



## ORDINARY MEETING OF COUNCIL

Wednesday 16 March, 2022

at 9:15am

Council Chambers  
56 Chanter Street, Berrigan



# Agenda



## Council Meeting

Wednesday 16 March, 2022

### BUSINESS PAPER

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The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 16 March, 2022** when the following business will be submitted:-

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



KARINA EWER  
CHIEF EXECUTIVE OFFICER

## 1. OPENING OF MEETING

In the spirit of open, accessible and transparent government, Berrigan Shire Council's 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. 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 or 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.

## 2. ACKNOWLEDGEMENT OF COUNTRY

## 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 16 February, 2022 be confirmed.

## 5. DISCLOSURES OF INTEREST

## 6. MAYORAL MINUTE(S)

6.1 Nil

## 7. REPORTS OF COMMITTEES

### 7.1 Local Traffic Committee

Report by: Operations Manager, Gary George

Strategic Outcome: 2. Good government

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

**Recommendation:** That the Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 18 February, 2021:

That the Council:

1. approve the application made by BDDA to hold 'A Festival of Music on Chanter' on Friday 26 March 2022 and the temporary road closure of Chanter Street, between Jerilderie Street (MR363) and Drummond Street, Berrigan, between the hours of 5:00pm – 11:00pm, subject to obtaining a Road Occupancy License from Transport NSW and the applicant sending a schedule of events to NSW Police;
2. approve the application for a temporary road closure made by Finley Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25<sup>th</sup> April 2022 in Murray Street between Ulupna Street and Berrigan Road, Finley between the hours of 10:30am and 12:30pm subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency and the applicant obtaining a Road Occupancy License from Transport NSW.
3. approve the application for temporary road closure made by Tocumwal Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25 April 2022 in Deniliquin Street between Murray Street and Hennessy Street, Tocumwal between the hours of 10:30am and 11:30am, subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency.
4. approve the application for temporary road closure made by Berrigan Sub-Branch of the Returned Services League to hold their annual ANZAC Day parade on Sunday 25 April 2022 in Chanter Street between Jerilderie Street and Drummond Street, Berrigan between the hours of 9:30am and 12:00pm, subject to NSW Police and Transport NSW being listed as interested parties on the Certificate of Currency and the applicant obtaining a Road Occupancy License from Transport NSW.

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### Report:

A copy of the minutes is attached as **Appendix "7.1-A"**

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## 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.

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#### **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 28 February 2022,
- b) Confirm the accounts paid as per Warrant No. 02/22 totaling \$2,424,679.92, and
- c) Note the report on investments attached as **"Appendix 8.2-A"**

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### Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 28 February 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 28 February 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 28 January 2022, totaling \$2,424,679.92 and will be submitted for confirmation of payment as per Warrant No. 02/22
- 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) Funds have remained stable across February with the receipt of the third rate instalment.

Overall Funds have decreased by \$3.8M compared to the same period last year, this was predicted as large scale projects continue to be finalised.

- f) Further information regarding Council's investments is attached to this Agenda as **"Appendix 8.2-A"**.

**Statement of Bank Balances as at 28 FEBRUARY 2022**

**Bank Account Reconciliation**

Cash book balance as at 1 FEBRUARY 2022	\$11,853,113.35
Receipts for FEBRUARY 2022	\$ 2,479,795.83
Term Deposits Credited Back	\$ -
	<b><u>\$14,332,909.18</u></b>
<i>Less Payments Statement No 02/22</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 600,164.45
Electronic Funds Transfer (EFT) Creditors E039123-E039309	\$ 1,760,121.55
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 64,393.92
Total Payments for FEBRUARY 2022	<u>\$ 2,424,679.92</u>
<b>Cash Book Balance as at 28 FEBRUARY 2022</b>	<b><u>\$11,908,229.26</u></b>
<i>Bank Statements as at 28 FEBRUARY 2022</i>	\$11,893,588.76
Plus Outstanding Deposits	\$ 14,640.50
Less Outstanding Cheques/Payments	\$ -
<b>Reconciliation Balance as at 28 FEBRUARY 2022</b>	<b><u>\$11,908,229.26</u></b>

**INVESTMENT REGISTER**

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	SEWER	144/19	365	**0.30%	23/03/2022	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	182	**0.85%	23/05/2022	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**0.35%	31/05/2022	\$ 2,000,000.00	BBB+
AMP	WATER	136/18	365	**0.80%	19/10/2022	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	GENERAL	124/16	365	0.40%	13/05/2022	\$ 2,025,954.84	UNRATED
Bendigo Bank	WATER	141/18	364	*0.30%	13/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*0.30%	26/09/2022	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.30%	28/09/2022	\$ 5,000,000.00	BBB+
Central Murray Credit Union	GENERAL	126/16	365	0.40%	31/08/2022	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	102/14	365	0.50%	6/04/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	146/19	365	0.30%	31/08/2022	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	138/18	365	0.70%	10/01/2023	\$ 2,000,000.00	BBB
NAB	WATER	143/18	365	0.50%	18/11/2022	\$ 2,000,000.00	AA-
						<b><u>\$ 28,025,954.84</u></b>	

**Total Funds Held at 28 FEBRUARY 2022**

**\$39,934,184.10**

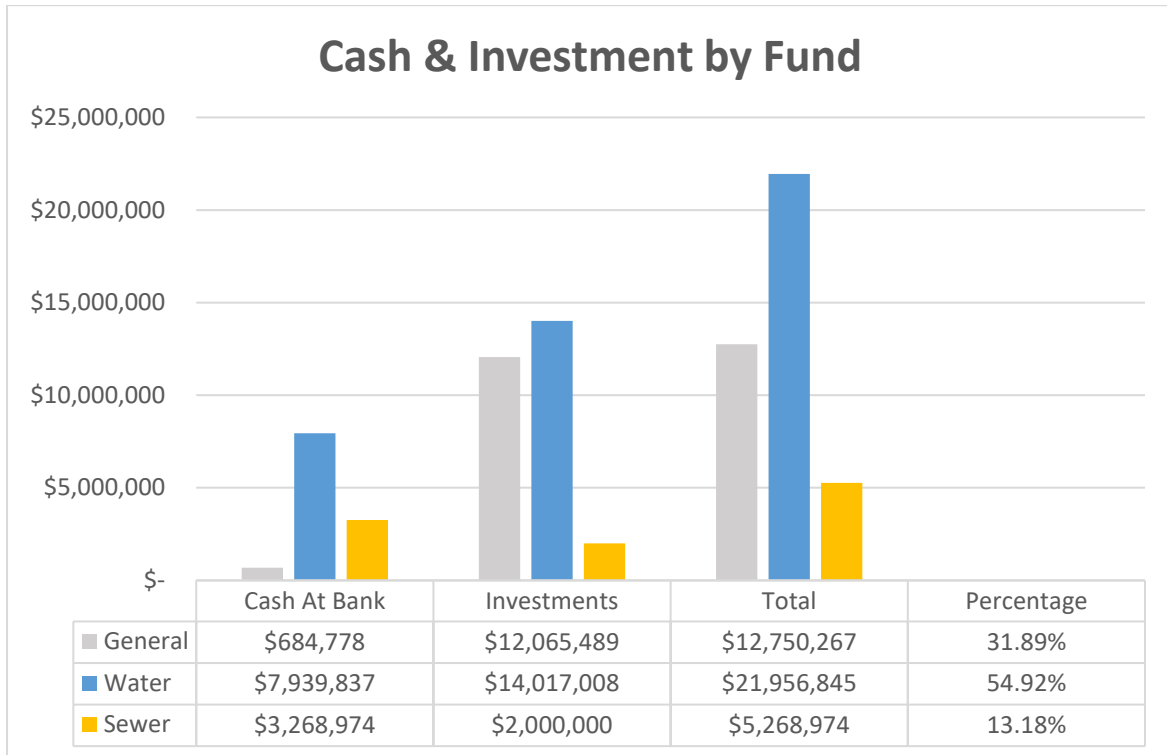
**Tahlia Fry - Finance Manager**

\*The Council also receives an additional 0.25% commission

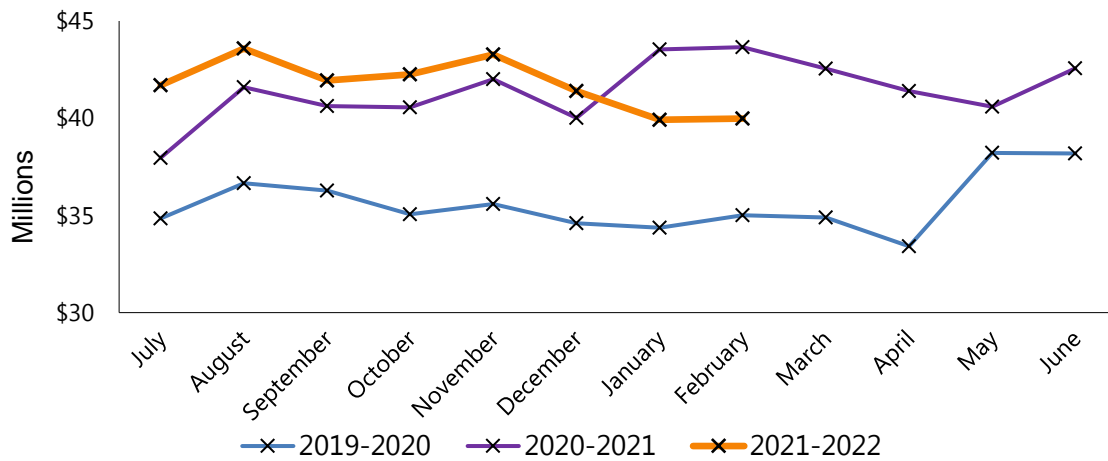
\*\*The Council also receives an additional 0.20% commission

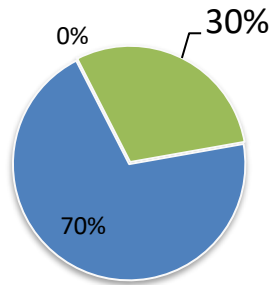


Total Funds held between General, Water and Sewer are as follows:

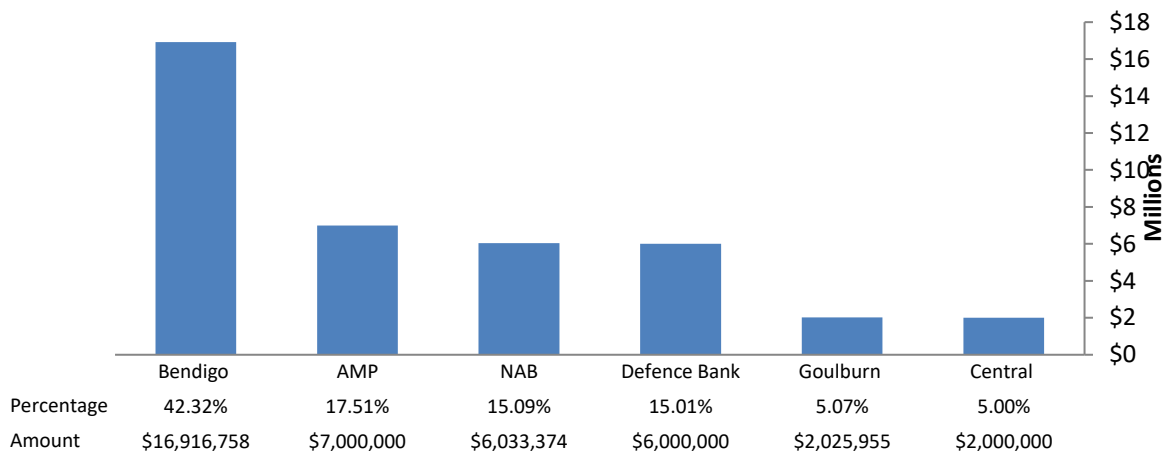


### Total Cash and Investments





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



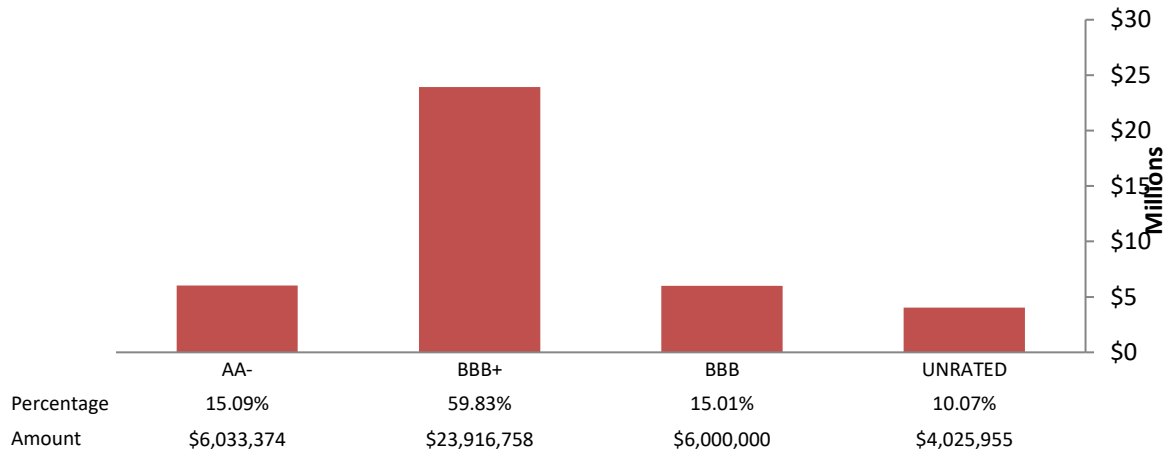
**Term Deposits Credited Back**

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES				

**Term Deposits Invested / Reinvested**

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES				

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



### 8.3 Pecuniary Interest Disclosure (Newly Elected Council)

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 note the tabling of Pecuniary Interest Returns received from the newly elected Councillors sworn in on 11 January, 2022.

