



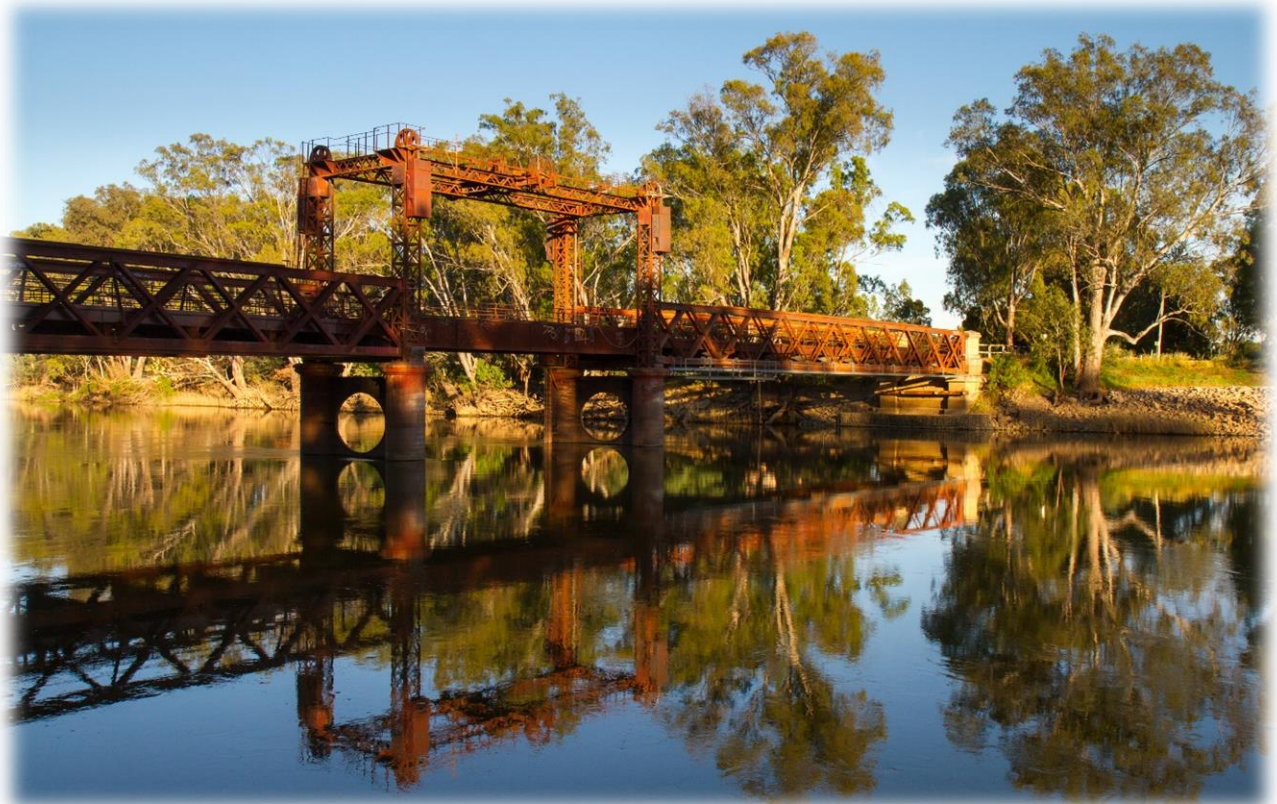
ORDINARY MEETING OF COUNCIL

Wednesday 17 August 2022

at 9:15am

Council Chambers

56 Chanter Street, Berrigan



Agenda



Council Meeting

Wednesday 17 August 2022

BUSINESS PAPER

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 17 August 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 meetings are audio recorded. By speaking at a Council Meeting, members of the public agree to being recorded. Berrigan Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Berrigan Shire Council.

Confidential matters of Council will not be audio recorded.

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

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

2. ACKNOWLEDGEMENT OF COUNTRY

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 17 August 2022 be confirmed.

