safety requirements has meant that despite the best efforts of committee members that the Committee is not in any practical or operational sense responsible for the care, control, and management of the park

Moreover, now that Railway Park's development is mature it is appropriate that the Council's delegation reflects this state of affairs.

While there may no longer be a role for the Railway Park Committee in terms of direct responsibility for Railway Park, there may be a future role as a “neighborhood association” for the Malone Mews/Lewis Crescent development whose role may include advocating on matters relating to the precinct. In this case however, the s355 Committee of Management governance structure would not be appropriate. The Council could provide support to help the members of the committee transition to an incorporated association, should that be useful.

Alternatively, the Council may wish to refer this matter to its Audit Risk and Improvement Committee (ARIC) for consideration. ARIC have expressed an interest in reviewing the role of Council’s volunteer committees of management to determine if their operation remains an effective and efficient means of delivering Council services.

8.15 Tocumwal Chamber of Commerce – Request for Ongoing Rental and Other Assistance

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council note this report.

Report:

A report was provided to the April Council meeting outlining the history of Council's relationship with the Tocumwal Chamber of Commerce and their management of the Tocumwal Visitor Information Centre. That report is provided at "**Appendix 8.15-A**" for information purposes.

At the April Ordinary Council meeting, Council moved as follows in response to the above mentioned report:

8.15 Tocumwal Chamber of Commerce Request

103

Resolved Cr Cornwell McKean and Cr Paine that the Council:

1. Request additional information from the Tocumwal Chamber of Commerce and Tourism to support their request, including
 - a. detailed financial information from July 2021 to the present
 - b. information on their business model for their visitor servicing operations
 2. Delegate authority to provide rental support to the Tocumwal Chamber of Commerce and Tourism from October 2021 until July 2022, or part thereof, to the Chief Executive Officer and Mayor, with any decision to be made after giving due consideration to the information provided to the Council
 3. Advise the Tocumwal Chamber of Commerce and Tourism that rental support provided to the Tocumwal Chamber of Commerce and Tourism will be subject to the following conditions
 - a. Tocumwal Chamber of Commerce and Tourism must provide quarterly reports to the Council in an agreed format on the operation of their visitor services. The report will include information on financial performance of the service, activities undertaken and outcomes achieved against agreed benchmarks
 - b. Tocumwal Chamber of Commerce and Tourism must provide an acquittal for the \$1,000 in funding provided by the Council in December 2020 for Christmas activities
 4. Direct the CEO and Mayor to provide a report to the Council on any decision made under the delegation above.
-

I sent a letter to the Tocumwal Chamber of Commerce via email on 26 April 2022 outlining Council's decision.

I received the following response on 28 April 2022:

From: Elizabeth Mitchell <elizmtrrc@optusnet.com.au>
Sent: Thursday, 28 April 2022 11:58 AM
To: Ewer, Karina <KarinaE@berriganshire.nsw.gov.au>
Subject: Re: Tocumwal Chamber of Commerce - Request for Assistance

Hi Karina,

Have passed on this information to our Exec Team, however I fail to see why Council would need Chambers Financials, is this common practice with other Chambers ? Also isn't it a bit of a conflict of interest that council are asking for a detail financial statement on TIC as you are currently setting up one yourselves. Happy to supply reports on TIC overall but not detailed unless you are specifically talking about rents and overheads.

As for quartet financial reporting we are only a Volunteer Organisation unlike Council who have hundreds of support staff.

Maybe we can catch up for a meeting on this.

Let me know your thoughts!

As for the \$1000 I saw a transaction on our account in Nov but said it was reversed as an error. I will check with our bank further and give you more details as they come to hand.

Regards
Elizabeth
TCOC

My response of the same day is included below:

From: Ewer, Karina [<mailto:KarinaE@berriganshire.nsw.gov.au>]
Sent: Thursday, 28 April 2022 1:04 PM
To: Elizabeth Mitchell <elizmttrc@optusnet.com.au>
Subject: RE: Tocumwal Chamber of Commerce - Request for Assistance

Elizabeth

Thank you for your response. My job is to enact the legal decisions of Council. The decision made by Council in regard to the requirements from the Tocumwal Chamber of Commerce are legal and in fact a legislated requirement as far as proper governance of public money is concerned.

The Tocumwal Chamber of Commerce is an Incorporated body and as such would have to provide audited financial statements to the Tax Office annually. You will also need to have a minimum of quarterly detailed financial reports prepared for relevant meetings to allow the committee to assess the cash flow and continued solvency of the Chamber in an informed way.

Tocumwal Chamber of Commerce is asking Council to contribute a significant sum of money to their operations; money that is public money for which Council must account.

The Chamber is asking to receive more money than another Chamber receives to manage its business affairs and as such Council is required to ask for detailed financial reports to ensure public money is being used appropriately and provides an accountable, transparent and auditable financial trail.

The request for detailed financial accounts is not a conflict of interest, as again, not only is the Council Visitor Centre not being operated under an even remotely similar business model as the Visitor Centre the Tocumwal Chamber of, the Chamber is asking Council to provide public monies to support its operations and that money needs to be fully accounted to our auditors, the Office of Local Government and the community.

Yes, where larger sums of money are requested, the need for detailed financial reports being submitted is normal procedure, as is the acquittal of the \$1,000 given to each Chamber annually for Christmas decorations. Tocumwal Chamber of Commerce did not receive their grant last year (2021) as the previous year (2020) was not acquitted as per the requirements of receiving the grant money. That acquittal forms part of the request in the letter so that these matters may be finalised.

Finally, I don't actually have hundreds of support staff. My finance team consists of three people at the moment who manage a significant and very complex budget including legislated reporting processes.

I do trust the above if of assistance to you. I look forward to receiving the information required so that I may release the rental payments to the Chamber and commence building a working relationship with you all.

Regards



Karina Ewer MBA, MCDR, MAHRI, MAICD
Chief Executive Officer
P 03 5888 5100 | M 0456 802 006 | E karinae@berriganshire.nsw.gov.au
56 Chanter Street, Berrigan NSW 2712

A few other emails regarding difficulties accessing the invoice for the 2020 Christmas decorations then took place between 28 April and 12 May 2022.

On 17 May 2022 a Balance Sheet generated from Xero was provided to me along with the invoice from the 2020 Christmas decorations. A Balance Sheet is not the detailed financial report requested by Council as it is designed to show a how much money an entity would have left over if they sold all their assets and paid all their debts, it does not provide the types of information required to assess the liquidity or otherwise of an entity.

The Balance Sheet has been previously provided separately to Council as the Tocumwal Chamber of Commerce has requested it be kept confidential. It should be noted this is not normal practice as information relating to the spending of public monies cannot be held in confidence, other than where it meets the Commercial in Confidence, or business secrets

thresholds. The Tocumwal Chamber of Commerce Balance Sheet does not meet those thresholds.

As noted, the Balance Sheet is not a detailed financial report. I had hoped to see both a Profit and Loss Statement (which lists sales and expenses and tells the reader how much the entity is making and how much they are losing) and a Statement of Cash Flows (which would have provided a detailed picture of the incoming and outgoing money from the Visitor Centre's operating, investment and financial activities during the accounting period). The Statement of Cash Flows would have provided Council the proof needed that the monies provided for rent were spent for rent as intended etc. Neither of those reports have been provided though through the Xero program they would be as easily run as the Balance Sheet.

What the Balance Sheet does clearly show is that without Council's financial support last year Tocumwal Chamber of Commerce would have made a \$6,333 loss. Because I don't have the P&L or Statement of Cash Flows, I can't be sure, but it would appear the monies paid by Council may have gone to their bank accounts last year prior to going out as rent. Those transactions cannot be followed through the financial information provided however. I must therefore assume that the loss they are showing this year is in fact the result of Council not continuing to fund their operations. If Council had not been paying the phone and electricity bills, that loss I am assuming would increase by a further \$1,200 putting it on par with the assumptions made above about the 2021 period.

Both the Mayor and I considered that there are a significant number of businesses currently facing similar circumstances and the only thing Council can offer under its hardship allowances is rate relief (which is deferral and not waiving). That means these businesses will need to pay back their rates once they are able to be viable again. I am therefore concerned of the probity issues this request raises. I do not believe Council claim to be acting with transparency, honesty and integrity when one business is offered financial assistance without providing detailed financial accounts, where others must provide this information if they wish to access financial hardship assistance.

Finally, no information regarding the business model for the Visitor Centre run by the Tocumwal Chamber has been provided other than the following which was received with the invoice and Balance Sheet:

From: Elizabeth Mitchell <elizmtrrc@optusnet.com.au>
Sent: Tuesday, 17 May 2022 2:07 PM
To: Ewer, Karina <KarinaE@berriganshire.nsw.gov.au>
Subject: RE: Tocumwal Chamber of Commerce - Request for Assistance
Importance: High

Hi Karina,

ITEM 1

I have attached the requested report you require from July 2021 to 30th April 2022 in the strictest of confidence and request this information is kept Private & Confidential.

As we have not had any major events for 2 years now due to the COVID 19 Pandemic, we are just starting to gear up now for 4 x major events per year again as well as support the Tocumwal Tourist & Visitors Information Centre together with support for our local businesses large and small in our Region.

ITEM 2

The Tocumwal Chamber of Commerce supports and runs the Tocumwal Visitors Information Centre currently situated in the Old Railway Store at 86 Deniliquin Road Tocumwal as a Gateway to Finley, Berrigan, Barooga & Tocumwal from NSW to Victoria and from Victoria to NSW the other way. This Gateway Visitors Information Centre incorporates all Tourist information including Maps from Tocumwal to Qld Border and From Tocumwal to SA Border are kept at the Centre.

Brochures & Booklets on Accommodation, Attractions, Caravan Parks, State Forests and Events and Facilities are all kept at the site and audited on a weekly basis by our volunteer staff. It also incorporates a large display of locally produced goods including Art Work, Craft & Handmade Goods & Produce. All volunteer staff are trained into the positions of Customer Support & Guidance to our Visitors to the area.