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#### **Report:**

Tabled at this meeting are Pecuniary Interest Returns as required and in accordance with Section 450a of the Local Government Act duly completed by:

Councillors: Matthew Hannan  
Roger Reynoldson  
Julian Cornwell McKean  
Carly Marriott  
Ted Hatty  
Sarah McNaught

At the time of writing this report Pecuniary Interest Disclosures had not yet been received from Crs John Taylor and Renee Paine. These must be reported as part of the required administrative processes.

#### 8.4 Suspension of Alcohol-Free Zone - Chanter St, 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, subject to Police approval and development consent being given, suspend the Alcohol-Free Zone for the area closed to traffic on Chanter Street, Berrigan from 5.00pm to 11.00pm on Friday 25 March 2022 in accordance with Section 645 of the *Local Government Act 1993*.

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#### Report:

The Berrigan and District Development Association (BDDA) are proposing to hold a musical event in Berrigan on Friday, 25 March 2022.

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

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

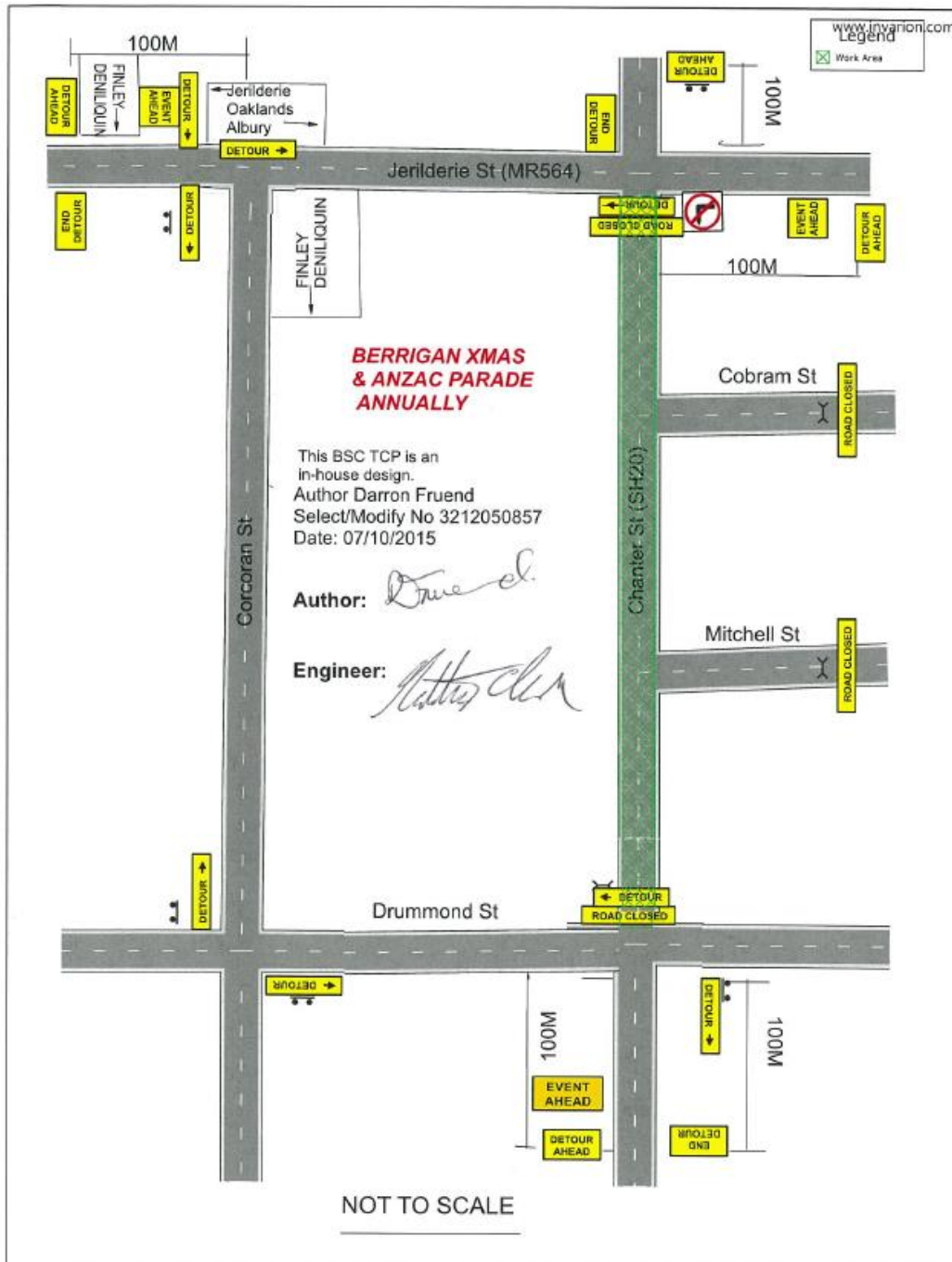
The BDDA has requested the restrictions on alcohol consumption be lifted during this period for the area closed to traffic. A map of the area is shown at the end of the report.

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

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

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

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## 8.5 Tocumwal Golf and Bowls Club Ltd MOU with Berrigan Shire Council

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 4. Diverse and resilient business

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

**Recommendation:** That the Council endorse the Memorandum of Understanding between Berrigan Shire Council and the Tocumwal Golf and Bowls Club Ltd as presented and direct the Mayor and CEO to sign the document and implement its outcomes.

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### Report:

Recently Tocumwal Golf and Bowls Club (TGBC) asked that I meet with them to discuss their plans for their facilities and how Council might be able to be involved in those plans.

As Council has asked for a Strategic Partnerships White Paper and, have requested me to develop a Memorandum of Understanding (MOW) with Sporties, I felt give the size and scope of the TGBC plans, an MOU might also be of benefit to Council and the TGBC.

The MOU is provided for Council's approval at "**Appendix 8.5-A**".

Paul Gemmill, CEO of the TGBC presented the vision for the site and some exciting projects to Council at the commencement of the March Strategic Planning Workshop.

I feel this MOU provides Council an opportunity to achieve some of its strategic goals by supporting and advocating for the works being undertaken by the TGBC.

This report seeks Council's endorsement of the draft MOU and Council's direction for the Mayor and I to sign the MOU and for me to commence implementation of the MOU into our business practices.

It should be noted a policy to address when and why MOUs might be appropriate and the framework in which they can exist as part of Council's business, will be provided as part of the Strategic Partnerships Whitepaper being developed as part of my KPIs. This document is expected to be presented to the April Ordinary Council meeting.

## 8.6 Murray River Adventure Trail

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

**Recommendation:** That the Council endorse the budgeting of \$3,600 as their contribution to the Murray River Adventure Trail detailed design and planning project should the funding from the 'Enabling Tourism Fund' be received by Murray Regional Tourism.

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### Report:

The Murray River Adventure Trail is the highest priority for Murray Regional Tourism (MRT) and for the Murray River Group of Councils (MRGC). The MRGC is the Victorian equivalent of the Riverina and Murray Joint Organisation (RAMJO).

Once constructed the Murray River Adventure Trail is intended to form the "spine" to which local tracks, trails, eco-tourism experiences, historical ports and town experiences may all be linked. This is a tourism segment essentially missing from the region and is an exponentially growing market segment.

Stage 1 (Koondrook to Barmah) has been funded and will be constructed. The remaining stages (including the Berrigan Shire Council stage of Barooga to Tocumwal) require detailed planning and design work.

MRT identified an opportunity to develop a submission to the Victorian Government's 'Enabling Tourism Fund' to fund the detailed designs for the remaining stages of the Murray River Adventure Trail (from Wentworth to Koondrook and Barmah to Albury). The estimated cost of that work was \$650,000 (GHD undertook the design work for Stage 1 which formed the basis of the estimate). The submission was auspiced by the MRT Board and supported by MRGC.

MRT held discussions with the MRGC who agreed in principle to support the bid with up to \$25,000 per Council. The 'Enabling Tourism Fund' required matching funding from applicants (\$4 RDV: \$1 Applicant basis) with a maximum of \$500,000 grant request. The grant request was therefore submitted for the full \$500,000 with MRGC contributing \$125,000 between their five Councils (\$625,000).

At the MRT Board meeting on 24 March 2022, it was flagged the NSW Councils were to be asked to provide in-principle agreement to also provide the remaining \$25,000 collectively the 7 Councils in the MRT footprint. I took that briefly to the RAMJO meeting the next day and sent a more detailed email to the relevant CEOs on the afternoon of 25 March 2022.

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NSW Councils in the MRT footprint are:

- Federation Shire Council;
- Albury City Council;
- Wentworth Shire Council;
- Edward River Council;
- Greater Hume Shire Council;
- Murray River Council; and
- Berrigan Shire Council.

As applications for the funding were required by close of business 4 March 2022, I have provided a letter of in-principle support for the application, attached as “**Appendix 8.6-A**”. Grants are expected to be awarded by September 2022 with projects required to be delivered by 30 June 2023.

If the grant is successful the project will deliver the detailed designs and planning for a “shovel ready” modular project (modular in the sense it can be constructed in discrete sections that join up). The project will NOT deliver the construction of any of the trail sections.

Ultimately MRT would like to leverage this funding (if possible) to advocate on behalf of all stakeholders including MRGC and RAMJO etc. for the total infrastructure investment of \$30-\$40 million required to fully construct including integrating existing sections of the Adventure Trail the full distance from Albury to Wentworth.

### **Risk Considerations**

Based on Council’s Risk Management Policy and Framework the following risks are presented for consideration:

**Financial Risk:** Low. Negligible financial loss would be incurred should the \$3,600 be put towards this project and does not meet the outcomes required by Council.

Whilst the financial risk is low the financial gains from being part of the project are high as the cost for Council to undertake the design work for their section of the trail would be far greater without access to the funding. This is a project that has long been on Council’s agenda and one of the infrastructure plans Council has been working towards achieving.

### **Budget Considerations**

The only budget consideration is the \$3,600 requested. Should the project not receive the funding required through the grant, that money will not be spent.

## 8.7 Library Services – Children and Young Persons Policy

Report by: Strategic & Social Planning Coordinator, Joanne Ruffin

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:

1. Revoke its Library Services – Children and Young Persons Policy adopted on 17 July 2019, and
2. Adopt the Library Services – Children and Young Persons Policy set out below:



## Policy

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### LIBRARY SERVICE – CHILDREN AND YOUNG PEOPLE

Strategic Outcome:	Supported and engaged communities		
Policy type	Strategic		
Date of Adoption:	16 March 2022	Minute Number:	
Date for Review:	16 September 2026		
Responsible Officer:	Director Strategic Planning and Development		
Document Control:	Replaces Library Service – Children and Young People adopted 17 July 2019		
Delivery Program Link:	3.2.1.1 Coordinate and deliver local library services in accordance with Library Services Strategic Plan		

#### 1. POLICY STATEMENT

The Berrigan Shire Library Service (BSLS) is committed to servicing the information and recreational needs of young people. The Library strives to provide a welcoming environment, and provide targeted resources and programs to meet the needs of children and young people

#### 2. PURPOSE

This Policy aims to:

- provide child-safe and child-friendly environments that promote community connection and the engagement of young people and children in life-long learning; and
- encourage uniformity and consistency across the branches of the BSLS for staff, as well as parents and young people.

#### 3. SCOPE

This policy applies to all branches of BSLS and to all services provided by BSLS.