5. DISCLOSURES OF INTEREST

6. MAYORAL MINUTE(S)

7. REPORTS OF COMMITTEES

7.1 Audit, Risk and Improvement Committee Meeting

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council receive and note the Minutes of the Audit, Risk and Improvement Committee from the meeting held on Tuesday 28 June, 2022.

Report:

Included in this report as “**Appendix 7.1-A**” are the Minutes from the Audit, Risk & Improvement Committee (ARIC) meeting held on Tuesday, 28 June 2022, for Council’s information.

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 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

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

Report:

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

8.2 Finance - Accounts

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

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

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 July 2022,
- b) Confirm the accounts paid as per Warrant No. 07/22 totaling \$2,175,251.40 and
- c) Note the report on investments attached as **"Appendix 8.2-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 July 2022 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 July 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 July 2022, totaling \$2,175,251.40 and will be submitted for confirmation of payment as per Warrant No. 07/22
- 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 2021](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) July has seen a decrease in total funds held compared to the end of June of \$668K, this decrease is comparable to previous financial years and is due to large amounts of payments made to close off the end of the Financial Year.

Total funds are expected to remain stable over August with the payment of the first instalment of Council Rates and receipt of the Financial Assistance Grant.

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

Statement of Bank Balances as at 31 JULY 2022

Bank Account Reconciliation

| | |
|---|-------------------------------|
| Cash book balance as at 31 JULY 2022 | \$17,135,356.23 |
| Receipts for JULY 2022 | \$ 1,506,872.54 |
| Term Deposits Credited Back | \$ - |
| | <u>\$18,642,228.77</u> |
| <i>Less Payments Statement No 07/22</i> | |
| Bank Transfers | \$ - |
| Electronic Funds Transfer (EFT) payroll | \$ 597,251.91 |
| Electronic Funds Transfer (EFT) Creditors E040114-E040332 | \$ 1,512,962.36 |
| Term Deposits Invested | \$ - |
| Loan repayments, bank charges, etc | \$ 65,037.13 |
| Total Payments for JULY 2022 | <u>\$ 2,175,251.40</u> |
| Cash Book Balance as at 30 JULY 2022 | <u>\$16,466,977.37</u> |
| <i>Bank Statements as at 31 JULY 2022</i> | \$16,466,977.37 |
| Plus Outstanding Deposits | \$ - |
| Less Outstanding Cheques/Payments | \$ - |
| Reconciliation Balance as at 31 JULY 2022 | <u>\$16,466,977.37</u> |