ITEM 3

Please find attached a copy of the Invoice for the 2020 Christmas Decorations for around the trees as requested which has been paid in full.

We look forward to your reply on your continued support of the Tocumwal Tourist Information Centre now and into the future.

Regards

Elizabeth

Elizabeth Mitchell

+61 438 082 622

'Save Our Plant & The Trees 2020-2022'

As per the direction of Council, Mayor Matt and I considered the request for continued rental assistance to the Tocumwal Chamber of Commerce and Tourism, including the continued payment by Council of their internet and telephone accounts. The decision made is included in the letter sent to the Chamber ("**Appendix 8.15-B**") and is outlined below.

1. Rental assistance for the 2022-2023 financial year is denied;
2. Phone and internet payments will cease as soon as arrangements can be made; and
3. Arrears payments for rent will be arranged from 1 September 2021 through to and including 30 June 2022 to allow for some assistance through to the end of the current financial year. It is felt this assistance is commensurate with Covid recover assistance offered to other businesses. It should be noted, we have not requested repayment of this sum as would be expected of rate relief.

8.16 Procurement and Disposal Framework

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke the following policies:
 - a. Procurement and Disposal Policy adopted 15 March, 2017;
 - b. Tender Policy adopted 17 July, 2019;
 - c. Disposal Policy adopted 15 March, 2017;
 - d. Local Preference Policy adopted 15 March, 2017; and
2. Adopt the following policies as set out below, with each policy to be reviewed thoroughly by 30 June 2023.



Policy

20

PROCUREMENT AND DISPOSAL



Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	19 July 2023		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces Procurement and Disposal Policy adopted 15 March 2017		
Delivery Program Link:	2.1.2 Council operations support ethical, transparent and accountable corporate governance		



1. POLICY STATEMENT

Berrigan Shire Council administers public funds. It has a responsibility to ensure that its purchasing and disposal decisions are made in an ethical, transparent, accountable and effective manner.

2. PURPOSE

The “why” question - i.e. why has this policy been developed.

The purpose of this Policy is to:

- Establish a framework to guide Council employees, volunteers and agents involved in procurement and disposal activities to meet legislative requirements; manage risk and achieve a best value result.
- Create an environment where the Council’s purchasing and disposal activities are – and are seen to be - ethical, accountable, transparent and effective.
- Assist the Council in achieving the best value result when purchasing goods and services and disposing of goods
- Ensure the Council at all times complies with relevant legislation when purchasing goods and services and disposing of goods



Policy

3. SCOPE

This policy covers all procurement of goods and services and disposal of goods by Berrigan Shire Council, including but not limited to:

- The Council through resolution and by individual Councillors
- All Berrigan Shire Council employees;
- Berrigan Shire Council volunteers and volunteer committees
- Other agents of the Council.

This policy does not apply to the procurement of goods and services:

- in an emergency;
- by contractors or subcontractors of Council

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.2:

Council operations support ethical, transparent and accountable corporate governance

5. DEFINITIONS

Procurement:	The process involving all activities following the decision that a good or service is required. It involves the acquisition of goods and services and the disposal of goods.
Purchasing:	The actual buying process, whether placing or transmitting an order orally, in hard copy, electronically via e-commerce, or buying across the counter.
Disposal:	The process of removing goods from Council's service and the recovery of market value for the goods.
Quotation:	A quotation is the estimated or actual market price of the supply of a work, good or service supplied to Council by a supplier after a verbal or written request from a Council Officer.
Council Officer:	Any person authorised by the Council to purchase goods or services or dispose of goods on behalf of the Council. This includes employees, volunteers, Councillors and other agents acting on behalf of the Council.
Tender Threshold:	An amount in dollars as determined and published by the NSW Division of Local Government.



Policy

6. POLICY IMPLEMENTATION

6.1 General principles

In purchasing goods and services and disposing of goods, the Council will

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

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

6.2 Specific principles

6.2.1 Best value

Best value represents the best return and performance for the money spent on procurement of goods and services.

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

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

6.2.2 Confidentiality

The Council will treat all information provided to it by suppliers in line with its adopted Privacy Management Plan.

Any confidential information will be treated as such and will not be revealed to persons other than those with a genuine need to know.

Commercial-in-confidence or proprietary information contained within tenders, quotations, expressions of interest, proposals, heads of agreements and the like will never be given to competing interests nor unauthorised persons.



Policy

6.2.3 Fair and honest dealing

The Council will ensure potential suppliers are given equal access to information and opportunities to submit bids. The Council will act – and be seen to act – impartially when purchasing goods and services and disposing of goods.

6.2.4 Local preference

The Council has a legislative and ethical responsibility to be fair and even-handed in its treatment of suppliers and potential suppliers. However, there are circumstances where it may be appropriate to prefer the use of local supplies.

Preference to local suppliers will only be considered where it is consistent with furthering the objectives of the Council's Community Strategic Plan, i.e.

- Sustainable natural and built landscapes
- Good Government
- Supported and engaged communities
- Diverse and resilient business.

If the Council chooses to provide preferential treatment to local suppliers, it will develop an appropriate policy to govern this process and ensure it is transparent and accountable. Any such policy will be consistent with this policy, the aims and objectives of the Council's Delivery Program, and all statutory requirements.

6.2.5 Code of Conduct

All Council Officers are bound by the Council's Code of Conduct. When purchasing goods and services and disposing of goods on behalf of the Council, Council officers will ensure their actions comply with the letter and the spirit of the Code.

Specific attention should be given to matters such as:

- Acting fairly and equitably
- Dealing with conflicts of interest
- Accepting and/or declaring any gifts or benefits received
- Use of Council resources

6.2.6 Authorisation

Only Council Officers with appropriate authorisation and/or delegation will purchase goods and services or dispose of goods on behalf of the Council.



Policy

Position descriptions for Council employees will specifically state the purchasing authority for each position and the Council will maintain a purchase authorisation register.

The Council will not provide purchasing approval **after** the Council has acquired goods and services.

6.2.7 Risk management

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

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

6.3 **Methods of purchasing and disposal**

The Council will use a range of procurement methods with the appropriate method determined by considering statutory requirements, best value considerations, transparency, and efficiency.

6.3.1 Tender

Where the total value of goods and services sought exceeds the tender threshold, the Council will follow a statutory tender process.

The Council will adopt a specific policy and set of procedures to deal with tenders. This Tender Policy will be consistent with this general policy and statutory requirements.

The Council will not engage in order splitting to avoid exceeding the tender threshold.

6.3.2 Quotations

Where possible and practicable, the Council will seek quotations when procuring goods and services. The number of quotations sought will be dependent on the nature and value of the goods and services to be supplied.

Details of the quotation thresholds will be clearly set out in the Council's procurement procedures. The Council will not engage in order splitting to avoid exceeding these thresholds.

6.3.3 Purchase orders

Except for items specifically excluded in other policies and procedures, all Council purchases of goods and services will require a valid purchase order to be generated.



Policy

6.3.4 Corporate cards

The Council may permit the use of corporate credit or debit cards to purchase goods and services on behalf of the Council. Such use will be subject to a specific policy. The Corporate Card Policy will be consistent with this general policy and statutory requirements

6.3.5 Petty cash

The use of petty cash for minor purchases (i.e. less than \$100) is encouraged. While quotations may not be required, Council Officers will still follow the principle of best value.

6.3.6 Reimbursement

Other than in exceptional circumstances, the Council will not permit Council officers to purchase goods and services for the Council from their own funds in the expectation of being reimbursed at a later date,

Council officers have a responsibility to take all reasonable steps to ensure that purchases on behalf of the Council are made through authorised Council procedures and avoid having to use personal funds and seek reimbursement.

Reimbursement of training and relocation expenses will be permitted in circumstances covered by specific policies.

6.3.7 Disposal

Disposing of goods on behalf of the Council is subject to the same principles as purchasing. The Council may adopt a specific policy and set of procedures to deal with disposals. Any such policy will be consistent with this policy and statutory requirements, transparent and accountable

6.4 **Receipt and payment**

Council Officers responsible for purchasing goods and services will ensure that delivery notes or invoices are checked against the original order, including quantity, quality, general condition and price.

Supplier payments will be made by Accounts Payable after the responsible officer has checked and confirmed the supply has been made in accordance with the Council's requirements. Payment will be made in line with the Council's standard payment terms unless prior arrangements have been made.



Policy

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Public Finance and Audit Act 1993*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2011*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- *Australian Accounting Standards*

7.2 Council policies and guidelines

- Governance Policy
- Risk Management Policy and Framework
- Berrigan Shire Council Code of Conduct
- Berrigan Shire 2027 (Community Strategic Plan)
- Resourcing Strategy
- Privacy Management Plan
- Fraud Control Framework
- Delegations Policy
- Tender Policy
- Disposal Policy
- Local Preference Policy
- Reimbursement of Relocation Expenses Policy
- Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy
- Guidelines for the Payment of Expenses and Provision of Facilities for Staff Members

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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



Policy

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

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

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15.03.2017	New Policy document	Enterprise Risk Manager
1.1	15.06.2022	Minor review (detail)	Deputy Chief Executive Officer

APPENDICES

Nil



Policy

35

TENDER

Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	19 July 2023		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces Procurement and Disposal Policy adopted 15 July 2019		
Delivery Program Link:	2.1.2 Council operations support ethical, transparent and accountable corporate governance		

1. POLICY STATEMENT

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

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

2. PURPOSE

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

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

3. SCOPE

This policy applies to:

- Councillors



Policy

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

The policy covers:

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

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.2:

Council operations support ethical, transparent and accountable corporate governance

5. DEFINITIONS

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

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

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

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

Public tender: Method by which tenders for the proposed contract are invited by public advertisement per Clause 166(a) of the Local Government (General) Regulation) 2021

Prescribed organisation: An organisation listed in Clause 163(1A) of the Local Government (General) Regulation 2021. The Council is permitted to use contracts prepared by these organisations to obtain goods and services without having to seek tenders.