#### 4. OBJECTIVE

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



## Policy

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*3.2.1.1 Coordinate and deliver local library services in accordance with Library Services Strategic Plan*

### 5. DEFINITIONS

<b>Child:</b>	A young person between the age of 0-12 years;
<b>Young people:</b>	A teenager between the ages of 12-18 years
<b>Classification:</b>	A classification of media as per the Classification Act 1995
• G	General classification
• PG	Parental Guidance classification
• M	Mature classification (15 years +)

### 6. POLICY IMPLEMENTATION

#### 6.1 Services

Berrigan Shire Library Service provides the community with access to information and recreational materials through a variety of services and resources. Our libraries support young people through the provision of collections and programs that foster an appreciation of literature and promote the development of information literacy skills.

Services may include (but are not limited to) the following:

- Fiction, non-fiction and recreational books
- Magazines
- DVD's
- CD's
- eBooks and eAudio and streaming services
- Computer and Internet access
- Assistance from staff in accessing collections and information
- Literacy programs
- Space for activities or study
- Internet training
- Film sessions
- Space for activities and study
- Local history projects
- School holiday programs and activities



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## Policy

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Berrigan Shire Library Service does not provide early education and child-care services to young people and children that are the responsibility other agencies, for example, child-care and formal education.

### **6.2 Responsibilities**

#### **6.2.1 Parents and guardians**

Parents and guardians must act responsibly regarding their child's use of the library.

Children under the age of 8 years must be accompanied by an adult while visiting the library. Children under the age of 16 years must have a parent/guardian support their membership application and or participation in library activities.

Children and young adults will always be advised of age-appropriate resources with the responsibility for monitoring and supervising their child's use of the general collection remaining with a child's parent/guardian

#### **6.2.2 Staff**

All library staff must have an appropriate NSW Working with Children Check and as such are required to act on disclosures, allegations, or suspicions of harm.

All library staff must also ensure programs and activities reduce the likelihood of children being harmed.

Library staff are expected to guide and assist young people in finding and accessing resources appropriate to their particular interests and inquiries as per the Classification Act 1995 ('G', 'PG', 'M', 'unrestricted' etc.)

### **6.3 Responsibilities**

The Library Regulation 2018 allows for a library staff member to direct any person to leave the library, and not to re-enter the library for such a period as the library staff member directs, if the staff member is of the opinion that:

- the person has contravened any provision of Library Act; or
- the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

The Council and BSLS have adopted a Library Patron Code of Conduct and all exclusions from the library will be dealt with in accordance with that Code.



## Policy

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### 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

#### 7.1 Legislation

- *Local Government Act 1993*
- *Library Act 1939*
- *Library Regulation 2018*
- *Child Protection (Working with Children) Act 2012*

#### 7.2 Council policies and guidelines

- [Berrigan Shire 2027](#) (Community Strategic Plan)
- [Berrigan Shire Library Service Strategic Plan](#)
- [Berrigan Shire Child Safe Policy and Framework](#)
- [Patron Code of Conduct](#)

#### 7.3 Council policies and guidelines

- [NSW Office of the Children's Guardian](#)
- [NSW Office of the Advocate for Children and Young People](#)
- [Australian Library and Information Association](#)
- [State Library of NSW](#)

### 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:



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## Policy

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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](mailto:mail@berriganshire.nsw.gov.au)

### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Director Corporate Services
1.1		Minor review – new directorate	Director Strategic Planning & Development

## Report:

The Library Services – Children and Young Person Policy has been reviewed and minor amendments made to the Policy. The Policy now identifies that the Council's Libraries offer school holiday programs and activities. Also updated in this policy is reference to the Council's Child Safe Policy and Framework introduced after the last review of this policy.

The requirements of the Child Safe Policy and Framework require Library Services staff work to ensure Library Services activities and programs reduce the likelihood of children being harmed; promote opportunities to increase the likelihood of children and young people identifying and reporting harm; and importantly that Library staff respond appropriately towards disclosures, allegations, and suspicions of harm. These requirements are now reflected in the reviewed Library Services – Children and Young Persons Policy.



## 8.8 Motor Vehicle 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:

3. Revoke its Private Use of Motor Vehicles Policy adopted on 17 October 2018, and
4. Adopt the Motor Vehicles Policy set out below:



## Policy

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### MOTOR VEHICLES

Strategic Outcome:	Good government		
Policy type	Strategic		
Date of Adoption:	16 March 2022	Minute Number:	
Date for Review:	19 March 2025		
Responsible Officer:	Director Infrastructure		
Document Control:	Rep;		
Delivery Program Link:			

#### 1. POLICY STATEMENT

This policy provides guidance and direction to Council staff regarding the appropriate use of Council vehicles.

#### 2. PURPOSE

To ensure that appropriate vehicles are available to allow Council officers to undertake their functions in an efficient manner and to regulate private use of these vehicles where permitted.

#### 3. SCOPE

This policy covers all use of Council motor vehicles, with the following specific exclusions

1. Heavy plant and machinery
2. The private use of Council motor vehicles by the Mayor and/or Councillors
3. The use of private vehicles by Councillors and Council volunteers for Council purposes.

#### 4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.3.1

*Coordinate Council investments, financial management, financial operations and processing.*



## Policy

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### 5. DEFINITIONS

- Household:** A group of people sharing the one residence who share a family relationship.
- Heavy plant and machinery:** Any vehicle requiring a heavy vehicle license to operate on a public road.
- Executive Leadership Team:** The Chief Executive Officer and Directors of the Council's Directorates

### 6. POLICY IMPLEMENTATION

#### 6.1 General principle

The primary purpose of all Council-owned motor vehicles is to undertake Council business. Use outside this purpose is at the sole discretion of the Council.

As a general rule, personal access to Council motor vehicles will only be provided to a Council official where, in the opinion of the Director Infrastructure:

- The vehicle will be driven by the mostly for work purposes, and
- it is more cost-effective and efficient for the Council to provide the official with a dedicated vehicle rather than use of a pool car or payment for work use of a personal vehicle at Award rates

#### 6.2 Use of private vehicles

Use of a private motor vehicle for Council purposes requires explicit, written permission from the Chief Executive Officer. This permission is dependent on meeting Councils' Work Health and Safety requirements, including

1. The vehicle is registered and roadworthy
2. The vehicle is, at a minimum, insured for third party property damage

Reimbursement for use of a private vehicle will be made at the rates set in the Local Government (State) Award or equivalent industrial agreement or via payment of an allowance as per the Council's Salary Packaging Policy and/or contract of employment.

#### 6.3 Private use - categories

##### 6.3.1 Category 1



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## Policy

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Category 1 positions include the Chief Executive Officer and the other members of the Executive Leadership Team

These positions will not ordinarily be provided with a personal Council motor vehicle. Instead, these positions will be provided with a Motor Vehicle allowance as set in the Council's Salary Packaging Policy and/or contract of employment

### 6.3.2 Category 2

Category 3 positions are the other members of the Management Team, and other positions as determined by the Chief Executive Officer

These positions will not ordinarily be provided with a personal Council motor vehicle. Instead, these positions will be provided with a Motor Vehicle allowance as set in the Council's Salary Packaging Policy and/or contract of employment

### 6.3.3 Category 3

Category 3 positions are those positions where use of a motor vehicle is essential for the effective performance of its duties and private use of the vehicle is part of the ordinary salary package for that position.

Where a car is allocated to this position, Category 3 employees will be provided with a vehicle suitable to carry out their Council role. This vehicle will be available for both official and limited private use, subject to compliance with provisions of this policy.

### 6.3.4 Category 3

Category 4 positions are positions that

1. Require the constant use of a vehicle in the performance of their duties, and
2. Are on call, and
3. Frequently start/finish work at the job site or are required to attend a range of duties away from their usual workplace.

Category 4 positions are provided with a vehicle for business use only, but it is garaged at the employees' premises.

Other than commuter use, these vehicles are not generally available for private use, with an exception for on-call water and sewerage operators who are required to always have the vehicle with them, including when on-call. These are strictly 'job required' vehicles.



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## Policy

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### 6.3.5 Savings provisions

Notwithstanding the terms of this policy, Council officials in Category 1 and 2 above with a current private use agreement entered into prior to 1 January 2022 will retain all entitlements under this policy until one of the following:

1. The role of the Council official changes,
2. The current vehicle provided to the official reaches the end of its effective life and requires replacement.
3. The vehicle is handed back to the Council by the official

### 6.4 **Supply of vehicles**

All vehicles provided under this policy will be at the sole discretion of the Chief Executive Officer, based on advice from the Director Infrastructure.

All vehicles provided will be strictly based on the requirements of the position.

#### 6.4.1 Accessories

Officials who wish to fit accessories to cars may do so at the employee's own expense – subject to the express permission being granted by the Director Infrastructure. No credit will be given where accessories remain on the vehicle at trade-in.

If any privately fitted accessories are removed at any time, it is the responsibility of the employee to restore any damage to the satisfaction of the Director Infrastructure

### 6.5 **Conditions of use**

#### 6.5.1 Pool car

All cars owned by Council are available as pool cars even though private use rights are conferred. This may include use as a pool car outside standard work hours. Use of the vehicle for Council purposes will at times be prioritised.

The vehicle is to be brought to the job every day during employment, other than leave periods, and is to be used for all normal duties within the area.

The Chief Executive Officer may direct that a Council-owned vehicle display Council insignia – either during work use or at all times.

#### 6.5.2 Agreement

Employees provided with a Council-owned vehicle must complete and enter into a Private Use agreement and authorise deductions from payroll for any reimbursements

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The employee may terminate any agreement for private use by giving three months' notice.

Termination of private use agreements will be in line with Clause 17B(ii) of the Local Government (State) Award 2020.

### 6.5.3 Contribution

The Chief Executive Officer, on advice from the Director Infrastructure, will determine the annual contribution due for each vehicle in accordance with Clause 17B(iii) of the Local Government (State) Award 2020.

Payment for a "private-use" vehicle is determined on the basis that it is roughly equivalent to a weekly amount paid after tax of an amount equivalent to the Fringe Benefit Tax applicable to the vehicle.

Private use payments will be deducted from the employee's fortnightly salary. The employee will complete the appropriate deduction form.

### 6.5.4 Fuel payment

*NOTE: This clause does not apply to Category 1 employees with a current private use agreement entered into prior to 1 January 2022*

Employees will reimburse Council for fuel used during private use:

The charge out rate for fuel used for private use of Council vehicles is set as follows:

- The fuel consumption rate for the vehicle published on ['The Green Vehicle Guide' website](#) published by the Australian government
- The fuel price determined each month based on the price charged to the Council on its fuel card account.

Unless otherwise specified in the employee's conditions of employment, the employee shall reimburse Council for private travel undertaken within 30 days. Ordinarily, this will be through a payroll deduction.

On Call Employees are exempt from this reimbursement requirement. This exemption applies only for the period the employee is on call, i.e., fuel reimbursement is required for the periods where the employee is not rostered on call.

### 6.5.5 Authorised use

All employees with private use of a Council vehicle shall, subject to the restrictions elsewhere in this policy, are allowed full and unrestricted private use of vehicles, including weekends and – within reasonable limits – while on leave.

Notwithstanding the above, explicit written permission from the Chief Executive Officer is required:

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## Policy

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1. to drive the vehicle outside New South Wales, the Australian Capital Territory and Victoria. This should ordinarily be sought in advance and not unreasonably withheld.
2. To maintain private use of the vehicle while on leave (for any reason) for a period of longer than four weeks.

### 6.5.6 Prohibited use

Council motor vehicles must not:

1. Be used for motor sport of any kind. With explicit and written permission from the Chief Executive Officer, they may be used to transport a vehicle participating in motor sport – i.e. towing.
2. Be used "off-road" for more than a reasonable distance (usually less than 500m). Off-road use should be incidental – i.e. to access a campsite etc. adjacent to a road – and not a recreational activity in its own right
3. Be used for private commercial advantage, i.e., to earn income outside the official's work for Council. For the avoidance of doubt, this includes:
  - a. Use as part of secondary employment, including travel to and from secondary employment
  - b. Use on a farm or for the purposes of farming
  - c. Use as a delivery vehicle, including delivering goods from a home-based business operated by the official or their family
4. Be used for any illegal activity

### 6.5.7 Authorised drivers

Unrestricted private use of the vehicle is limited to the participating official and his/her partner.

Other members of the official's household may be added to a list of approved drivers with explicit and written permission of the Director Infrastructure. These additional drivers will not have unrestricted use and will only be permitted to use the vehicle:

1. when the official is in the vehicle, or
2. to collect and/or drop off the official at a local (within 50km) venue.

The employee may authorise other licensed drivers to drive the vehicle while they are passengers in the vehicle – for example, to allow for rotation of drivers on long journeys etc.

The Director Infrastructure may, at his/her discretion, prohibit any non-Council official from driving a Council motor vehicle – including members of a participating official's household listed above.



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## Policy

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Learner drivers will only be permitted to drive a Council vehicle for private purposes with written approval from the Director Infrastructure. This must not be withheld unreasonably.