INVESTMENT REGISTER

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

Total Funds Held at 31 JULY 2022

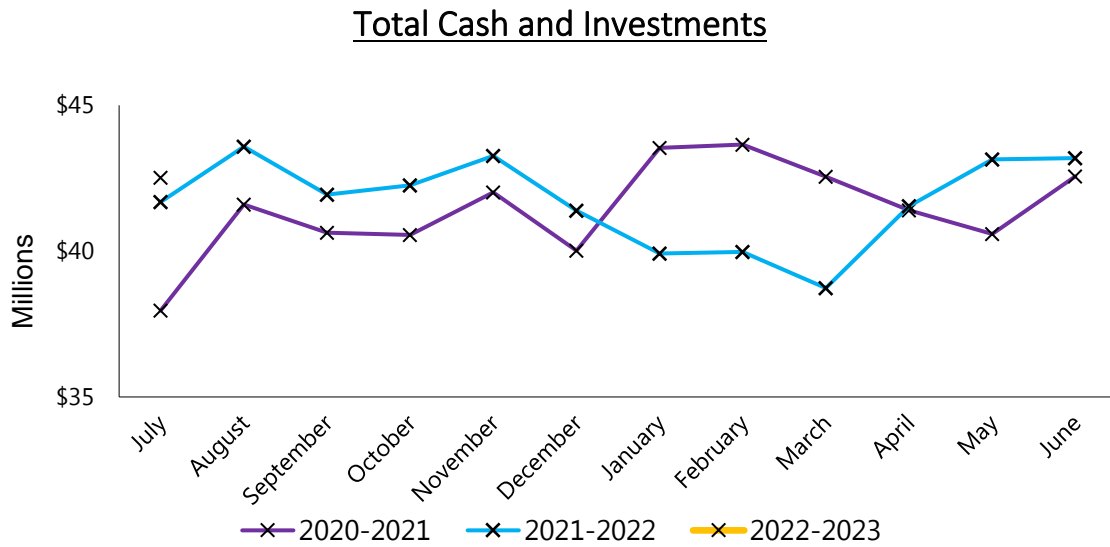
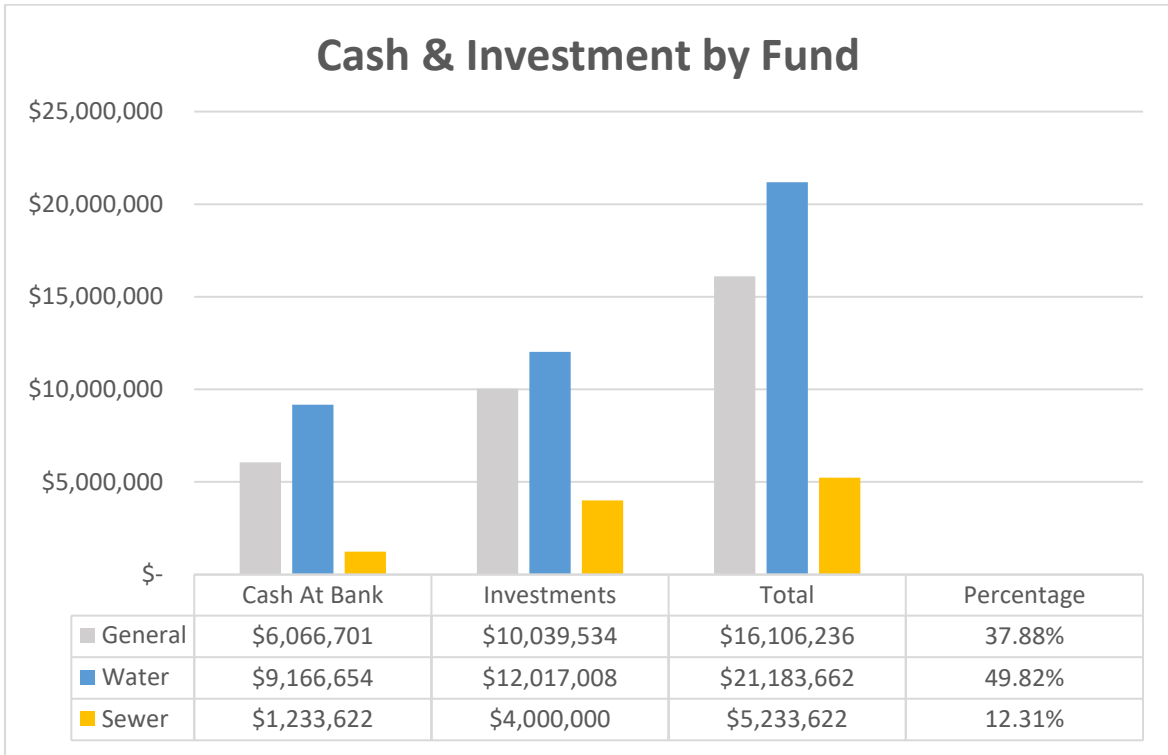
\$42,523,519.96