Policy

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

6. POLICY IMPLEMENTATION

6.1 General principles

In conducting a request for tender, the Council will

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

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

6.2 Roles and responsibilities

The Chief Executive Officer will appoint Council officers to the following responsibilities:

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

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

6.3 Methods of tendering

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

6.3.1 E-Tendering

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

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



Policy

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

6.3.2 Use of Prescribed Organisations

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

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

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

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

6.4 **Record maintenance**

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

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

6.5 **Assessment**

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

6.6 **Risk management**

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

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



Policy

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Public Finance and Audit Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- *Tendering Guidelines for NSW Local Government*

7.2 Council policies and guidelines

- Governance Policy
- Risk Management Policy and Framework
- Berrigan Shire Council Code of Conduct
- Fraud Control Framework
- Procurement and Disposal Policy
- Delegations Policy
- Disposal Policy
- Local Preference Policy
- Statement of Business Ethics

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:



Policy

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.02.2019	New Policy document	Director Corporate Services
1.1	15.06.2022	Minor review	Deputy Chief Executive Officer

APPENDICES

Nil



Policy

35

DISPOSAL

Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	19 July 2023		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces Procurement and Disposal Policy adopted 15 March 2017		
Delivery Program Link:	2.1.2 Council operations support ethical, transparent and accountable corporate governance		

1. POLICY STATEMENT

Berrigan Shire Council, as identified in its Procurement and Disposal Policy has a responsibility to ensure that its disposal decisions are made in an ethical, transparent, accountable and effective manner.

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

2. PURPOSE

The purpose of this policy is to ensure the Council has in place an open, fair, transparent and accountable process in the disposal of Council's surplus assets, whilst obtaining best value for money and avoiding any conflicts of interest, whether real or perceived

3. SCOPE

This policy covers the disposal of all Council owned assets including but not limited to: plant, equipment, materials and stock items; office equipment and furniture; IT hardware; real estate (surplus land and buildings) and Council infrastructure.

This policy does not apply to the sale of land through subdivisions, or the sale of property for overdue rates.

This policy applies to all Councillors and staff, including volunteers of Berrigan Shire Council.



Policy

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.2:

Council operations support ethical, transparent and accountable corporate governance

5. DEFINITIONS

Asset: An asset for the purpose of this policy is a resource controlled by Council as a result of past events and from which future economic benefits are expected to flow to the Council, e.g., surplus land, motor vehicles, plant and equipment, furniture, etc.

Asset Disposal: Asset Disposal is the process whereby Council divests itself of any asset in an organised, transparent and authorised manner.

Best Value: is whereby Council obtains the best possible return for the goods it sells in financial, social, economic and environmental terms.

Council Officer: Any person authorised by the Council to purchase goods or services or dispose of goods on behalf of the Council. This includes employees, volunteers, Councillors and other agents acting on behalf of the Council.

Surplus/Scrap Materials: This relates to surplus goods, materials or scrap material. This could include sand, gravel, soil, chemicals, paint, turf, hardware items, pavers, pipe, cables, timber (including wood from felled trees), pipe fittings, scrap metals, steel posts, brass, street signs, water meters, toolboxes.

Write-off Asset: A write off is a reduction in the recorded amount of an asset. A write off occurs upon the realization of the reduced or zero value of an asset.

6. POLICY IMPLEMENTATION

6.1 Reasons

A decision to dispose of a Council owned asset may be based on one or more of the following:

- No longer required;
- Unserviceable or beyond economic repair;
- Technologically obsolete and operationally inefficient;
- Non-compliant with occupational health and safety standards;
- Surplus to current or immediately foreseeable needs;
- Optimum time for maximum return; or



Policy

- Part of an asset replacement program.

6.2 Approval

Approval to commence the disposal process including the method of disposal, must be obtained from the Chief Executive Officer (or delegate) or Council where appropriate.

6.3 Methods

Methods of disposal will be dependent upon the type of asset and the value of the asset.

6.3.1 Public auction

Public auction maximises the opportunity for public participation in the disposal process and is the appropriate method when:

- a) There is public demand for the items;
- b) Alternative disposal methods are unlikely to realise higher revenue; or
- c) The costs associated with the auction can be justified in relation to the expected revenue from the sale.

6.3.2 Online auction

On-line auctions are used where there is perceived demand for an item. This is only used in instances where the value of the item exceeds fifty dollars.

6.3.3 Trade-in

Trading-in goods can be an efficient means of disposal, and a convenient way to upgrade equipment such as plant. However, trade-in prices do not always provide the best return.

Any decision to trade-in goods must be based on a clear analysis of the benefits of the trade-in as opposed to separate sale/auction of the goods.

6.3.4 Direct sale or transfer of land

Subject to resolution of Council, land may be disposed of via direct sale when no other method is considered appropriate, for example, when only one potentially suitable purchaser is identified.

6.3.5 Disposing of and writing off the value of the goods (recycling or destruction)

An asset may be disposed of and/or destroyed, and the value of an asset may be written off if it is deemed:

- a) To have no value;



Policy

- b) To be unsafe or non-compliant to applicable standards;
- c) To be unserviceable or beyond economical repair; or
- d) That the disposal cost is higher than the likely return.

Where a recommendation to dispose of an asset to landfill or write off an asset is made, the relevant Manager will provide the Chief Executive Officer with the assessment criteria used to determine that the asset has no potential to realise a return for Council and will detail the method of destruction and name of the officer who will be charged with the responsibility of ensuring the asset is destroyed.

Dumping/recycling or destroying of assets shall be undertaken after consideration of the environmental issues so that any hazardous substances shall be assessed to ensure safe disposal.

6.4 Surplus or scrap materials

As a general guide, employees are to return from the work site surplus goods/materials or scrap materials. These items must be placed in the relevant compound, stock piles, bins or left on vehicles to be used on the next project.

However, there are circumstances where it is not cost effective to return the surplus goods/materials or scrap materials back to the depot, then the most appropriate method of disposal of these low value assets, shall be at the discretion of the Director or Manager.

6.5 Surplus fill

Fill materials which are surplus following Council activities such as excavation, and/or road construction are utilized elsewhere within Council activities or on Council owned properties, wherever possible.

Where this is not possible, surplus fill is returned to stockpile sites or disposed of to landfill due to no value. Surplus fill is not disposed of via private sale arrangements.

6.6 Recordkeeping

For accounting and integrity purposes, adequate records of the disposal process must be maintained, including:

- Authority to dispose
- Value of asset
- Method of disposal
- Purchaser – if appropriate
- Proceeds of sale



Policy

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Public Finance and Audit Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*

7.2 Council policies and guidelines

- Governance Policy
- Risk Management Policy and Framework
- Berrigan Shire Council Code of Conduct
- Fraud Control Framework
- Procurement and Disposal Policy
- Delegations Policy
- Local Preference Policy
- Statement of Business Ethics

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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



Policy

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

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

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.03.2017	New Policy document	Director Corporate Services
1.1	15.06.2022	Minor review	Deputy Chief Executive Officer

APPENDICES

Nil



Policy

| 35

LOCAL PREFERENCE

Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	15 June 2022	Minute Number:	
Date for Review:	19 July 2023		
Responsible Officer:	Deputy Chief Executive Officer		
Document Control:	Replaces Procurement and Disposal Policy adopted 15 March 2017		
Delivery Program Link:	2.1.2 Council operations support ethical, transparent, and accountable corporate governance		

1. POLICY STATEMENT

Berrigan Shire Council, as identified in its Procurement and Disposal Policy adopted in 2013 and its overall Procurement Framework, has an obligation to achieve best value when procuring goods and services.

Equally, in its Economic Development Strategy adopted in 2012, Berrigan Shire Council has committed to:

Drive, through stimulation and facilitation, significant and sustainable growth within and across the Shire's geographic area.

The Council's Procurement and Disposal Policy states that:

The Council has a legislative and ethical responsibility to be fair and even-handed in its treatment of suppliers and potential suppliers. However, there are circumstances where it may be appropriate to prefer the use of local suppliers

This policy sets out the circumstances where it may be appropriate to use its procurement function to assist and support local business and the local economy and the way the Council provides preference.

Preference to local suppliers will only be considered where it is consistent with furthering the objectives of the Council's Community Strategic Plan.



Policy

2. PURPOSE

The purpose of this policy is to ensure the Council gives due consideration to the actual and potential benefits to the local economy of sourcing goods and services locally where possible, whilst maintaining a best value approach at all times.

Locally sourced goods and services will be used where price, performance, quality, suitability and other evaluation criteria are comparable with non-locally sourced goods and services.

3. SCOPE

This policy covers:

1. Purchases made through the Council's formal tender process, and
2. Quotations for building construction works over \$50,000.

It does not include purchases under \$50,000 or purchases made through pre-qualified contracts via a prescribed organisation.

4. OBJECTIVE

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

- 2.1.2 *Council operations support ethical, transparent, and accountable corporate governance*
- 4.2.2 *Support local enterprise through economic development initiatives*

5. DEFINITIONS

Best Value: Best value represents the best return and performance for the money spent on procurement of goods and services.