### 6.5.8 Compliance with traffic law

All drivers of Council vehicles will comply with:

1. regulations laid down under the *Road Transport Act 2013*, and
2. other State or Federal legislation applicable to the use of the vehicle, and
3. parking ordinances, regulations and the like.

The Council official is personally liable for any fines which may result from infringement – regardless of the time or place of the infringement – i.e. this includes fines incurred when using the vehicle for work purposes.

A Council official with private use rights must advise Council's Director Infrastructure immediately if his/her licence is cancelled or restricted

An employee with a suspended licence is forbidden to operate any Council vehicle for the period of the suspension.

In the case of a restricted licence, the employee can only use a Council vehicle within the limits of any such restriction, e.g. to carry out duties associated with normal working duties.

The Chief Executive Officer may suspend or terminate a private use arrangement with a Council official for serious and/or repeated breaches of traffic law – in addition to other disciplinary action.

### 6.5.9 Tolls

*NOTE: This clause does not apply to Category 1 employees with a current private use agreement entered into prior to 1 January 2022*

Unless incurred in the performance of their Council role – or in travel to and from a place where the Council requires them to work, all tolls for use of toll roads, bridges, tunnels etc. are the responsibility of the employee.

Tolls incurred in private use will be recovered from the employee.

## 6.6 **Operation and maintenance**

Where the Council provides a motor vehicle to an official under this policy, the following responsibilities apply





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## Policy

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### 6.6.1 Council's responsibilities

The Council will:

1. Pay for all servicing and maintenance of the vehicles,
2. Pay for fuel, normally by way of a fuel card allocated to each vehicle.
3. Ensure all vehicles are registered, including third party "pink slip".
4. Ensure all vehicles are fully comprehensively insured.
5. Ensure all vehicles have access to 24-hour roadside assistance, including towing.

### 6.6.2 Official's responsibilities

Employees with private use facilities are responsible for:

1. Washing and cleaning the car as required,
2. Polishing the car when required,
3. Attending to overnight security, garaging the vehicle off the road and under cover where possible,
4. Notifying the Council mechanic of all defects in the operation of the vehicle or damage to the vehicle, no matter how minor, and
5. Ensuring that normal running items such as petrol, oil, battery, radiator, tyre pressures etc. are checked at regular intervals and appropriate maintenance undertaken.
6. Reimbursing the Council for private use where required under this policy.

The employee is required to retain receipts or any expenditure and submit all receipts to the relevant Council officer.

Employees provided with private/commuter use privileges will maintain and provide records required by Council.

If a logbook is provided to identify drivers using the vehicle, the employee allocated the vehicle is to ensure that each driver completes the logbook as required.

### 6.6.3 Damage

Where a vehicle has been damaged through use not permitted in this policy, the Council will seek to recover the cost of damage from the Council official, including damage to third-party property

Where an insurance claim for damage to a Council vehicle or third-party property is denied by the insurer for any breach of traffic regulations, the Council officer will be liable for the damage and loss sustained to both the Council vehicle and any third-party property.



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## Policy

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### 6.6.4 Replacement

Replacement of Council motor vehicles will be at the discretion of the Director infrastructure and in line with the Council's procurement and disposal policies, work health and safety requirements and asset management plans.

Decisions on replacement will be made solely on the needs of the Council and not any private use considerations.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Road Transport Act 2013*
- *Template Regulation 2001*
- *Template Guidelines (2002)*

### 7.2 Council policies and guidelines

- Governance Policy (under development)
- Code of Conduct
- Risk Management Policy and Framework
- Salary Policy
- Salary Packaging Policy (under development)
- Procurement Policy
- Disposal Policy
- Expenses and Facilities Guidelines for Staff.
- Drug and Alcohol-Free Workplace 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).



## Policy

### 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](mailto:mail@berriganshire.nsw.gov.au)

Ph: 03 5888 5100  
Email: [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au)

### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0	16.03.2022	Major revision – new policy position	Deputy Chief Executive Officer

### APPENDICES

Nil

## Report:

The Private Use of Motor Vehicles policy provides the framework for permitted private use of Council-owned motor vehicles by Council staff.

Private use of Council vehicles by staff may be permitted where it is part of an employee's salary package or where it is more practical for a motor vehicle to be taken home by an employee than being kept on site by Council.

As part of the Council's review of all Council policies, this policy has been reviewed by Council staff and is presented for Council approval.

**There is a major philosophical change in this policy** – Decisions regarding Council vehicles will be based on **Council needs only**. If the Council adopts this policy, the use of motor vehicles to attract and retain staff will be phased out and a Salary Packaging Policy put in place to assist with attraction and retention.

The proposed will not eliminate all private use of Council vehicles as there are circumstances where this is more cost-effective for the Council than alternatives. However, private use will be greatly reduced over time.

The Policy was reviewed by the Consultative Committee on Wednesday, 23 February 2022. Feedback from the Committee was incorporated into this draft policy.

## 8.9 Corporate Workshop Outcomes

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:

1. commence its Rebranding project to:
  - a) gather community feedback through an online survey – sent out mid-March 2022;
  - b) consult with community groups during March 2022;
  - c) engage a Creative Agency by end March 2022; and
  - d) present the Creative Agency findings to the Council during April or May 2022.
2. include aviation tourism, as a newly developing market segment for the Shire, in the review of the Tourism Strategy.
3. adopt the process for the review of the Local Environment Plan (LEP) as noted in the presentation and that Council work with the consultant to develop and promote the Working Group, implemented as part of that process.
4. direct staff to undertake investigation of and present findings to Council on the fourteen topics outlined in the General Business of the Corporate Workshop.

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### Report:

At the Corporate Workshop recently held in Moama (3 and 4 March 2022), Council considered a number of strategic projects it is undertaking. Each topic and their outcomes are discussed below.

#### Rebranding Project

At the September 2021 Ordinary meeting, Council recorded the attached motion:

..

7.9→Council·Re-Brand¶¶

218 → **Resolved**·Crs·Taylor·and·Jones·that·the·Council·endorse·the·recommendation·of·a·Council·Re-Brand.¶¶

Staff have therefore commenced preparing for a Rebranding Project, and a discussion regarding this topic was held at the recent Corporate Workshop. The presentation to Council is included as “**Appendix 8.9-A**”. Council considered a number of matters in relation to

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rebranding and how Council might achieve a new, or revised brand. Council noted the requirement to actively engage the community in this project and to gather their thoughts on this matter.

**Recommendation:** that the Council commence its Rebranding project to:

1. gather community feedback through an online survey – sent out mid-March 2022;
2. consult with community groups during March 2022
3. engage a Creative Agency by end March 2022; and
4. present the Creative Agency findings to Council during April or May 2022.

### **Financial Outlook**

Council discussed at length its current Financial Outlook and considerations for the future. Issues discussed below include Council's current financial strategy, how our changed environment has affected the assumptions made in the financial strategy, and the current challenges Council is facing.

Consideration of a number of levers available to Council were discussed to allow for more direct management of the external environment to ensure Council's current financial position can be maintained into the future.

### **Community Strategic Plan Review**

Council considered its current environment in the initiation of the full review of the Community Strategic Plan. Current social, economic, environmental and governance issues were discussed as were Council's preferred future for the Shire. The information from this workshop will be included in the information gathered as the review of the Strategic Plan commences.

### **Tourism Strategy Review**

Council's current tourism environment and strategy were considered. The presentation discussed at the workshop is included at "**Appendix 8.9-B**". The ways in which the rebranding strategy might interact with the review of the tourism strategy was also considered.

Some of the issues currently facing tourism in the Shire were then discussed, including Council's role in those matters. Discussions held that it was clear the increase in aviation tourism was unexpected and should be included in the review of the Tourism Strategy when taken to community for consideration.

**Recommendation:** that the Council include aviation tourism, as a possible newly developing market segment for the Shire, in the review of the Tourism Strategy.

### Risk Appetite

On day two Council worked through its Risk Appetite in a range of strategic areas. These settings will assist Council staff as we start to review Council's Risk Framework and Policy and to develop Council's Risk Register. Marsh Insurance and Statewide Mutual, under their Initiative Program, will develop the Risk Appetite document based on discussion and feedback at the workshop. That document will be presented to Council for review and adoption.

### LEP Review

The process for the review of the Local Environment Plan was presented to Council including the induction of a working group to provide community feedback on land use and development throughout the review process. The presentation is included as "**Appendix 8.9-C**".

**Recommendation:** that the Council adopt the process for the review of the Local Environment Plan as noted in the presentation and that Council work with the consultant to develop and promote the Working Group implemented as part of that process.

### General Business

Council asked that Council staff investigate a number of matters and report back to Council as to the possibility or otherwise of their implementation. These matters are listed below:

1. **Housing** – are there some creative ways Council may engage with the issue to provide urgent affordable housing to the community? Is it possible to include an audit of vacant houses in the Shire and to approach owners regards crisis accommodation or affordable accommodation?
2. **Succession Planning** – Councillors would like staff and Councillors to consider their own succession planning and how increased engagement with the community might encourage others to run for election in the future.
3. **Junior Council** – is it possible for Council to implement a Junior Council, how might this be achieved and how would Council allow for the participants to actively engage with Council and the processes of Local Government
4. **Talking Posts** – Council has asked that staff arrange Councillors to be at different engagement sites at regular intervals to allow for more accessibility of the community with Councillors
5. **Moirs Food Share** – Council currently contribute financially to this project. Is it possible to consider a cool store in Finley or the like to allow for further outreach into the community? What advocacy can Council undertake to support the financial stability of this service?
6. **Multi-Cultural Events** – is it possible for Council to host at least one multi-cultural event in the Shire annually?
7. **Business Directory** – is it possible for Council to add to their website and maintain?

8. **Calendar of Events** – is it possible for Council to include on their website and maintain?
9. **Community Group Contacts** - is it possible for Council to include and maintain a list on their website?
10. **Business Awards** – Council would like staff to review the way these Awards are delivered and presented to provide some value add for winners etc.
11. **Sister City** – Council have asked staff to investigate the development of a relationship with a sister city and whether this is a project the community would like Council to pursue.
12. **Toy Library** – Council have asked that the Director Strategic Planning and Development investigate the possibility of the library service taking over this community service.
13. **Finley Lake Master Plan** – Council acknowledge they have no direct role in the development of the Master Plan and to this point have been only providing the mechanism through which it can be developed. Community have approached Council for a more direct involvement in the process and the ways in which this might occur are to be considered by staff and brought back to Council for further consideration
14. **Public Arts Strategy** – Council considered the number of strategic reviews and projects being undertaken during the 2022-2023 financial year. Council understand that initial consideration of a Public Arts Strategy is possible during the coming financial year but would like to include the official development of this strategy during the 2023-2024 financial year.

Should Council wish to move any motions in relation to the above, they are able to do so at this meeting, otherwise the actions will be included in the Action List and attended to and updated as Council staff are able to do so.



## 8.10 Endorsement of Community Strategic Plan

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 2. Good government

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

**Recommendation:** That the Council per the engagement strategy appended as "**Appendix 8.10-A**" resolve to:

1. Conduct a comprehensive review of the Community Strategic Plan (CSP) in the first and second quarter of the 2022/2023 Financial Year.
2. Endorse without substantive change the current Community Strategic Plan "**Appendix 8.10-B**".
3. Place on public exhibition for 28-days the current Community Strategic Plan to ensure that the Council meets its statutory obligation that it review or endorse the current Community Strategic Plan by 30 June 2022.

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### Report:

The *Berrigan Shire Community Strategic Plan Stakeholder Engagement Strategy (CSP Engagement Strategy)* attached as "**Appendix 8.10 -A**", has been developed to identify how stakeholders will be engaged in the review and the Council's endorsement of our current CSP.

As per Section 402A of the *Local Government Act 1993*, a Council must establish and implement a strategy (called its "Community Engagement Strategy") for engagement with the local community when developing its plans, policies, and programs and for the purpose of determining its activities (other than routine administrative matters).

The Council reviewed and adopted on 16 February 2022 its Social Justice Framework 2022 and Community Engagement and Participation Plan 2022, requisite policy reviews needed to inform the development of the Community Engagement Strategy and the Council's review and the recommendation that it endorse and roll forward the current Community Strategic Plan, attached as "**Appendix 8.10-B**".

The *Community Engagement Strategy* outlines how the Council will inform the community of its recommendation that the Council:

- a) Endorse *Berrigan Shire Community Strategic Plan 2027 “ Appendix 8.10-B”*
- b) Roll forward this plan by 10-years
- c) Place on public exhibition for comments *Berrigan Shire Council Community Strategic Plan 2032*.