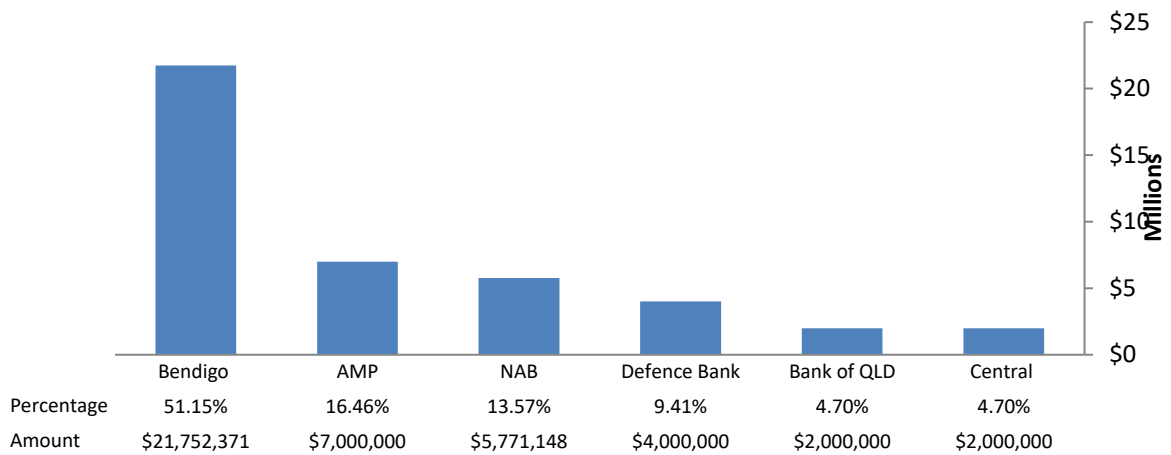
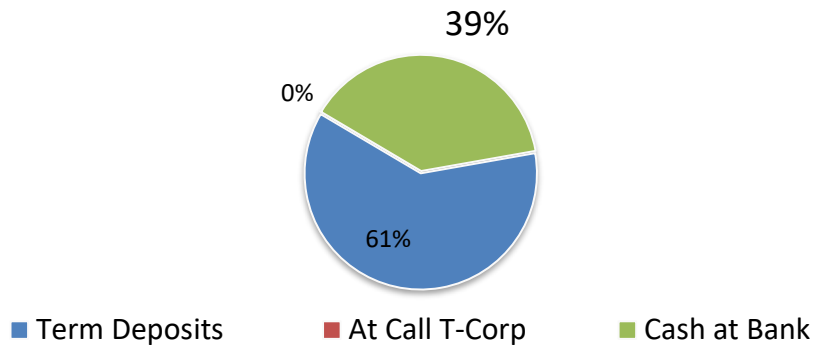
Tahlia Fry - Finance Manager

*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:





Term Deposits Credited Back

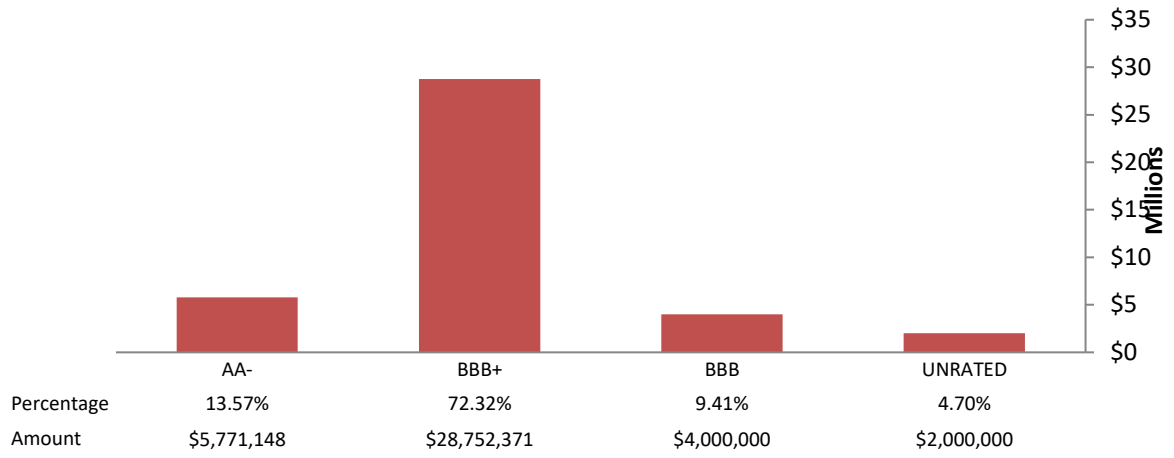
| Prior Financial Institution | Term (Days) | Amount | Interest Rate | Maturity Date |
|-----------------------------|-------------|--------|---------------|---------------|
| NIL CHANGES | | | | |