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

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



Policy

- and work health and safety

Concession:	the application of a percentage-based 'reduction' of the pricing of any submissions deemed to comply with the 'local content' and/or 'local supplier' definitions.
Council Officer:	Any person authorised by the Council to purchase goods or services or dispose of goods on behalf of the Council. This includes employees, volunteers, Councillors and other agents acting on behalf of the Council.
Local content:	means goods or services procured from a local supplier or employees living permanently in Berrigan Shire.
Local supplier:	a business, contractor or industry either: <ul style="list-style-type: none">(i) permanently based in Berrigan Shire, or(ii) employing permanent staff residing in Berrigan Shire. <p>For the avoidance of doubt, all suppliers within Berrigan Shire will be treated equitably, regardless of their location within Berrigan Shire – i.e. Barooga suppliers will not be treated preferentially to suppliers elsewhere in Berrigan Shire for works in Barooga etc.</p>
Nett cost:	means, in relation to a quotation, tender or expression of interest, the total amount quoted or offered by a supplier for the supply of goods or services, including any freight or delivery charges and excluding GST.
Request for purchase:	Quotations and/or a Tender under the <i>Local Government Act 1993</i> and Council's Tender Policy
Prescribed organisation:	An organisation listed in Clause 163(1A) of the Local Government (General) Regulation 2005. The Council is permitted to use contracts prepared by these organisations to obtain goods and services without having to seek tenders.
Procurement:	The process involving all activities following the decision that a good or service is required. It involves the acquisition of goods and services and the disposal of goods.
Quotation:	A quotation is the estimated or actual market price of the supply of a work, good or service supplied to Council by a supplier after a verbal or written request from a Council Officer.



Policy

6. POLICY IMPLEMENTATION

6.1 General principles

To further the purpose of this policy, the Council will:

- encourage a 'buy local' culture within the Council, where local providers can meet "best value requirements"
- encourage and support local suppliers to participate in Council business by use of the Council's VendorPanel process and other appropriate processes;
- encourage and support local businesses to adopt suitable Work Health and Safety, Quality Assurance and other processes to meet the Council's procurement requirements
- ensure that as far as practicable procurement policies and procedures do not disadvantage local suppliers;
- ensure transparency in Council procurement practices;
- consider the non-price best value considerations set out in this policy; and
- apply a concession in favour of local suppliers, as set out in this policy

6.2 Overall preference

Preference will be given to the local supplier in the event that:

- the net costs bid by a local supplier and non-local supplier are equal (after calculating any applicable concession in accordance with this policy);
- both suppliers otherwise meet the criteria and requirements of the Procurement Request; and;
- each supplier (and its goods and/or services) is otherwise regarded as being 'equal', considering the non-price best value considerations

6.3 Concessions

6.3.1 Comparison of local and non-local suppliers

For the purposes of comparing the price tendered by local and non-local suppliers, the concession set out below will be applied and given to local suppliers submitting responses to requests for purchase which are assessed in relation to this policy



Policy

6.3.2 Local supplier concession

Where the cost of a local supplier's offer is to be compared with one from outside the area, the local supplier's nett cost will be reduced by a set percentage for the sake of cost comparison.

A maximum concession will apply to each procurement request. Where the concession calculated by use of the percentage is greater than this amount, the maximum concession will apply.

Concession percentage	5%
Maximum concession	\$15,000

6.3.3 Obtaining concessions

To be eligible for either concession, suppliers must specifically detail and explain in their response to Council's request for purchase the particular facts upon which they rely to establish their eligibility for the discount.

Suppliers must, upon request, provide any evidence of such eligibility as reasonably required by the Council.

6.3.4 Notification to potential suppliers of goods and services

All procurement requests issued by Council must clearly state whether and how a local supplier concession will be applied so that respondents to such procurement requests are aware of Council's Local Preference Purchasing Policy prior to responding to the procurement request.

All procurement requests resulting in a local preference being applied must be capable of identification and verification through Council's audit or internal control mechanism.

6.4 Tenders

A local supplier concession will apply to **all** tenders invited by Council for the supply of goods and services and construction services unless Council resolves that this policy not apply to a particular tender.

The amount and or type of local content is assessed using the selection criteria framework, together with a weighted score system of assessment.

6.5 Tenders via prequalified contracts

A local supplier concession will **not** apply where the Council uses a prequalified supplier via a contract from a prescribed organisation in lieu of requesting a tender in its own right, even if the supplier is a local organisation.



Policy

6.6 Complaints

Complaints regarding procurement processes will be considered on a case-by-case basis and investigated where necessary and in accordance with Council policy.

Feedback on supplier performance in general will be included on the supplier's file within Vendor Panel and will be used as an evaluation tool for Council's Preferred Supplier's List.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Public Finance and Audit Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*

7.2 Council policies and guidelines

- Governance Policy
- Risk Management Policy and Framework
- Berrigan Shire Council Code of Conduct
- Fraud Control Framework
- Procurement and Disposal Policy
- Delegations Policy
- Disposal Policy
- Statement of Business Ethics

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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



Policy

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

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

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.03.2017	New Policy document	Director Corporate Services
1.1	15.06.2022	Minor review	Deputy Chief Executive Officer

APPENDICES

Nil

Report:

Following the election of the new Council in December, Council staff have been bringing forward all Council policies for the new Council to review as has been the practice of this Council for some time.

The COVID-19 related delays to the election meant that many policies expired before the new Council was able to review them, including the policies that make up the Councils' Procurement and Disposal Framework, i.e.,

1. Procurement and Disposal Policy
2. Tender Policy
3. Disposal Policy
4. Local Preference Policy

Before bringing these policies to Council review, Council staff wished to undertake a comprehensive review to determine if these policies were still fit-for-purpose. This review would seek advice and input from the new management team (including the new CEO and Director Infrastructure) and the Audit Risk and Improvement Committee (ARIC). Unfortunately, this review has not yet been able to take place.

In the interim, the Council's external auditors have raised in their Audit Improvement Letter that these policies have expired and need to be re-adopted.

To address this point, Council staff have taken a very minor review of the policies in the Procurement and Disposal Framework, with mainly cosmetic changes and updating legislation and position titles.

These policies still require a thorough review by Council staff, ARIC and the Council. Setting a review date of 30 June 2023 for this review would be appropriate.

8.17 Development Determinations for Month of May 2022

Report by: Executive Support Officer, Melissa Kennedy

Strategic Outcome: 2. Good government

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

Recommendation: That the Council note this report for Development Determinations for the Month of May 2022

Report:

APPLICATIONS DETERMINED FOR MAY 2022

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
119/20/DA/DM	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7002//DP1019579)	BERRIGAN SHIRE COUNCIL	BERRIGAN SHIRE COUNCIL	Approved 23-05-2022	\$ 0.00	Active 14	Total 586
85/22/DA/DO	3 X SHADE SHELTERS	895 WOOLSHED ROAD, FINLEY NSW 2713 (Lot65//DP752285)	GLENBANK FARM PTY LTD	MRS HM CLARK	Approved 03-05-2022	\$ 1500000.00	Active 103	Total 103
116/22/DA/DO	RURAL SHED	65 BUNNS ROAD, FINLEY NSW 2713 (Lot2//DP559971)	ROWAN MCLEAN	MR RN MCLEAN AND MRS DM MCLEAN	Approved 30-05-2022	\$ 900000.00	Active 72	Total 72
118/22/DA/D5	RESIDENTIAL STORAGE SHED	55-57 SNELL ROAD, BAROOGA NSW 3644 (Lot2//DP1133714)	STUART RATCLIFFE	MR SJ RATCLIFFE AND MS CM BURNSIDE	Approved 16-05-2022	\$ 9500.00	Active 0	Total 61
122/22/DA/D1	BV DWELLING & ATTACHED GARAGE	11 RILEY COURT, TOCUMWAL NSW 2714 (Lot46//DP1054776)	CARDILLO CONSTRUCTIONS	MR AN PURTILL AND MRS ML PURTILL	Approved 04-05-2022	\$ 550000.00	Active 0	Total 39
123/22/DA/D5	RESIDENTIAL STORAGE SHED	13 HAMILTON STREET, FINLEY NSW 2713 (Lot3//DP1262202)	JESSICA PETHER	MR MR PETHER AND MRS JE PETHER	Approved 10-05-2022	\$ 80000.00	Active 41	Total 41
126/22/DA/D1	TRANSPORTABLE DWELLING	3 OSBORNE STREET, FINLEY NSW 2713 (Lot3//DP398039)	COURTNEY RYAN	MR JC RYAN AND MRS CA RYAN	Approved 31-05-2022	\$ 0.00	Active 0	Total 53
131/22/DA/D1	BV DWELLING & ATTACHED GARAGE	8 WHITE STREET, FINLEY NSW 2713 (Lot2//DP225674)	DENNIS FAMILY HOMES	MR J LYNCH AND MRS N LYNCH	Approved 30-05-2022	\$ 309121.00	Active 44	Total 44
133/22/DA/D9	2 LOT SUBDIVISION	TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot2//DP868952)	ESLERS LAND CONSULTING	MR JA TAYLOR	Approved 10-05-2022	\$ 0.00	Active 29	Total 29
134/22/DA/D9	2 LOT SUBDIVISION	100 BURMA ROAD, TOCUMWAL NSW 2714 (Lot7//DP1275427)	ESLERS LAND CONSULTING	MR PJ CULLEN AND MRS JC CULLEN	Approved 10-05-2022	\$ 0.00	Active 28	Total 28
136/22/DA/D1	TRANSPORTABLE DWELLING	16 LIBERATOR PLACE, TOCUMWAL NSW 2714 (Lot30//DP1190777)	NEATLINE HOMES P/L	MR G LAW	Approved 16-05-2022	\$ 243650.00	Active 30	Total 30
39/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	107-109 SNELL ROAD, BAROOGA NSW 3644 (Lot2//DP1131416)	POOLSIDE COBRAM	MR RJ COOK	Approved 03-05-2022	\$ 69310.00	Active 20	Total 20
138/22/DA/D5	RESIDENTIAL STORAGE SHED AND EXTENSION TO ALFRESCO AREA	35-37 DENISON STREET, FINLEY NSW 2713 (LotA//DP302484)	DENIS BRAYBON	MR DA BRAYBON AND MRS JD BRAYBON	Approved 23-05-2022	\$ 49000.00	Active 0	Total 33