The *Community Engagement Strategy* has been developed with reference to the following:

- a) Berrigan Shire Council’s Social Justice Framework 2022
- b) Berrigan Shire Council’s Community Engagement Framework 2022
- c) NSW Office of Local Government’s *Integrated Planning and Reporting Handbook 2021*

The *Community Strategic Plan Engagement Strategy* identifies

- a) The Extent of Community Engagement
- b) Key messages
- c) How each stakeholder group will be engaged
- d) Responsibility for CSP Engagement Strategy Implementation

### **Key Messages:**

*The Community Strategic Plan Berrigan Shire Council 2032*

1. Is a plan developed by the Council ‘for’ and ‘with’ the community (all stakeholders)
2. Vision and 10+ years strategic objectives of the Community Strategic Plan must inform and guide Council decision-making and planning (all stakeholders)
3. Is focused on balancing what our communities have told us is needed for future social, economic, environmental wellbeing and development and the resources available to the Council and our communities (all stakeholders)
4. Describes the Council’s role and stakeholder responsibilities in the Plan’s development and implementation (all stakeholders)

The following describes the recommended extent of community engagement for the Council's review, public exhibition for community submissions and subsequent endorsement of the current *Community Strategic Plan* by 30 June 2022.

**Key Messages include:**

1. The newly elected Council will in partnership with local communities conduct a comprehensive review of the *Community Strategic Plan* in the first and second quarter of the 2022/2023 Financial Year.
2. This decision will ensure the new Council and our community have sufficient time and opportunity for authentic engagement and collaboration in the review and subsequent development of a new *Community Strategic Plan*.
3. The decision to endorse without change the current *Community Strategic Plan* and place on public exhibition, ensuring the Council meets its statutory obligation to review or endorse, and roll forward 10-years the current the *Community Strategic Plan* by 30 June 2022 in the year after an Ordinary Council election.

## 8.11 NSW Cross Border Commissioner's Infrastructure Fund

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

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

**Recommendation:** that the Council commits \$65,000 as the co-investment to support the Moira Shire Council's funding application for the Thompson Beach Masterplan.

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### Report:

The *NSW Cross Border Commissioner's Infrastructure Fund (CBCIF)* in 2022, consists of a \$10 million COVID19 recovery round, targeting communities that can demonstrate severe impact from the border and business closures of 2020 and 2021.

Senior staff from Berrigan Shire Council (BSC) and Moira Shire Council (MSC) including; Chief Executive Officers, Directors and Managers had a consultation session to identify possible cross border projects. Further discussion and scoping of the suggested projects established the Kennedy Park Masterplan and the Thompsons Beach Masterplan as the only "shovel ready" projects that would benefit both Local Government Areas from an economic, social, cultural and environmental perspective. Moira Shire Council submitted the original expression of interest for the project with a letter indicating that Berrigan Shire Council supported the concept.

The full project consists of:

- All abilities car parking upgrade
  - Art installation
  - Concrete path for all abilities
  - Playground equipment
  - Shade structures
  - Park furniture
  - Directional and interpretive signage
  - Upgrade bollards, road signage, remove/renew fencing around pump area, refresh concrete area around toilet block
  - Install all abilities path linking key infrastructure on foreshore (400m)
-

- Renewal/upgrade of existing walking paths to all abilities standard

Proposals to the *Cross Border Infrastructure Fund* require co-investment from the neighbouring jurisdiction and as the funding submission has now reached the second stage of submitting a full business case, Berrigan Shire Council need to specify the amount that it is willing to commit to the project. The total value of the project is \$836,000 with Moira Shire Council indicating its contribution will be \$130,000.

It is recommended Berrigan Shire Council contribute \$65,000 to this project, recognising the considerable economic and social benefit Berrigan Shire communities would derive from a reinvigoration of the public offering at Thompsons Beach.

The initial funding application from Moira Shire Council is attached as "**Appendix 8.11-A**"

## 8.12 Review of Councillor Misconduct 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 make a submission to the Independent Review of the framework for dealing with Councillor misconduct in New South Wales as attached in **"Appendix 8.11-A"**

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### Report:

In November 2021, the then-Minister for Local Government initiated an independent review of the framework for dealing with councillor misconduct in New South Wales. The terms of reference for the review are attached as **"Appendix 8.11-B"**.

Mr Gary Kellar PSM has been appointed to carry out the review. Mr Kellar was a member of the expert panel which conducted a review of the local government misconduct framework in Queensland in 2017 and was Chief Executive Officer of Logan City Council for 26 years.

The NSW Government issued a consultation paper to "facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, together with suggestions for the practical application of those improvements". The consultation paper is attached as **"Appendix 8.11-C"**

The NSW Government invites submissions from Councils, individual Councillors and staff with submissions closing on 25 March 2022.

Council's experience with the Councillor misconduct framework is limited with only two Councillor misconduct investigations in the past 15 years. However, there are some common sense reforms that could be made to improve the system. To this end, Council staff have prepared a draft submission on behalf of the Council – attached as Appendix 7.X-C.

The submission is based around two key principles

1. removal of the General Manager (CEO in Berrigan Shire) from the decision-making process regarding complaints by Councillors against Councillors.
  2. The establishment of a Conduct Review panel by the Office of Local Government (OLG). This panel would be operated by and responsible to OLG directly and would act on referrals by Councils or on direct complaints.
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The Council may choose from the option below:

1. Make the submission as written,
2. Make an amended submission, or
3. Not make a submission.

### 8.13 Tocumwal Pre-School, Car Park Design

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

**Recommendation:** That the Council Engineers develop a detailed design of the car park in consultation with the Tocumwal Pre-School.

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#### Report:

Council has committed to assist Tocumwal Pre-School in its reconstruction of its building by providing professional services of a Council's Project Manager through in-kind assistance. There is no financial support committed to the project from the Council's behalf.

The Pre-School has recently approached the Council to:

- design its car park and provide cost estimates for construction; and
- expressed its desire for the car park to be entirely funded by the Council.

Council Engineers have visited the site and are willing to undertake a design and provide cost estimates. The cost of detailed design and engineers estimate would be about, 40hrs @ \$100/hr = \$4,000.

Once a detailed design is done, we would be able to estimate the construction costs.

As Council have provided a professional service, (that being the services of the Project Manager) from the beginning, it is recommended that Council Engineers develop a detailed design of the car park in consultation with the Tocumwal Pre-School.



8.14 T10-21-22 Road and Drainage Construction - McAllister Street, Finley

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

**Recommendation:** That the Council:

- a) accept the recommendation to include a section of McAllister St (Warmatta St to Headford St) in the capital works program of FY 22-23, with a budget of \$350,000 (excl. GST); and
- b) award Tender T10-21-22, McAllister Street, Finley – Road and Drainage Construction to Crawford Civil Pty Ltd for the Tender Price of \$706,592.79.

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**Report:**

Council has an overall budget of about \$415,000 (excl. GST) towards McAllister Street, Finley (section Headford St to Osborne St) under the existing financial year. The budget is largely towards the construction of road works and drainage.

A tender was advertised on the Tenderlink portal from 22/12/2021 to 31/01/2022 and three submissions were received.

A Tender evaluation panel, consisting of internal staff and consultants evaluated the submissions. All tenders were found to be complying and of high quality.

All tenders were evaluated on Technical (80%) and Price (20%) criteria. A summary of scores is presented in Table 1.

**Table 1: Weighted criteria evaluation score**

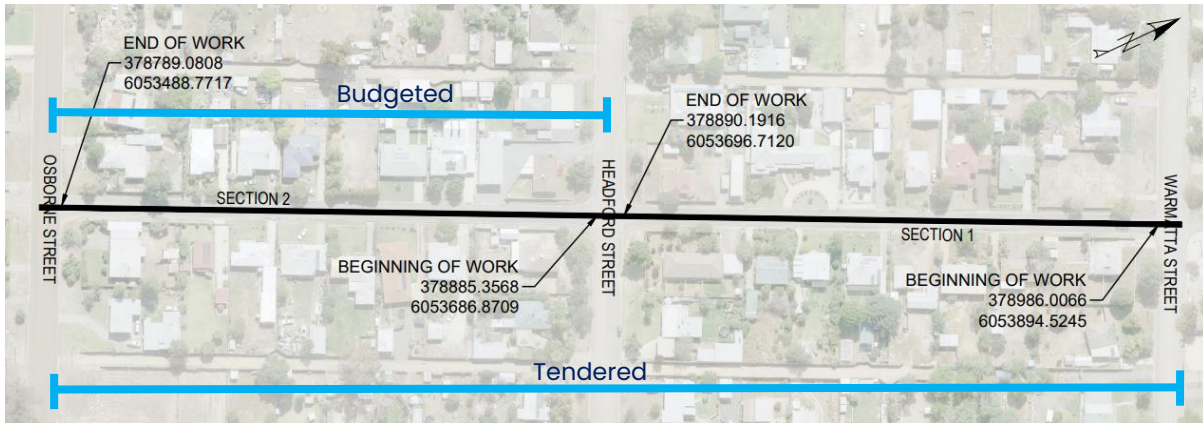
Criteria	Tenderer - 1	Tenderer - 2	Tenderer – 3
Mandatory Criteria	OK	OK	OK
Price	20	7.5	5
Compliance with Specification	15.0	15.0	15.0
Track record	9.0	12.0	10.5
Quality Systems	6.0	7.0	8.0
Availability of skills & resources	6.0	6.0	6.0
WHS considerations	9.0	10.5	12.0
Contract completion date	6.0	9.0	6.0
<b>Total Score</b>	<b>71.0</b>	<b>67.0</b>	<b>62.5</b>

The above Table shows Tenderer- 1 being the highest overall scorer. Table 2 shows the price submission of the three complying tenderers, against the Council budget of \$415,000 (excl. GST).

**Table 2: Price submission by Tenderers (incl. GST)**

Criteria	Tenderer - 1	Tenderer - 2	Tenderer – 3
Price submission	<b>\$706,592.79</b>	\$1,372,831.42	\$1,492,650.78

Considering there is a considerable gap in the Council’s budget against the preferred tenderer, an internal review was undertaken. It has been found that to gain efficiencies, a design and the subsequent tender was published for the two sections of McAllister St (*Warmatta St-Headford St-Osborne St*) as presented below but the budget under the current FY is only for the one section (*Headford St-Osborne St*).



Considering the timing of the tender award, the project is expected to start in the current FY and finish in the FY 22/23.

It is therefore proposed to utilise the time and efforts spent by Council officers and the tenderers to including section of Warmatta St to Headford St in the FY 22/23 with the budget of \$350,000 (excl. GST) as the also section needs urgent attention making the overall project budget, \$765,000 (excl. GST).

Council officers have included further geotechnical testing (\$1,500, excl. GST) and contingency amount of (\$6,500, excl. GST) to the preferred tender’s price bid, post tender negotiations.

The financials of the project currently stand are presented below:

	FY 21/22	FY 22/23	Total
<b>Budget</b>	\$ 415,000.00	\$ 350,000.00	\$ 765,000.00
<b>Preferred Tender</b>		-\$ 706,592.79	-\$ 706,592.79
<b>Geotech</b>	-\$ 1,500.00		-\$ 1,500.00
<b>Contingency</b>	-\$ 3,250.00	-\$ 3,250.00	-\$ 6,500.00
		<b>Remaining Project Contingency</b>	<b>\$ 50,407.21</b>

## 8.15 CEO Leave Request

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

**Recommendation:** that Council approve the CEO's Annual Leave being taken from 19-22 April 2022 and emergency leave already taken on 27 and 28 February 2022.

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### Report:

As Council is aware, I took emergency leave on 27 and 28 February 2022 to visit my step-son and daughter-in-law on the Gold Coast. I thank Council for allowing me that visit. It was very important to our family.

I am now requesting leave for the period 19-22 April 2022 to allow time for my son to visit us here in Berrigan Shire. I have not seen him since January 2021 so am looking forward to seeing him.

Taking this leave will allow me to maximise a break from Good Friday through to ANZAC Day on Monday 25 April 2022. I will miss one Council meeting (20 April 2022) which Matt Hansen has said he will cover.

I will be available on mobile and access my emails for emergencies should that be required.

The purpose of this report is to seek Council's approval of leave already taken (which I forgot to do a report for) and to approve this leave in April.

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## 8.16 Councillors 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. adopt the “Councillor Expenses and Facilities” draft policy, as set out below, and
2. place the draft on public exhibition for a period of 28 days with any public submissions received to be considered at the ordinary Council meeting to be held on 18 May 2022



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## Policy

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### COUNCILLOR EXPENSES AND FACILITIES

Strategic Outcome:	Good government		
Policy type	Statutory		
Date of Adoption:	18 May 2022	Minute Number:	
Date for Review:	20 May 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.]