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 Local Roads and Community Infrastructure Program – Round 3

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council reallocate its Local Roads and Community Infrastructure – Round 3 funding to the projects set out in the table below:

| Project | Funding | |
|----------------------------------|--------------------|--------------------|
| | Initial | Revised |
| Barooga Recreation Reserve | \$566,054 | \$600,000 |
| Smithers Road | \$200,000 | \$180,000 |
| Tocumwal Foreshore | \$614,000 | \$350,000 |
| Finley War Memorial Hall | \$195,000 | \$195,000 |
| Burkinshaw St | \$180,000 | \$220,000 |
| Tocumwal Aviation Museum Carpark | | \$210,054 |
| TOTAL | \$1,755,054 | \$1,755,054 |

Report:

At its ordinary meeting held on 20 July 2022, the Council made the following resolution.

Resolved Cr Marriott and Cr Taylor that the Council:

1. Seek approval from the funders of the Local Roads and Community Infrastructure (LRCI) program to vary its funding agreement to remove the Tocumwal Amphitheatre from the scope of works;
2. Delay calling for tenders until the funding agreement is varied or an alternative funding source identified.
3. Inform Tocumwal Foreshore Committee of Management of this resolution

The removal of the Tocumwal Amphitheatre from the LRCI program provides an opportunity for the Council to reallocate some of the funds set aside for the Amphitheatre not required for the fishing stations to another project.

Council staff have identified around that approximately \$250,000 is available to allocated to another project. From this, approximately \$40,000 is required to bring the funding allocated to the Barooga Recreation Reserve projects to the \$600,000 committed by the Council. This leaves \$210,000 for another project.

Council staff recommend these funds are allocated to the construction of a formed and sealed car park at the Tocumwal Aviation Museum (TAM), including associated drainage. Visitation at TAM has exceeded the Council's estimate. This unexpected demand for parking, combined with the wet weather and poor drainage, has brought forward the need for a proper constructed car park at TAM.

The project is a good fit for the funding objectives and is of a suitable size and scale to be delivered inside the funding available and the existing Council budget.

Of course, the Council may consider alternative projects that may be deliverable inside the funding available.

The current approved works program and the recommended changes are set out below:

All changes will require the approval of the funding body. These changes are expected to be approved.

Financial impact

The projects funded under this program are not expected to require a Council contribution, however Council will need to fund any shortfalls/overruns. Council staff will monitor progress against budget and report to Council should additional funds be required.

Construction of new infrastructure carries with it a commitment by Council to its ongoing maintenance and eventual replacement. The new carpark at TAM will be included in the Council's asset management program and its maintenance and replacement at the end of its life will need to be incorporated into the Council's long term financial plan.

8.4 Administrative Policies

Report by: Deputy Chief Executive Officer, Matthew Hansen

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. Delegate authority to the Chief Executive Officer for the review and adoption of all Council policies classified as “Administrative”
2. Classify the following policies as “Administrative”:
 - Communication Devices and the Internet
 - Street Stalls
 - Pre-Employment Medical
 - Employee Assistance Program
 - Employee Leave
 - Training and Development
 - Heat Stress
 - Public Internet Use
 - Workplace Rehabilitation
 - References
 - Private Employment
 - Library Service – Children and Young People
 - Clothing and Protective Equipment
 - Library Service – Patron Code of Conduct
 - Workplace Smoking
 - Access Control
 - Overdue, Lost or Damaged Library Materials
 - Vaccination
 - Family and Domestic Violence
 - Salary Packaging
 - Workplace Surveillance

Report:

At the August Strategy and Policy Workshop, the Council expressed some dissatisfaction about the Council’s policy review, specifically how much time is spent at meetings reviewing policies that are largely operational in nature.