139/22/DA/D5	STORAGE SHED	61 NANGUNIA STREET, BERRIGAN NSW 2712 (Lot1//DP548848)	O'HALLORAN PROPERTY SERVICES PTY LTD	MR I HOVENDEN AND MRS CA HOVENDEN	Approved 16-05-2022	\$ 36890.00	Active 28	Total 28
141/22/DA/D5	RESIDENTIAL STORAGE SHED	1 RUSSELL COURT, BAROOGA NSW 3644 (Lot24//DP1102913)	O'HALLORAN PROPERTY SERVICES PTY LTD	MR JF POWER AND MRS PJ POWER	Approved 10-05-2022	\$ 19876.00	Active 22	Total 22
142/22/DA/D5	RESIDENTIAL STORAGE SHED	22 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot111//DP1070311)	MATTHEW MILLER	MR TJ DYKER AND MRS JA DYKER	Approved 09-05-2022	\$ 9500.00	Active 19	Total 19
143/22/DA/D9	2 LOT SUBDIVISION	60-96 BRUCE BIRRELL DRIVE, TOCUMWAL NSW 2714 (Lot22//DP815339)	ESLERS LAND CONSULTING	MS MM KAZLAUSKAS AND MR CD TURNER	Approved 30-05-2022	\$ 0.00	Active 34	Total 34
146/22/DA/D5	RESIDENTIAL STORAGE SHED	100 WOLLAMAI STREET, FINLEY NSW 2713 (Lot221//DP1056415)	BEN NISBET	MR BJ NISBET	Approved 27-05-2022	\$ 15000.00	Active 16	Total 23
147/22/DA/D5	RESIDENTIAL STORAGE SHED	66 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot3//DP1250417)	ANNETTE REDDING	MR BJ HEATH AND MS AC REDDING	Approved 27-05-2022	\$ 16250.00	Active 23	Total 23
148/22/DA/D5	RESIDENTIAL STORAGE SHED	30 CLAIRE DRIVE, TOCUMWAL NSW 2714 (Lot13//DP844053)	O'HALLORAN PROPERTY SERVICES PTY LTD	MR PE REES AND MRS LD BARTLEET-REES	Approved 19-05-2022	\$ 43466.00	Active 17	Total 17
41/22/CD/M5	INGROUND CONCRETE SWIMMING POOL	31 SNELL ROAD, BAROOGA NSW 3644 (Lot492//DP1240390)	DAVID HOLT	MR DJ HOLT AND MRS MA HOLT	Approved 27-05-2022	\$ 55000.00	Active 17	Total 17
42/22/CD/PC	INGROUND FIBREGLASS SWIMMING POOL	739 THORBURNS ROAD, TOCUMWAL NSW 2714 (Lot86//DP752296)	DARTNELL BUILDING CERTIFIERS	MR EJ HATTY	Approved 12-05-2022	\$ 58955.00	Active 0	Total 0
156/22/DA/D5	RESIDENTIAL STORAGE SHED	7 COBRAM STREET, TOCUMWAL NSW 2714 (Lot4//DP793917)	COLIN BALL	MR CJ BALL AND MRS HJ BALL	Approved 30-05-2022	\$ 9000.00	Active 0	Total 12
43/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	68-70 MURRAY STREET, TOCUMWAL NSW 2714 (Lot11/6//DP6464)	POOLSIDE COBRAM	MR MJ AND SE WALSH	Approved 31-05-2022	\$ 92980.00	Active 12	Total 12
44/22/CD/M5	INGROUND FIBREGLASS SWIMMING POOL	4100 BAROOGA - TOCUMWAL ROAD, TOCUMWAL NSW 2714 (Lot12//DP835666)	POOLSIDE COBRAM	MR NK BLAKELOCK AND MS CL CLARK	Approved 27-05-2022	\$ 65945.00	Active 10	Total 10

APPLICATIONS PENDING DETERMINATION AS AT 31/05/2022

Application No.	Date Lodged	Description	Property Location
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
62/22/DA/D2	05-11-2021	REPLACEMENT SIGNAGE AT EXISTING SERVICE STATION	54-56 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot11//DP1161562)
101/22/DA/DM	18-01-2022	CHEESE PROCESSING FACILITY	26 CROSBIES ROAD, FINLEY NSW 2713 (Lot11//DP801250)

114/22/DA/DM	16-02-2022	WATER STORAGE DAM	NOLANS ROAD, BAROOGA NSW 3644 (Lot8//DP1102815)
119/22/DA/D5	24-02-2022	RESIDENTIAL STORAGE SHED	136 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot62//DP1028910)
108/22/DA/D2	21-03-2022	HIGHWAY SERVICE CENTRE	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)
130/22/DA/D9	28-03-2022	2 LOT SUBDIVISION	24-30 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot182//DP752296)
132/22/DA/D6	30-03-2022	ADDITIONS TO DWELLING AND STORAGE SHED	18 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot3//DP584816)
135/22/DA/D5	01-04-2022	RESIDENTIAL STORAGE SHED	74 TOCUMWAL STREET, FINLEY NSW 2713 (LotA//DP387671)
144/22/DA/D1	12-04-2022	TRANSPORTABLE SECONDARY DWELLING	8 PUTTER COURT, BAROOGA NSW 3644 (Lot103//DP1133352)
145/22/DA/D9	26-04-2022	13 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP802330)
149/22/DA/D1	26-04-2022	BV DWELLING & ATTACHED GARAGE	134 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1275427)
150/22/DA/DM	28-04-2022	LICENSED RESTAURANT & FIT OUT OF PREMISES	2 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)
151/22/DA/D5	29-04-2022	EXTENSION TO ALFRESCO	22 RILEY COURT, TOCUMWAL NSW 2714 (Lot56//DP1054776)
152/22/DA/D5	02-05-2022	RESIDENTIAL STORAGE SHED	134 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1275427)
153/22/DA/D5	02-05-2022	PATIO	69 HUGHES STREET, BAROOGA NSW 3644 (Lot9//DP1257753)
154/22/DA/D1	03-05-2022	DWELLING AND RESIDENTIAL STORAGE SHED	36B BARINYA STREET, BAROOGA NSW 3644 (Lot3//DP1250698)
155/22/DA/D5	04-05-2022	RESIDENTIAL STORAGE SHED	60 MURRAY STREET, TOCUMWAL NSW 2714 (Lot2//DP548025)
157/22/DA/D5	13-05-2022	RESIDENTIAL STORAGE SHED	53 TONGS STREET, FINLEY NSW 2713 (Lot1//DP101138)
158/22/DA/D1	13-05-2022	BV DWELLING & ATTACHED GARAGE	37 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot35//DP270154)
159/22/DA/D2	19-05-2022	CHANGE OF USE TO PHARMACY	126-128 MURRAY STREET, FINLEY NSW 2713 (Lot12//DP555816)
160/22/DA/D1	19-05-2022	BV DWELLING & ATTACHED GARAGE	26 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot57//DP1131677)
161/22/DA/D1	23-05-2022	BV DWELLING & ATTACHED GARAGE	60 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot30//DP1250358)
45/22/CD/M5	23-05-2022	INGROUND FIBREGLASS SWIMMING POOL	18 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1271152)
162/22/DA/D1	23-05-2022	BV DWELLING & ATTACHED GARAGE	18 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1271152)
163/22/DA/DM	24-05-2022	RELOCATABLE CONTAINER OFFICE	QUICKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP1088371)
164/22/DA/D5	24-05-2022	RESIDENTIAL STORAGE SHED	36 COBRAM STREET, TOCUMWAL NSW 2714 (Lot2//DP1251575)