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## Policy

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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

<b>Accompanying person:</b>	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
<b>Appropriate refreshments:</b>	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
<b>Act:</b>	Means the <i>Local Government Act 1993</i> (NSW)
<b>Code of Conduct:</b>	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
<b>Councillor:</b>	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
<b>Chief Executive Officer:</b>	Means the Chief Executive Officer of Council and includes their delegate or authorised representative
<b>Incidental personal use:</b>	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
<b>Long distance intrastate travel:</b>	Means travel to other parts of NSW of more than three hours duration by private vehicle
<b>Maximum limit</b>	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
<b>Official business</b>	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"><li>• meetings of Council and committees of the whole</li><li>• meetings of Committees facilitated by Council</li><li>• civic receptions hosted or sponsored by Council</li></ul>





## Policy

	meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
<b>Professional development</b>	means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
<b>RAMIO region</b>	the local government areas included in the Riverina and Murray Joint Organisation
<b>Regulation</b>	Means the Local Government (General) Regulation 2005 (NSW)
<b>Year</b>	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



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## Policy

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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



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## Policy

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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.

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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-imbursement 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



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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.



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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.



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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



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## Policy

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- 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.





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## Policy

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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.



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## Policy

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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

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## Policy

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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.

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## Policy

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- 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, mice 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



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## Policy

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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

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### **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.



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## Policy

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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.

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## Policy

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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.*





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## Policy

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### 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

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## Policy

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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](mailto:mail@berriganshire.nsw.gov.au)

### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
2.0		New Policy document	Matt Hansen
2.1		Draft following SPW	Matt Hansen



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"> <li>Reasonable telephone, facsimile or internet usage</li> <li>Newspapers</li> <li>Tolls</li> <li>Reasonable refreshments</li> </ul> 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 casts on private mobile phone for normal Council business.

## Report:

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.

## Statutory requirement

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 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.*
  - 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.*
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The Office of Local Government has issued guidelines under s23A of the *Local Government Act 1993* which can be found at <https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-payment-of-expenses-and-the-provision-of-facilities-for-Mayors-and-Councillors-in-NSW-2009.pdf>

### Revisions from existing policy

The Council's existing policy, adopted in 2017, is attached as Appendix 7.X-A

The proposed policy is a major rewrite of the existing policy – to reflect changed technological circumstances, community expectations and regulatory requirements

Significant changes include:

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 Council 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.

Travel expense caps have also been increased to meet a general rise in the cost of meals and accommodation.

Earlier consultation with the Council saw a request for Council staff to investigate the option of paying a travel allowance rather than paying actual expenses incurred and supported by receipts. This is seen as better practice at other private and government sector organisations – saving staff time and resources managing relatively small expenses (up to \$500 or so).

Payment of general allowances may in breach of [Clause 403\(1\)\(a\) of the Local Government \(General\) Regulation 2021](#) which states

*(1) A policy under section 252 of the Act must not include any provision enabling a council--*

*(a) to pay any councillor an allowance in the nature of a general expense allowance,*

Council staff have sought advice from the Office of Local Government on this matter. At the time of writing, this advice has not been provided.

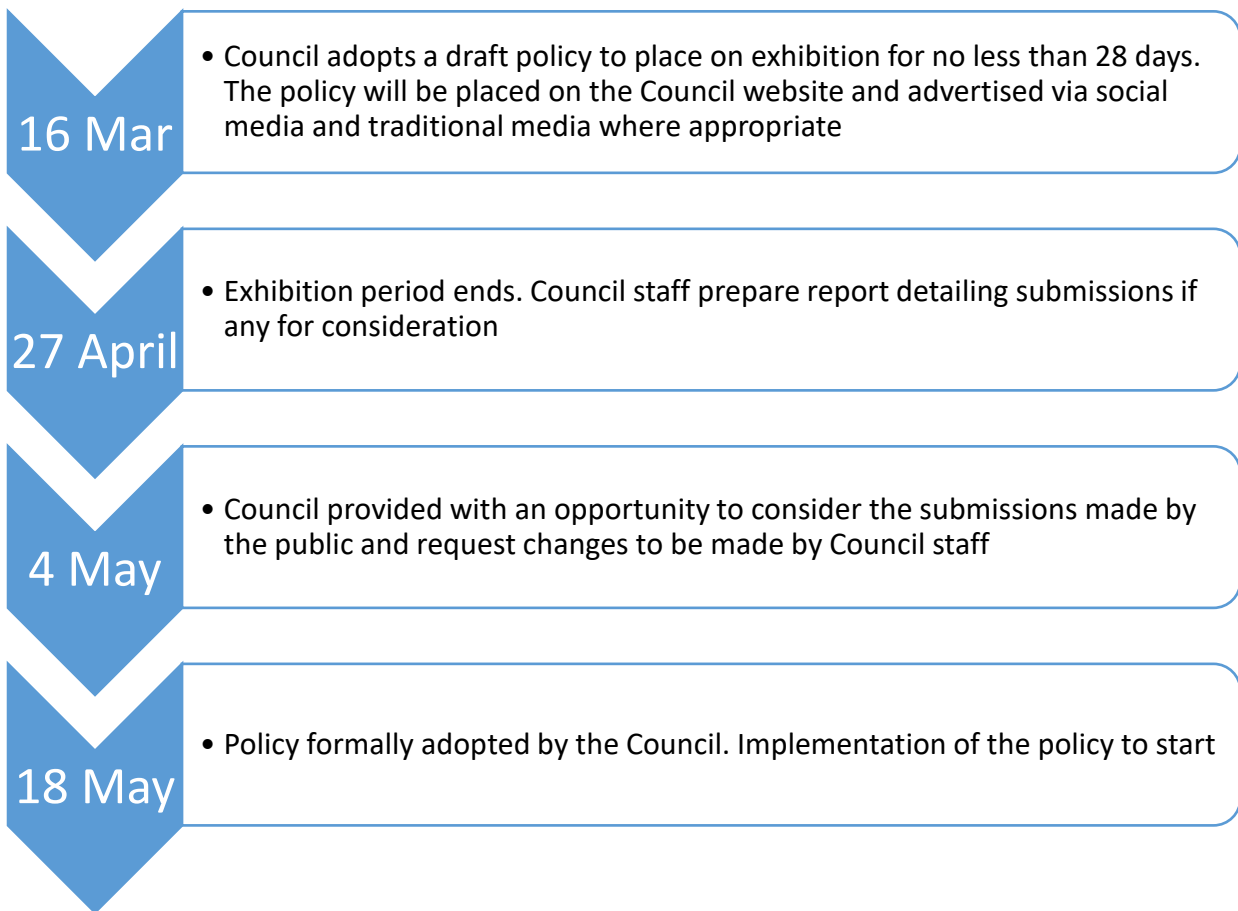
Council staff have reviewed policies from a range of other Councils, including Albury, Wagga Wagga and Griffith and all do not allow a travel allowance.

### Review and adoption process

An initial staff review of the current policy was undertaken in January 2022. This review included a review of the relevant Office of Local Government guidelines linked above as well as policies adopted by peer Councils.

To meet statutory obligations, the following timetable for adoption is proposed.

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A proposed draft policy for exhibition is above.

## 8.17 Advocacy Document

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 Advocacy Document attached as “**Appendix 8.17-A**” and request the document be professionally completed and printed for use by all Councillors during the upcoming election.

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### Report:

As an outcome of Councillor Induction training, Council requested I develop an Advocacy Document to assist with presenting the needs of the Berrigan Shire to various candidates for the upcoming Federal Election.

With staff and Councillor input, I have prepare an Advocacy Document attached as “**Appendix 8.17-A**” outlining the strategic issues facing the Berrigan Shire Council and the ways in which the Federal Government might respond including possible financial support and considerations when undertaking policy change.



## 8.18 Development Application 76/22/DA/D5 Garage/Shed

Report by: Town Planner, Noureen Wajid

Strategic Outcome: 1. Sustainable natural and built landscapes

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

**Recommendation:** That Development Application 76/22/DA/D5 for the construction of a Garage/Shed be REFUSED as the proposal does not generally comply with the development controls of Chapter 2 of the *Berrigan Development Control Plan 2014* and potentially will impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Honniball Drive.

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### Report:

#### Proposal

The proposed Garage/Shed is 12.5 metres long 7 metres wide with a total area of 88.5m<sup>2</sup>. It will be 2.8 metres to the eaves and 3.67 metres to the ridge with 11 degree roof pitch. The proposed Garage will be located at the front of the dwelling and 3m from the side adjoining boundary and 20m setback from the front boundary. The building will be clad in steel colourbond wall and roofing building plans and a site photo is provided as “**Appendix 8.18-A**” and “**Appendix 8.18-B**”.