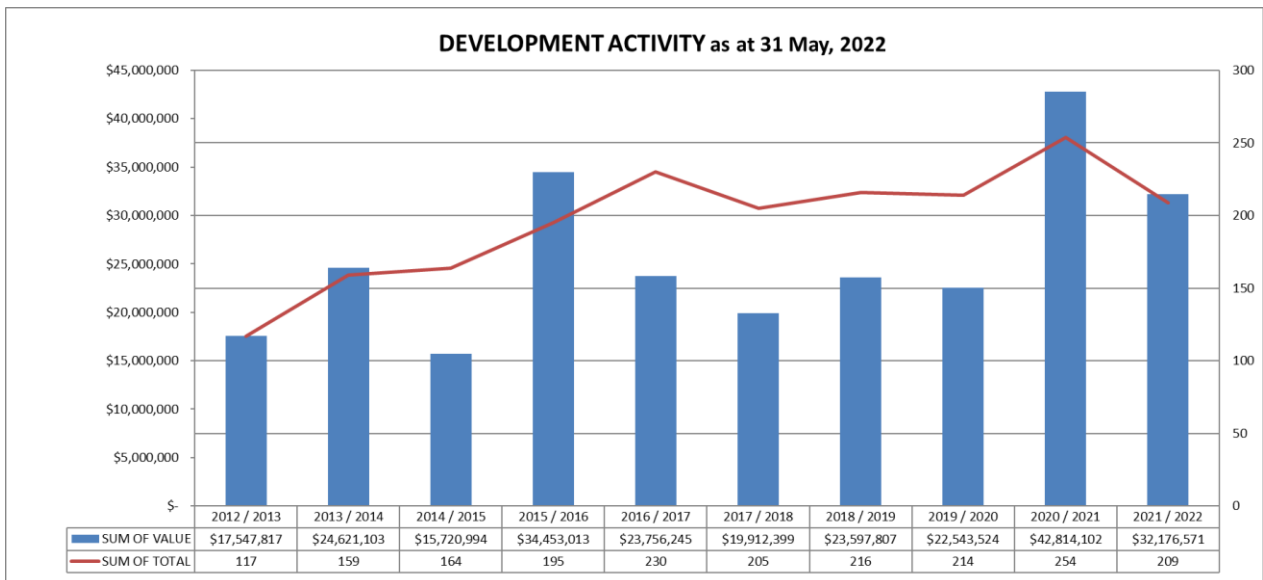
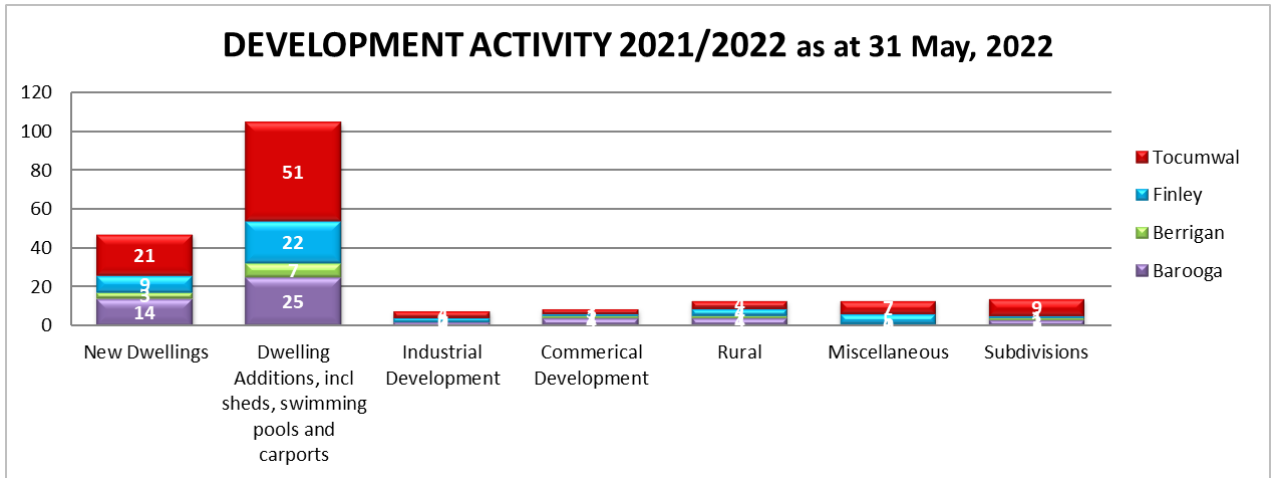
165/22/DA/D5	24-05-2022	ALFRESCO	27-29 WIRUNA STREET, BAROOGA NSW 3644 (Lot2//DP607443)
166/22/DA/D5	24-05-2022	RESIDENTIAL STORAGE SHED	4 MURRAY GROVE, BAROOGA NSW 3644 (Lot18//DP1092267)
46/22/CD/M4	25-05-2022	VERGOLA	163 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1242015)
47/22/CD/M4	25-05-2022	VERGOLA	11 INGO RENNER DRIVE, TOCUMWAL NSW 2714 (Lot23//DP790167)
167/22/DA/D1	27-05-2022	DWELLING, SHED AND POOL	17 HAMILTON STREET, FINLEY NSW 2713 (Lot4//DP1262202)
168/22/DA/D2	27-05-2022	STORAGE SHEDS	5 WISE COURT, TOCUMWAL NSW 2714 (Lot5//DP1036181)
48/22/CD/M5	27-05-2022	INGROUND FIBREGLASS SWIMMING POOL	44 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot118//DP1070311)
169/22/DA/D5	30-05-2022	RESIDENTIAL STORAGE SHED	35 WIRUNA STREET, BAROOGA NSW 3644 (Lot7//DP237525)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (May)	Year to Date	This Month's Value (May)	Year to Date Value
Development Applications (DA)	20	164	\$3,791,253	\$27,049,983
Construction Certificates (CC)	22	132	\$3,947,239	\$22,815,507
Complying Development Certificates (CDC)	5	45	\$342,190	\$5,126,588
Local Activity (s.68)	5	80	0	0

OTHER CERTIFICATES ISSUED FOR MAY 2022

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		s9.34 Certificate Outstanding Notices or Orders under EP&A Act 1979		s6.24 Building Certificate		Swimming Pool Certificate	
	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total	MAY	Year Total
BAROOGA	8	76	0	3	0	6	0	3	0	1	1	13
BERRIGAN	6	57	0	3	1	9	1	3	0	1	1	1
FINLEY	10	99	0	1	0	4	0	3	0	1	1	1
TOCUMWAL	9	128	0	3	0	4	0	0	0	1	0	6
TOTAL	33	360	0	10	1	23	1	9	0	4	3	21



8.18 Active Ageing and Disability Inclusion Action Plan 2022 - 2026

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council adopt as its Disability Inclusion and Action Plan (DIAP) the Council's Active Ageing and Disability Inclusion Action Plan 2022 – 2026 attached as **"Appendix 8.18-A"**

Report:

Attached as **"Appendix 8.18"** is a draft of the Council's Active Ageing and Disability Inclusion Action Plan – the Council's DIAP.

All government agencies and Councils in New South Wales must review and develop their Disability Action Plan (DIAP) before the end of each 4-year period after the day the authority is required to have the plan.

The attached draft plan comprehensively reviews the Council's current DIAP adopted on 21 June 2017. The Council should note the statutory review of its current DIAP was not, however, progressed when the statutory review was due, because of the imposition of public health orders and extension of the term of the last Council, preventing engagement with this vulnerable group.

Therefore, the review of this plan in the 2021/22 financial year was included by the previous Council in the Council's Operational Plan 2021/22.

An accessible version of the Active Ageing and Disability Inclusion Strategy and Action Plan 202 – 2026 will also be developed and published on the Council's website. The accessible version of the plan will be a plain English version able to be read via document reader technology.

8.19 Customer Service Charter

Report by: Customer Service Coordinator, Nikki Arnold

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 1.3 Connect and protect our communities

Recommendation: That the Council adopt the Customer Service Charter attached as "Appendix 8.19-A".

Report:

The Customer Service Charter is designed to outline Berrigan Shire Councils "Can Do" approach to customer service as a whole organization and to establish a standardised method to managing contact with our customers.

The charter will form part of the Customer Request Policy which is under construction.

8.20 Child-Safe Policy and Framework

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Revoke the Child Protection Policy dated 18 November, 2020; and
2. Adopt the Child Safe Policy and Framework included as below:



Policy

37

CHILD-SAFE POLICY AND FRAMEWORK

Strategic Outcome:	Supported and engaged communities	
Date of Adoption:	15 June 2022	Minute Number:
Date for Review:	18 June 2025	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Replaces and revokes the Child Protection Policy 18 November 2020	
Delivery Program Link:	3.1.1.1 Support and promote the healthy development and wellbeing of children and young people	

1. POLICY STATEMENT

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

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

2. PURPOSE

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



Policy

3. SCOPE

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

4. DEFINITIONS

- Children** are people aged under 18 years or a person apparently less than 18 years of age if the person's age cannot be proved.
- Child Safe Standards** are ten standards recommended by the Royal Commission following their inquiry into institutional responses to child sexual abuse and other related matters. Each standard is principle-based and focused on the outcome that the organization is seeking to achieve by implementing child safe strategies.
- Emotional abuse** is not a one off incident but rather a pattern of behaviour over a period. It affects a child's emotional, social, cognitive and intellectual development. It can include persistent behaviour by adults such as rejection, isolation, ignoring, hostility, yelling, criticism or exposure to family violence. It is the most common type of abuse experienced by children and is likely to be present alongside physical and sexual abuse.
- Family violence exposure** is when a child hears or sees a parent, sibling or other family member experience physical, sexual or emotional abuse. It could also be when a child sees the outcomes from the violence such as physical injuries to a person or damage to property.
- Neglect** is the failure to provide the basic necessities for emotional and physical development and wellbeing of a child. This includes food, safe and hygienic housing, appropriate clothing, access to medical treatment, personal hygiene and adequate supervision.
- Physical abuse** is when a child experiences deliberate physical injury or trauma. Most commonly it includes hitting but can also be biting, shaking, burning or poisoning. Under the Children's Guardian Act 2019, an assault can occur when a person intentionally or recklessly (i.e. knows the assault is possible but ignores the risk):



Policy

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

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

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

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

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

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

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

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

- unreasonable; and
- seriously inappropriate, improper, inhuman~~e~~ or cruel



Policy

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

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

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

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

“Failure to reduce or remove risk of child becoming victim of child abuse”

“Concealing a child abuse offence”

Sexual abuse

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

Worker

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

5. POLICY IMPLEMENTATION

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



Policy

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

5.1 Child Safe Standards

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

Standard	Statement	How do we do this?
Standard 1	<i>Child safety is embedded in organisational leadership, governance and culture.</i>	<i>The Council demonstrates a commitment to child safety through documentation, continuous review and improvement, behaviours and attitudes, that prioritise the safety of children</i>
Standard 2	<i>Children participate in decisions affecting them and are taken seriously.</i>	<i>Children will be consulted and encouraged to put their views forward on Council projects and services that affect them and their families</i>
Standard 3	<i>Families and communities are informed and involved.</i>	<i>Information around the Council's child safe practices are promoted and made available through a variety of mediums, and feedback reviewed and enacted where appropriate</i>



Policy

Standard	Statement	How do we do this?
Standard 4	<i>Equity is upheld and diverse needs are taken into account.</i>	<i>Diversity and inclusion will be considerations with Council projects and services; Staff will be trained to recognise and understand and respect the diverse needs of children, and adapt services accordingly</i>
Standard 5	<i>People working with children are suitable and supported.</i>	<i>Recruitment of workers working with children will emphasise child safety; Appointment will require probity checks and induction around child safety procedures</i>
Standard 6	<i>Processes to respond to complaints of child abuse (or other concerns) are child-focused.</i>	<i>Specific procedures in accordance with the Office of the Children’s Guardian Reportable Conduct Scheme, and Mandatory Reporting under the Crimes Act 1900 are compliant and child-focused.</i>
Standard 7	<i>Staff are equipped with the knowledge, skills and awareness to keep children safe, through continual education and training.</i>	<i>All staff working with children will be required to undergo training to equip them with the knowledge required to enact the Child Safe Standards, and will be required to continually refresh their knowledge</i>
Standard 8	<i>Physical and online environments minimise the opportunity for abuse or other kinds of harm to occur.</i>	<i>Risks associated with physical and online environments are identified and mitigated where possible without compromising a child’s right to privacy and healthy development</i>
Standard 9	<i>Implementation of the Child Safe Standards is continuously reviewed and improved.</i>	<i>The Council’s focus is on continual improvement. Various mechanisms are used to continuously review the processes around child safety including document review, regular meetings and customer complaint systems.</i>



Policy

Standard	Statement	How do we do this?
Standard 10	<i>Policies and procedures document how the organisation is child safe.</i>	<i>Policies and procedures supporting child safety are developed in accordance with legislation and the Child Safe Standards, under Council's Integrated Management System, and are designed to be accessible and easily understood.</i>

5.2 Risk Management

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

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

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

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

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

6.2 Council documents

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

6.3 Other resources

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

Report:

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

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

These extra responsibilities involve:

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

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

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

- demonstrating commitment to child safety through documentation, continuous review and improvement, behaviours and attitudes that prioritise the safety of children;
 - consulting with children and encouraging them to put their views forward on Council projects and services that affect them and their families;
 - promoting Council's child safe practices through a variety of mediums, reviewing feedback and making changes where required;
-

- giving consideration to diversity and inclusion in Council projects; and training staff to recognise, understand and respect the diverse needs of children, and adapting services accordingly;
- conducting appropriate checks on workers working with children;
- developing procedures on reportable conduct processes;
- equipping staff with the required knowledge to enact the child safe standards;
- identifying risks and mitigating where possible;
- focusing on continually improving child safety processes;
- developing policies and procedures to support child safety and meet legislative obligations.

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

- development of procedures
- training
- child safety promotion

8.21 Trade Waste – Finley Dairy Group

Report by: Manager Building & Planning, Matthew Miller

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation: That the Council:

1. note this report;
2. include in the Agenda for the Extraordinary Council Meeting to be held on 22 June 2022, the business item - Development Application 186-21-DA-D3 - Milk Processing Factory for consideration.

Report:

This report is an update for the Council on the request for concurrence for discharge of liquid trade waste to sewer from the Department of Planning and Environment (DPE) for the Finley Dairy Group (project milkshake). The current Section 68 request sent to the DPE is the second application for assessment.

The first application was refused as the proposed trade waste pre-treatment would not reduce the level of Biological Oxygen Demand (BOD) to meet the required acceptance criteria for discharge to sewer. Since this refusal, the Development Application (DA) has been put on hold. Council's planning team cannot finalise this DA until it receives DPE concurrence for the project. As the required community consultation has occurred, when DPE concurrence is received the DA will be finalised.

In the past nine months, the Council's Trade Waste Officer, Monique Aarts has worked closely with the Developer Mark Dean to prepare a second application for concurrence from the DPE. Notwithstanding, the BOD levels proposed was always going to be the issue; as the proposed trade waste pre-treatment equipment cannot meet the acceptance parameters for trade waste regulation. Without creating a conflict of interest, Council's Trade Waste Officer has provided a high level of support and technical expertise. However, the Developer's application sought a dispensation from the Department of Planning and Environment's regulatory parameters.

The DPE (24 May 2022) met with Council staff and advised that the second application posed further questions that need to be answered by Council before concurrence would be granted. Briefly, the DPE assessed that the levels of BOD to be discharged to the sewer pose an unacceptable level of risk to the Finley Sewer Plant. In addition, with its current pretreatment method, the BOD levels will impact the plant's operating capacity, hence, Finley's opportunities for future growth.

Council staff have advised Mark Dean of the DPE decision. While the outcome is disappointing, Council Officers note that at the initial concept meeting held between the Developer and Council staff, the Developer was already made aware of the relevant acceptance parameters and were advised to look at biological treatment. However, at that time, the Developer was reluctant to consider biological treatment due to cost. Council staff have consistently advised that biological treatment option should be considered. We understand that the Developer is now exploring biological treatment, an option that is more than likely to receive a positive response from the DPE.

The Developer's consultant has confirmed by email that they are investigating biological treatment and the following actions are proposed:

Council is issuing a Notice of Determination and will again have to refuse consent to:

- the discharge of liquid trade waste to sewer. The current concurrence request for
- discharge to sewer currently at the Department will be formally withdrawn.
- The current DA is determined, and a 'Deferred commencement' consent granted.

Further, any such 'Deferred commencement' consent would be subject to the condition that the consent would not operate until the applicant satisfies the consent authority, that the industrial trade waste would be biologically treated in accordance with the trade waste approval conditions concurrence with by DPE.

Deferred commencement consent would facilitate further investigation by the Developer of grant funding opportunities that could be used to fund biological treatment of commercial trade waste. Deferred commencement consent would also ensure that no works could take place until all parties were satisfied and agreed with the trade waste treatment and disposal options.

It is proposed therefore, that the Council consider, at its Extraordinary Council Meeting scheduled for 22 June, 2022 this project's development application report which will include the recommendation that 'deferred commencement consent' is granted.

8.22 Request for Assistance – Finley Football Netball Club

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council support Finley Football Netball Club in hosting the 2022 Murray Football Netball League Grand Final through the following:

1. Routine maintenance of the surrounds of Finley Recreation Reserve prior to the event
2. Provision of waste management services in line with the Council's Community Assistance Policy
3. Provision of portable public toilets to a value of no greater than \$3,500.

Report:

Finley Football Netball Club (FFNC) has requested financial and in-kind support from Berrigan Shire Council to assist their bid for the 2022 Murray Football Netball League (MFNL) Grand Final. FFNC hosted the MFNL Grand Final in 2019, and this is the second year of their two-year arrangement (after the abandonment of the 2020 and 2021 seasons as a result of COVID-19)

A copy of their request is attached as "**Appendix 8.22-A**".

FFNC are seeking the following assistance:

- waste management as per the Council's [Community Assistance Policy](#), where the MFNL Grand Final is defined as a "special event"
The Council will cooperate with the organisers of special events regarding collection and disposal of waste associated with the event. Generally, this will be by way of providing bins to allow the normal kerbside collection service to collect. The Council will not pass on the costs of collection to the special event organisers for this service.
- Toilet hire (in-kind or cash) - \$3,500. Council provided this support in 2019.
- Other financial support for items such as signage, stage hire, umpires, security, trophies as listed in the letter.

Not included in the request are the routine Council activities before football/netball finals matches at Berrigan Shire venues such as supplying gravel, grading, and use of a water truck.

In return for support, FFNC will include Berrigan Shire Council as an official sponsor – entitling the Council to promotion on the day and complimentary tickets.

The MFNL Grand Final is not seen by Council staff as a significant economic driver and does not qualify for funding under the Council's [Event Management Policy](#). It is a prestigious local event however and does reflect well on the infrastructure developed at Finley Recreation Reserve by the Council in partnership with the local community.

FFNC has been advised by MFNL (see "**Appendix 8.22-B**") that the MFNL may not honour the implicit two-year arrangement in place as a result of insufficient financial return to MFNL which would be disappointing for FFNC and the broader Finley Community.

8.23 Unsolicited Proposal – 27 Davis Street, Berrigan

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. note the unsolicited proposal received for the purchase of 27 Davis Street, Berrigan from the Council
 2. assess this proposal in line with the requirements of the NSW Government's *Unsolicited Proposals Guide for Submission and Assessment* (the Guide) issued in 2017
 3. delegate the Deputy Chief Executive Officer to form a steering committee from Council staff to work with the proponent on a detailed proposal as per the Guide
 4. appoint the Council as a whole as the assessment panel for the detailed proposal
-

Report:

The Council has received an unsolicited proposal from Karina Ewer, Chief Executive Officer of Berrigan Shire Council, to purchase the Council-owned residence at 27 Davis Street, Berrigan.

A copy of the proposal is attached as “**Appendix 8.23-A**”.

In summary, the proponent is offering to purchase the land and buildings at 27 Davis Street for \$260,000. This is consistent with a market appraisal obtained by the Council in September 2021.

Given the proponent's conflict of interest, I have taken on the role of undertaking a preliminary assessment of the proposal. The NSW Government's [Unsolicited Proposals Guide for Submission and Assessment](#) issued in 2017 provides a framework for assessing this proposal.

The Council should note that **this proposal is, and must remain, independent of the proponent's performance review and remuneration arrangements.**

The proposal must be considered at arms-length and on a market basis.

Assessment

When considering an unsolicited proposal, the Council should consider the following assessment criteria:

- Uniqueness
 - Value for money
 - Impact
-

- Return on investment
- Capability and capacity
- Affordability
- Risk allocation

The proponent has specifically addressed each criterion in her proposal.

Uniqueness

The proposal offers the Council the opportunity to modernise its housing stock and effectively use these funds to construct new housing for key workers. The Council has identified this as an item in its Workforce Development Plan and Operational Plan (currently on exhibition and scheduled to be adopted on 22 June 2022).

However, the Council could achieve this aim by simply placing the house on the open market. The proponent needs to satisfy the Council that her proposal to sell directly to her is unique over and above addressing Council's objective.

The uniqueness rationales for the proponent from the Council's perspective are:

- The proponent has a residential lease that expires in November 2025. Any sale on the open market would need to honour this lease.
- The Council has an interest in ensuring that its key staff – including its CEO – have suitable accommodation that meets their needs. Selling a house from under key staff does not meet the Council's interests, it hinders them.

The proposal therefore offers a unique proposition to the Council to free up capital for additional housing development while addressing the need to ensure the CEO retains suitable accommodation.

Value for money

The proponent has offered \$260,000, which is consistent with a market appraisal from November 2021. The proponent also offers to undertake a second market appraisal.