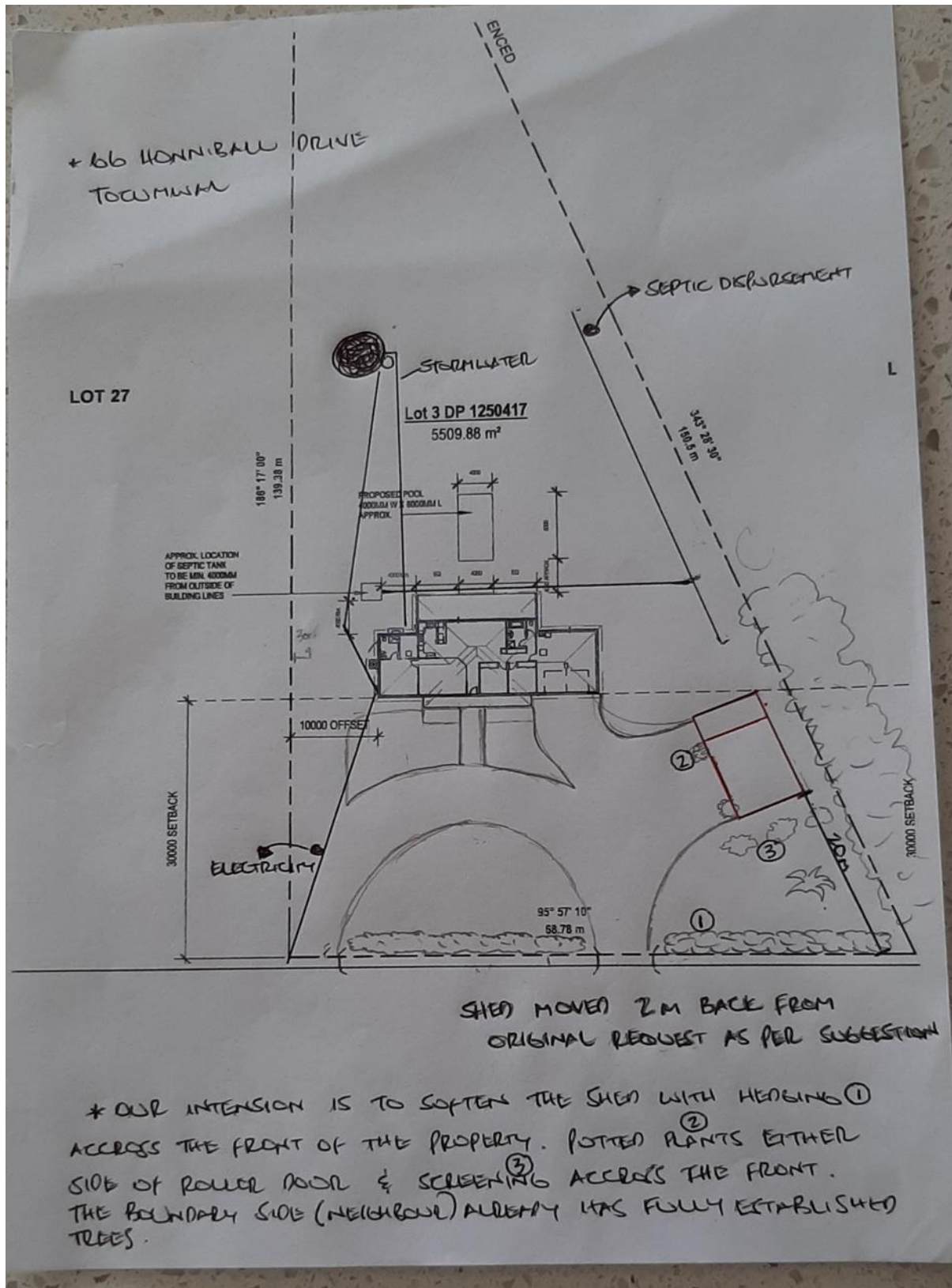


Figure 1 – Site Plan for proposed Garage/Carport





Figure 3 – Aerial image of Honniball Drive precinct

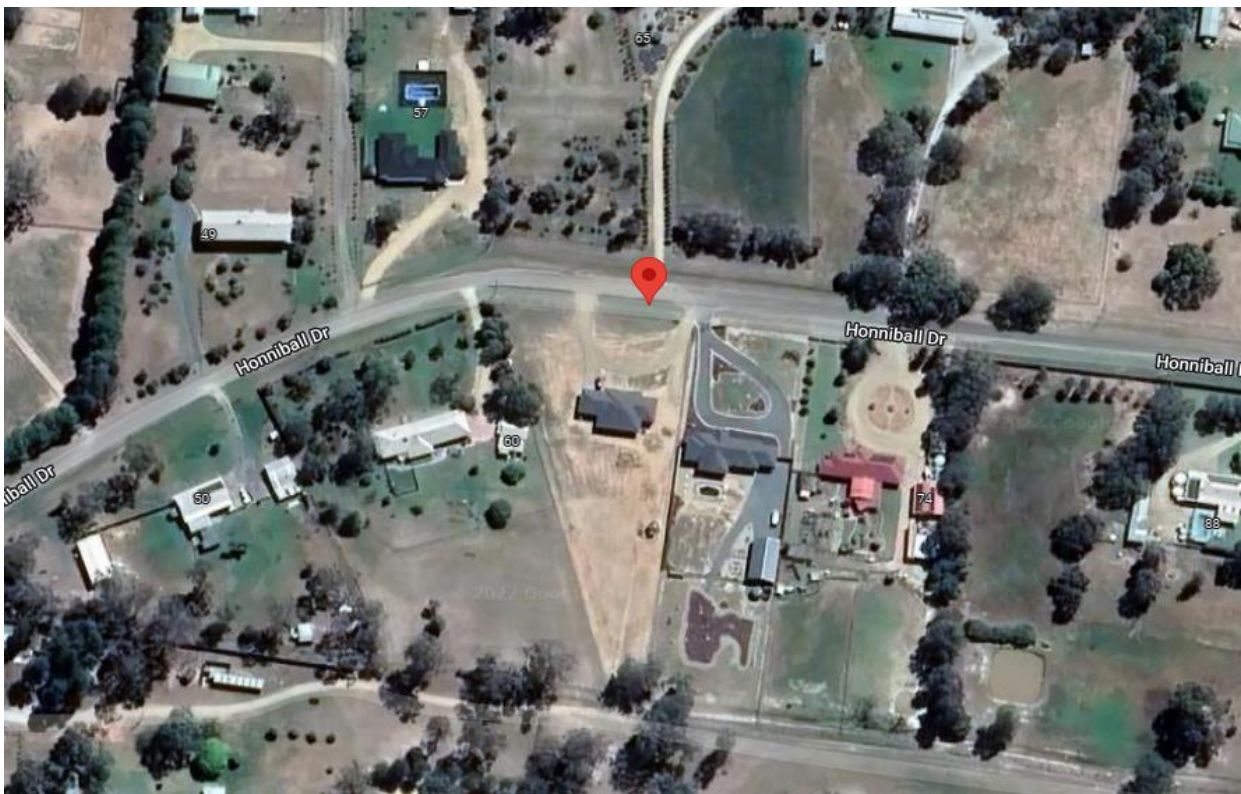


Figure 4 – Aerial image of the subject site with Dwelling on it

**Assessment**

A number of factors must be considered in assessing the proposed Garage/Shed. Under the *Berrigan Local Environmental Plan 2013* a Garage/Shed is permissible ancillary to the dwelling house within the R5 Large Lot Residential zone.

An assessment of the proposal against the relevant development controls of the Berrigan Shire DCP is provided in the table below and the potential impacts on the surrounding neighbouring environment.

Berrigan DCP Chapter 2 Residential Development	Assessment of proposal
<p>2.1 Neighbourhood character            Objectives of the controls is to create aesthetically pleasing residential neighbourhoods and high levels of amenity. The design of residential development is to suit the existing setbacks and character of the neighbourhood.</p>	<p>The neighbouring environment has established residential dwellings with varying setbacks along Honniball Drive. Given the proposal will be located at the Honniball Drive the front of the existing dwelling, it is proposed to have the side setback of 3 meter from the Western (secondary) setbacks this has been assessed as not keeping to the existing setbacks and character of the neighbouring environment which would have an impact on the neighboring residential amenity.</p>
<p>2.2 Streetscape            Objectives of the controls is to ensure residential design makes a positive contribution to the streetscape and the integration of new development into the streetscape and neighbourhood. The bulk and scale should be kept to a compatible size with the existing development in the residential precinct.</p>	<p>As per the above point, the proposal is not keeping with the existing character of the neighbourhood. The proposal will have a 20 metres front setback to the Honniball Drive which will be forward of the exiting building line along the Honniball Drive and not be a similar bulk and scale to the existing residential precinct. Therefore, the proposal has been assessed as not integrating into the streetscape or the neighbourhood and will not be meeting with the objective of the Clause 2.2 of DCP.</p>
<p>2.5 Building Setbacks            Objectives of the controls is to ensure attractive streetscapes through consistency in front building setbacks. A dwelling must have a minimum 4.5 metre building line setback from the front property boundary.</p>	<p>The proposal does not meet the development objective being a 3 metres secondary side setback for R5 Large Lot Residential. The proposed setback is 3 meters from the secondary side boundary. Providing 5-meter setback will have a negative impact also onto the streetscape as the outbuilding will be located middle of front of the block and will be more visible from the street. Given the consideration of the location and the setbacks it is evident that the proposal will not be consistent with the surrounding neighbourhood along the street and therefore will not contribute to an attractive streetscape.</p>

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2.11 Outbuildings Objectives of the controls is to ensure outbuildings are not detrimental to residential amenity.	Given the above points, the proposal has been assessed as being generally detrimental to residential amenity.
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## Discussion

### Berrigan Development Control Plan

The proposal has been assessed as generally not complying with specific objectives and development controls of the Berrigan DCP Chapter 2 for Neighbourhood Character, Streetscape, Building Setbacks and Outbuildings. The proposal has been assessed generally as not adding to an aesthetically pleasing residential neighbourhood, not making a positive contribution to the streetscape and affecting the residential amenity.

Should Council approve a Garage/Shed in front of an existing dwelling with detached double garage, Council will be creating a precedent for such development, which is not keeping with the Development Control Plan (DCP) 2014. Approval of this structure might encourage further people to take similar development that is not in keeping with the development control plan that the community has provided input into the creation.

Furthermore, the applicant has also not provided sufficient planning justification to satisfy Council as to why they would consider or grant a variation(s) to the development control plan. Overall, the proposed shed is not considered to make an overall positive contribution to the streetscape, and the proposed setbacks are at odds with the existing streetscape. As such the building does not maintain consistency of setbacks to the street. Additionally, as discussed in the table above, the proposed setbacks also diminish the existing and established character of the area and approval of the subject application will inevitably result in the creation of an undesirable precedent that may enable other inappropriate development within the locality.

As the proposal does not generally comply with the development controls of Chapter 2 of the Berrigan Shire DCP, it is recommended that the proposed development application for a Garage/Shed be REFUSED.

### Planning Principles

In assessing the subject application, the proposal has been assessed against the NSW Land & Environment Court's (LEC) 'Planning Principles' that relate to 'general impact'.

The planning principles have been developed by the LEC to assist in assessing and justifying a desired outcome from a chain of reasoning aimed at reaching, or a list of appropriate matters to be considered in making a planning decision. The planning principles are published on the LEC's website and while they apply to particular cases, they can be used broadly when assessing a particular impact of development.

1. General Impact – *Davies v Penrith City Council* [2013] NSWLEC 1141- at [116] to [121]

The planning principle is provided below;

- are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- is the proposal's appearance in harmony with the buildings around it and the character of the street?

In response to the planning principle above and the proposed development application the following comments are made with regard to the principle.

- The proposed shed/garage is located in a position that is considered inappropriate as it is located forward of the existing front setback and building line.
- The proposed location of the shed/garage forward of the building creates an undesirable outcome in terms of streetscape amenity, visual appeal and orderly planning.
- The proposed location of the shed/garage if approved would create an undesirable outcome and set a precedence that is considered inconsistent with the intent and objectives of the Development Control Plan.
- The subject site is not constrained and therefore, the proposed location of the development could be altered to create a more appropriate and compliant outcome.
- The location of the proposed development is not considered to be in harmony with the buildings around it and the character of the street.

It is therefore considered that the 'general impact' test against the Planning Principle confirms that the proposed development is inappropriate and warrants refusal of the subject application.

### **Conclusion / Legislation**

In assessing this development application, the relevant parts of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into account. The proposal has been assessed as not complying with these development controls of the Berrigan DCP Chapter 2 and the proposal has been recommended for REFUSAL.

### **Options:**

The Council has the following options in relation to this report:

1. Approve the application; or

2. Approve the application, subject to conditions; or
3. Refuse the application.

Based on the assessment of the application and this report recommends that Council resolves to refuse the subject application (option 3).

### **Recommendation**

#### **That Council:**

That Development Application Number 76/22/DA/D5 for a Garage/Shed be REFUSED as set out in the reasons for refusal listed below as the proposal does not comply with the development controls of Chapter 2 of the *Berrigan Development Control Plan 2014* and is considered to impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Honniball Drive.

The development application has been refused on the following grounds:

- (1) The proposed development does not comply with Part 2.2 (Streetscape), 2.5 (Building Setback) and 2.11 (Outbuildings) of the Berrigan Development Control Plan 2014. (Section 4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act, 1979*)
- (2) The development is not suitable for the site as it will not provide a satisfactory relationship between the built form and adjoining properties. (Section 4.15(1)(c) and (d) of the *Environmental Planning & Assessment Act, 1979*)
- (3) The development is considered not to be in the public interest as it contravenes and is not consistent with the relevant DCP standards. (Section 4.15(e) of the *Environmental Planning and Assessment Act, 1979*)
- (4) The approval of the subject application will set an undesirable precedent that is not desired or considered to align with the relevant planning instruments applying to the land or align with the public interest. (Section 4.15(1)(a)(i) and (iii) of the *Environmental Planning & Assessment Act, 1979*)

### **Right of Review**

Division 8.2 of the *Environmental Planning and Assessment Act 1979* allows an applicant the right to review a determination subject to such a request being made within six months of the determination date. Division 8.2 does not permit a review of determination in respect of designated development or Crown development (referred to in Division 4.6).

### **Right of Appeal**

Division 8.3 of the Environmental Planning and Assessment Act 1979 allows an applicant who is dissatisfied with the determination of an application by the consent authority the right to

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appeal to the NSW Land and Environment Court within six months after receipt of this determination.

Division

In Favour:

Against:

## 8.19 Development Determinations for Month of February 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 the Development Determinations for Month of February 2022

### Report:

#### APPLICATIONS DETERMINED FOR FEBRUARY 2022

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
17/22/DA/D3	STORAGE SHED	12 HARLEY COURT, FINLEY NSW 2713 (Lot23//DP713898)	GB AND TJ MAY	MR GB MAY AND MR TJ MAY	Approved 23-02-2022	\$ 200000.00	<b>Active</b> 127	<b>Total</b> 127
51/22/DA/D2	ADDITIONS TO EXISTING SERVICE STATION	37 VERMONT STREET, BAROOGA NSW 3644 (Lot1//SP41416)	HUMAN HABITATS	MR F MESSNER AND MRS RE MESSNER	Approved 28-02-2022	\$ 65000.00	<b>Active</b> 6	<b>Total</b> 98
54/22/DA/D5	RESIDENTIAL STORAGE SHED	55 HAMPDEN STREET, FINLEY NSW 2713 (Lot15//DP238395)	LLOYD ANGOVE	MR L ANGOVE AND MRS PM ANGOVE	Approved 17-02-2022	\$ 17000.00	<b>Active</b> 87	<b>Total</b> 87
60/22/DA/D6	ADDITIONS TO DWELLING	18 DAWE AVENUE, FINLEY NSW 2713 (Lot17//DP247524)	EDM GROUP	MR LD FYFFE	Approved 16-02-2022	\$ 100000.00	<b>Active</b> 77	<b>Total</b> 77
64/22/DA/D5	RESIDENTIAL STORAGE SHED	126 DENISON STREET, FINLEY NSW 2713 (Lot5//DP29248)	DAVID BRAMLEY	MR DK BRAMLEY	Approved 08-02-2022	\$ 12000.00	<b>Active</b> 48	<b>Total</b> 63
67/22/DA/D1	BV DWELLING & ATTACHED GARAGE RURAL SHED & INGROUND FIBREGLASS POOL	BAROOGA-TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot1//DP849528)	HABITAT PLANNING	MR R FORD AND MRS R FORD	Approved 16-02-2022	\$ 607200.00	<b>Active</b> 69	<b>Total</b> 69
90/22/DA/D2	STORAGE SHEDS	41-43 DEAN STREET, TOCUMWAL NSW 2714 (Lot1/3//DP6464)	BRUNKER FABRICATIONS PTY LTD	RELM FAMILY PTY LTD	Approved 09-02-2022	\$ 480000.00	<b>Active</b> 38	<b>Total</b> 38
91/22/DA/D5	RESIDENTIAL STORAGE SHED	67 HUGHES STREET, BAROOGA NSW 3644 (Lot8//DP1257753)	O'HALLORAN PROPERTY SERVICES	MR JP SOULE AND MS MJ CIDORIOUS	Approved 04-02-2022	\$ 24869.00	<b>Active</b> 33	<b>Total</b> 33
93/22/DA/D1	BV DWELLING & ATTACHED GARAGE	143-155 HAMILTON STREET, FINLEY NSW 2713 (Lot4//DP535621)	F & S MICCIO P/L	MR MA JACKSON	Approved 09-02-2022	\$ 435600.00	<b>Active</b> 35	<b>Total</b> 35
95/22/DA/D5	RESIDENTIAL STORAGE SHED	4 PUTTER COURT, BAROOGA NSW 3644 (Lot110//DP1133352)	SAMUEL JENKINS	MR ST JENKINS	Approved 07-02-2022	\$ 40000.00	<b>Active</b> 32	<b>Total</b> 32
99/22/DA/D9	2 LOT SUBDIVISION	110-112 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7/29//DP758981)	BRIAN MITSCH & ASSOCIATES	MR BJ GREENHOUGH AND MRS C GREENHOUGH	Approved 21-02-2022	\$ 0.00	<b>Active</b> 24	<b>Total</b> 24
26/22/CD/M8	RURAL SHED	444 CROSBIES ROAD, FINLEY NSW 2713 (Lot38//DP752283)	ACTION STEEL PTY LTD	MR IH TAIG AND MRS C TAIG	Approved 24-02-2022	\$ 157575.00	<b>Active</b> 2	<b>Total</b> 27