The Council needs to consider how a fair market value should be determined.

Impact

The proponent has made a strong case that the proposal aligns with Council objectives, and I concur with her assessment.

I would add that, as mentioned above, the proposal also aligns somewhat with the draft Operational Plan Action 1.1.1.1.4

As part of the development of Key Worker Housing Strategy include the following LSPS actions

- a) undertake a formal audit of social housing in Berrigan Shire LGA*
 - b) facilitate the redevelopment of existing serviced residential lots*
-

Return on investment

The proponent has provided her calculations of a return on investment from Council's perspective, which on preliminary assessment appears reasonable however some of the assumptions used need more evidential support

Even on the most basic assessment of an ROI – purely considering the financial impact of rental income received from this property against rental income received from another property purchased with the proceeds – the worst-case scenario for a financial ROI is likely to be little changed from the status quo.

Further assessment would need to be undertaken before deciding to proceed to sale.

Capability and capacity

There is no evidence to suggest that the proponent will be unable to deliver. If the proponent is unable to deliver, there is little or no risk to the Council in any case – the house will remain in Council hands.

The proposal also offers Council a first right of refusal to re-purchase the property should the proponent wish to sell.

Affordability

The proposal is not expected to cost the Council anything other than minor transactional costs.

Risk

The proponent has prepared a risk assessment consistent with the Council's adopted risk management framework and this is included in the proposal (pages 9 -11)

The major risks to Council are:

- **Financial** – proponent assessed this as LOW. I concur, subject to Council obtaining a price for the property consistent with an independent market appraisal.
- **Professional indemnity** – proponent assessed this as LOW. I concur and note that the risk here lies largely with the proponent rather than the Council. This risk can be mitigated through openness and transparency
- **Reputational** – the proponent has assessed this as HIGH. I concur and this is the largest risk exposure for the Council. Again, the risk can be mitigated through openness and transparency and obtaining independent third-party advice.
- **Legal** – the proponent has assessed this as LOW. I concur. The major legal risk is not meeting the requirements of the Local Government Act 1993 and the subordinate Model Code of Conduct. The mitigation measures to address reputational risk are sufficient to address the legal risk as well.

Overall, the proposal does not require the Council to assume a level of risk outside its Risk Appetite statement, nor does it transfer risk from the proponent to the Council. The largest risk is reputational, and this risk is largely borne by the proponent.

Further advice on risk can be sought from the Council's independent Audit Risk and Improvement Committee if desired.

Conclusion

Overall, the proposal has sufficient merit to move to Stage 2 (detailed proposal) as per the *Unsolicited Proposals Guide for Submission and Assessment*.

To take the proposal to Stage2, I propose that the steering committee should include:

1. Matt Hansen – Deputy CEO
2. Tahlia Fry – Finance Manager
3. Michelle Koopman – Enterprise Risk Manager

Given the proponent, I would recommend that the assessment panel for Stage 2 is made up of the Council as a whole with a decision to be made by resolution of the Council at an open meeting. Should the proposal be accepted, final negotiation for a final binding offer can be delegated to the Mayor and Deputy CEO at that stage.

Should the Council wish to proceed, the steering committee will:

- arrange for two (2) updated market appraisals
- obtain advice from Council's solicitors on a suitable binding agreement offering Council first right of refusal for re-purchase.
- work with the proponent on a detailed proposal for consideration by the assessment panel

8.24 Berrigan Shire Council Rebrand

Report by: Communications Coordinator, Bianca Bourke

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. proceed with Option 1 of the rebranding proposal – a full rebrand, including consideration of the Council name;
2. delegate authority to the CEO to appoint a suitable Creative Agency to conduct the rebrand, based on submissions received through the EOI process.

Report:

Following discussions at the Corporate Workshop held in February and the recent Strategic and Policy Workshop (SPW) held on Wednesday 1 June 2022, this report is prepared to get Council's decision and direction in regard to rebranding for Berrigan Shire.

At the recent SPW a report was presented to the Council providing information around the 3 options of a possible rebrand that was received in submissions through Expression of Interest.

There was discussion around the costs of rolling out a new brand across the organisation and what other expenses Council would be incurred. It should be noted that there would be two stages of this rebranding project:

1. Brand Creation:- the successful Creative Agency would work with the project team and Council to first identify the Shire's brand values and attributes, its brand position. This would include some form of community consultation; the outcome would be a new brand including a possible name change, new logo and a set of guidelines including branded suite of document templates.

The initial phase would see all electronic collateral immediately upgraded at minimal cost.

2. Roll-out:- this phase would entail the Council to replace its branding on anything that is physical that is currently branded i.e. uniforms, signage, name badges, minor stationary etc.

Council should note that a rebrand would not require many assets, signage etc. to "replaced" upfront. The replacement of many of these items is already budgeted for

annually or these items can be updated with the new branding when it is due for replacement.

The roll out timeframe for stage 2 would be over a 3–5-year period with the following as a guide:

- Stationary including letterheads, envelopes, business cards etc. would be rolled over on normal stock re-order. (Staff would finish using current stock, re-ordering when required) – approx. 6 months
- Uniforms (uniform allowance is already budgeted, new branding would be added to future orders) – 12 months approx.
- Signage (upgrade and replacement already budgeted, new branding to be added to future signs) – 3-5 years

The 3–5-year rollout will be similar to that of Moira Shire. As the changes are made subtly and over a period of time, it allows the community to slowly become familiar with the new logo, rather than a sudden change. This will also help mitigate potential push back from the community around the sentiment of “wasting money on things that don’t need to be changed / upgraded”.

While there is a cost of proceeding with a rebranding, there is also an implicit cost in maintaining a brand that may no longer meet the needs of the Council and the broader community.

The project team will ensure the communication around the roll out is clearly explained to the community in the consultation phase as well as once a brand/logo has been established.

Given the above information above, the project team is seeking Council approval to move forward in this project with a clear direction.

Furthermore, submissions received in the EOI process are thorough. Each submission has responded to all questions in the EOI and the project team believe there is enough information to make a decision on a suitable Agency to proceed with the project.

8.25 s335 Committees of Management – “one third” Loan and Grant Scheme

Report by: Recreation Officer, Emma McQueen
 Strategic Outcome: 3. Supported and engaged communities
 Strategic Objective: 3.2 Support community engagement through life-long learning, culture and recreation

This report is provided for information only.

Report:

As requested by Council, the list of current 1/3 loan and grant schemes are below:

Committee	Loan Amount	Interest rate	Start date	End date
Tocumwal War Memorial Hall – Airconditioning	\$6,520.00	0.300%	1/01/2022	1/07/2024
Finley Recreation Reserve –Airconditioning	\$10,000.00	1.025%	1/01/2020	1/07/2024
Berrigan War Memorial Hall – Airconditioning/ Curtains	\$13,333.00	1.025%	1/01/2020	1/07/2024
Finley Recreation Reserve – Netball Courts	\$70,000.00	0.500%	1/01/2023	1/07/2027
Finley School of Arts – Floor Refurbishment	\$3,500.00	1.550%	1/01/2023	1/07/2025

One-third scheme

The “one-third” loan and grant scheme works as follows:
 (Extracted from the [Community Assistance Policy](#))

Funding assistance to these committees will be provided on the following basis:

- The funds are used for capital improvement of a Council facility
- The relevant volunteer committee of management will retain control of the funds and liability for any loans
- The maximum project value is \$50,000. Projects over this value will be considered independently on their merits as to whether any contribution will be made and if so, upon what terms and conditions

- The Council will maintain an aggregate cap of \$100,000 on loan contributions and commitments under this scheme at any time.

All funding provided under this scheme will be made either through inclusion in the Council's Operational Plan or via a formal resolution of the Council. If approved by the Council, funding assistance will be provided in the following form:

A grant of no more than one third of the total project value, plus; or

- A loan, at a subsidised interest rate, of no more than one-third of the total project value.
- This is subject to confirmation of the committee's willingness and ability to fund the remaining cost of the project.
- Any loan under this scheme will be provided on the following terms:
- The term of the loan to be:
 - no longer than three years for amounts under \$5,000; or
 - five years for larger amounts
- Loan repayments to be no less than semi-annually
- The interest rate charged will be 50% of the interest rate earned by the Council on its most recent term deposit.

9. NOTICES OF MOTION / QUESTIONS WITH NOTICE

9.1 Question with Notice – Fire Hazard Concerns, Barooga

Report by: Chief Executive Officer, Karina Ewer

Recommendation: That the response to the question regarding Fire Hazard Concerns raised by Councillor Cornwell McKean be received and noted.

The following question on notice was received from Councillor Julia Cornwell McKean.

Question:

Jennifer is a resident of Lawson Drive and is concerned that the measures to reduce fire hazard in the vicinity of the Barooga swing bridge are insufficient. The last reduction burn was in 2016. She has followed this up within state government with no success and has been directed to Council. Is this something that we can look into please?

Letters to Ms Gaylard are included as “**Appendix 9.1-A**”, “**Appendix 9.1-B**” and “**Appendix 9.1-C**”.

Response:

Ms Gaylard has made every attempt open to her to have the matter of reduction burns in her area addressed. It appears from the responses provided that reduction burns in the area were conducted in the 2021 season however not in the area noted as concern by the resident. Reduction burns are outside of Council responsibilities and we are not authorised to undertake them. The only recourse might be for Council to write to the Minister under Mayor Matt’s signature to request the area noted by the resident (Ms Gaylard) be included in the 2022 reduction burn plan. A motion from Council to such effect would be appropriate to support a letter to the Minister regarding this matter.

10.CONFIDENTIAL MATTERS

Nil

11.MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

12.COUNCILLOR REPORTS

12.1 Mayors Report

Recommendation: That the Mayor's Report be received.

12.2 Verbal Reports from Delegates

Recommendation: That the Council note the reports from delegates.

13.CONCLUSION OF MEETING