102/22/DA/D5	CARPORT	35 SUGDEN STREET, TOCUMWAL NSW 2714 (Lot2//DP836555)	GV CARPORTS	MR T SIMPSON AND MRS P SIMPSON	Approved 23-02-2022	\$ 19250.00	Active 21	Total 21
103/22/DA/D1	BV DWELLING & ATTACHED GARAGE	28 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot2//DP1263147)	DENNIS FAMILY HOMES	MS CL CLARK AND MR NK BLAKELOCK	Approved 15-02-2022	\$ 289885.00	Active 15	Total 15
104/22/DA/D1	BV DWELLING & ATTACHED GARAGE	28 HADLEY STREET, TOCUMWAL NSW 2714 (Lot22//DP1250358)	KENNEDY BUILDERS PTY LTD	MR KA CASE	Approved 17-02-2022	\$ 371350.00	Active 17	Total 17
106/22/DA/DM	DEMOLITION OF 2 STRUCTURES	23-25 BRIDGE STREET, TOCUMWAL NSW 2714 (Lot7/34//DP758981)	ANDREW JONES	MR AL JONES	Approved 08-02-2022	\$ 0.00	Active 4	Total 4
28/22/CD/M5	ABOVE GROUND SWIMMING POOL	46 LAWSON DRIVE, BAROOGA NSW 3644 (Lot43//DP1045702)	MICHAEL KEAMY	MS RC KEAMY	Approved 28-02-2022	\$ 1500.00	Active 12	Total 12
30/22/CD/M4	RESIDENTIAL STORAGE SHED	67 COREE STREET, FINLEY NSW 2713 (Lot11//DP544109)	MANGO MINI DIGGERS	MR K ERBEN AND MRS SM ERBEN	Approved 15-02-2022	\$ 5000.00	Active 0	Total 0

APPLICATIONS PENDING DETERMINATION AS AT 28/02/2022

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7002//DP1019579)
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
225/21/DA/D3	30-06-2021	WATER TREATMENT PLANT - BAROOGA	27-29 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot322//DP626847)
20/22/DA/D5	01-09-2021	RESIDENTIAL STORAGE SHED	11 RILEY COURT, TOCUMWAL NSW 2714 (Lot46//DP1054776)
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)
76/22/DA/D5	26-11-2021	RESIDENTIAL STORAGE SHED	66 HONNIBALL DRIVE, TOCUMWAL NSW 2714 (Lot3//DP1250417)
85/22/DA/DO	09-12-2021	3 x SHADE SHELTERS	895 WOOLSHED ROAD, FINLEY NSW 2713 (Lot65//DP752285)
100/22/DA/D5	11-01-2022	RESIDENTIAL STORAGE SHED	29-35 KELLY STREET, TOCUMWAL NSW 2714 (Lot136//DP752296)
101/22/DA/DM	18-01-2022	CHEESE PROCESSING FACILITY	26 CROSBIES ROAD, FINLEY NSW 2713 (Lot11//DP801250)
105/22/DA/D5	02-02-2022	RESIDENTIAL STORAGE SHED	76-78 FINLEY STREET, FINLEY NSW 2713 (Lot1//DP200744)
107/22/DA/D9	02-02-2022	2 LOT SUBDIVISION	1 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot1//DP1224006)
108/22/DA/D2	07-02-2022	HIGHWAY SERVICE CENTRE	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)
109/22/DA/D1	10-02-2022	4 X INDEPENDENT LIVING UNITS	104 HAMILTON STREET, FINLEY NSW 2713 (Lot//DP1236476)

110/22/DA/D5	10-02-2022	STORAGE SHED	39-40 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot42//DP1118257)
111/22/DA/D5	10-02-2022	RESIDENTIAL STORAGE SHED & CARPORT	10 BUDD STREET, BERRIGAN NSW 2712 (Lot3/L/DP2512)
112/22/DA/D5	10-02-2022	RESIDENTIAL STORAGE SHED	9 IVIE AVENUE, BAROOGA NSW 3644 (Lot30//DP1093869)
29/22/CD/MM	10-02-2022	CINEMA STORE ROOM	26 DAWE AVENUE, FINLEY NSW 2713 (Lot245//DP1016411)
113/22/DA/D1	15-02-2022	RESIDENTIAL STORAGE SHED	12 BROOKS AVENUE, BAROOGA NSW 3644 (Lot39//DP42493)
31/22/CD/M2	16-02-2022	ALTERATIONS TO ENTRY WAY	58-60 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot6/3//DP758981)
114/22/DA/DM	16-02-2022	WATER STORAGE DAM	NOLANS ROAD, BAROOGA NSW 3644 (Lot8//DP1102815)
115/22/DA/D5	16-02-2022	CARPORT	72 COLLIE STREET, BAROOGA NSW 3644 (Lot73//DP570014)
116/22/DA/DO	17-02-2022	RURAL SHED	65 BUNNS ROAD, FINLEY NSW 2713 (Lot2//DP559971)
117/22/DA/D9	18-02-2022	2 LOT SUBDIVISION	112 MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP1108495)
118/22/DA/D5	18-02-2022	RESIDENTIAL STORAGE SHED	55-57 SNELL ROAD, BAROOGA NSW 3644 (Lot2//DP1133714)
119/22/DA/D5	24-02-2022	RESIDENTIAL STORAGE SHED	136 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot62//DP1028910)
120/22/DA/D1	24-02-2022	BV DWELLING & ATTACHED GARAGE AND ABOVEGROUND SWIMMING POOL	58 DENISON STREET, FINLEY NSW 2713 (LotB//DP402348)

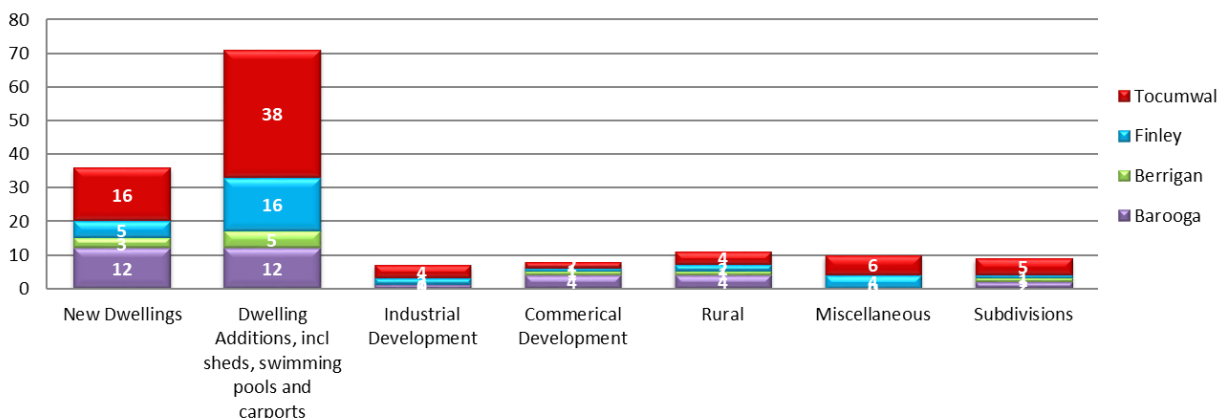
**TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)**

	<b>This Month (Feb)</b>	<b>Year to Date</b>	<b>This Month's Value (Feb)</b>	<b>Year to Date Value</b>
<b><i>Development Applications (DA)</i></b>	15	122	\$2,662,154	\$20,443,841
<b><i>Construction Certificates (CC)</i></b>	12	94	\$3,383,711	\$16,017,654
<b><i>Complying Development Certificates (CDC)</i></b>	3	30	\$164,075	\$3,685,054
<b><i>Local Activity (s.68)</i></b>	0	58	0	0

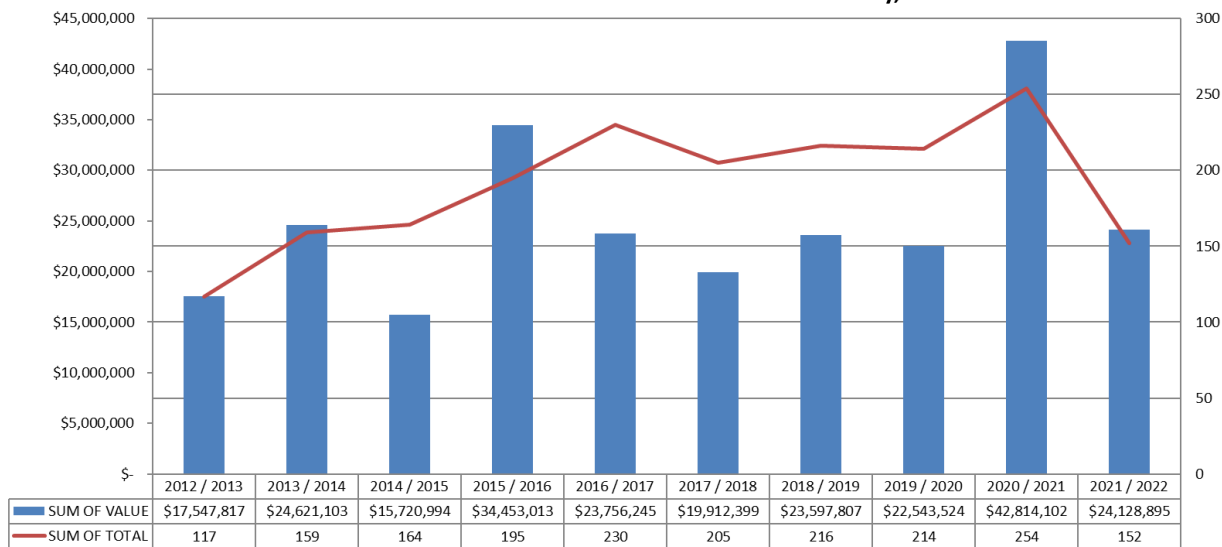
**OTHER CERTIFICATES ISSUED FOR FEBRUARY 2022**

	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	
	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total
BAROOGA	11	55	2	3	2	6	2	3	0	1	1	10
BERRIGAN	5	38	0	2	1	8	0	2	0	1	0	0
FINLEY	7	68	0	1	0	3	0	2	0	1	0	0
TOCUMWAL	17	95	0	3	1	4	0	0	0	1	0	6
<b>TOTAL</b>	<b>40</b>	<b>256</b>	<b>2</b>	<b>9</b>	<b>4</b>	<b>21</b>	<b>2</b>	<b>7</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>16</b>

**DEVELOPMENT ACTIVITY 2021/2022 as at 28 February, 2022**



**DEVELOPMENT ACTIVITY as at 28 February, 2022**



9. LATE REPORTS

10. NOTICES OF MOTION / QUESTIONS WITH NOTICE

10.1 Nil

11. CONFIDENTIAL MATTERS

11.1 Nil

12. MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

13. COUNCILLOR REPORTS

13.1 Mayors Report

**Recommendation:** That the Mayor's Report be received.

13.2 Verbal Reports from Delegates

**Recommendation:** That the Council note the reports from delegates.

14. CONCLUSION OF MEETING