The time available for part-time Councillors to spend on Council business is limited and it is important that this limited resource is used effectively on matters of strategic importance and statutory obligation.

The Council’s Policy Development Procedure classified Council’s policies into three broad categories:

1. **Statutory** – Policies that the Council have in place to meet statutory or regulatory obligations
2. **Strategic** – Policies that advance the Council’s strategic objectives as set out in its suite of integrated plans.
3. **Administrative** – Policies relating of administrative functions of the Council with little direct strategic implications.

The Council may wish to consider delegating the review and adoption of policies classified as Administrative to the Chief Executive Officer.

A list of these policies is below:

| Policy | Last reviewed |
|---|-------------------|
| Communication Devices and the Internet | March 2017 |
| Street Stalls | November 2020 |
| Pre-Employment Medical | June 2017 |
| Employee Assistance Program | July 2022 |
| Employee Leave | April 2021 |
| Training and Development | May 2020 |
| Heat Stress | November 2014 |
| Public Internet Use | November 2002 |
| Workplace Rehabilitation | April 2016 |
| References | June 2017 |
| Private Employment | June 2022 |
| Library Service – Children and Young People | March 2022 |
| Clothing and Protective Equipment | June 2017 |
| Library Service – Patron Code of Conduct | January 2017 |
| Workplace Smoking | February 2022 |
| Access Control | August 2020 |
| Overdue, Lost or Damaged Library Materials | March 2021 |
| Vaccination | February 2022 |
| Family and Domestic Violence | July 2022 |
| Workplace Surveillance | Under development |
| Salary Packaging | Under development |

If the Council was to accept this recommendation, the Council could, at any time, reclassify a policy as “strategic” should they wish. This would trigger a review of the policy by the Council.

Financial impact

There is no direct financial impost on Council relating to this item. However, the implementation of some administrative policies (i.e., Employee Leave, Employee Assistance Program) may have an impact on Council’s finances.

8.5 Christmas Office Closure

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council note this report.

Report:

Each year Council closes for Christmas between Christmas and the New Year period. The Department of Premier and Cabinet place a Memorandum outlining the preferred closure periods for all government sector offices for each 4 year period. The current Memorandum is attached at “**Appendix 8.5-A**” of this report.

Council has not always enacted this advice, however most Councils around us do. Council has generally closed for only the 3 days between Christmas and New Year.

Given the time frames suggested, it is important to allow staff time to plan their leave should Council agree to the longer closure time than has been the case in the past.

The closure period is as set out below:

- close 4pm Friday 23 December 2022
- reopen 9.00am Monday 9 January 2023

Monday 26 December, Tuesday 27 December 2022 and Monday 2 January 2023 are all designated public holiday. Staff will therefore be required to take leave between 28 and 30 December 2022.

Staff who have leave will be able to take further leave from 3-6 January 2023. For those who have recently commenced with Berrigan Shire Council, who may not have accrued sufficient leave, those staff will have the option of going into negative leave balances (i.e. they would need to work the time back) as per the Employee Leave Policy.

Those staff without the required leave balances, or who have other plans throughout the year, may prefer to come in to work during the week 3-6 January 2023. I will be allowing staff to do so through mutual agreement with their Director. This will provide staff with sufficient options to access leave etc during the time in question and also allow flexibility to those who do not wish to.

Council’s main office however will not be open to the public and nor would the libraries during the entire two week period (though staff may be on site completing work at any Council worksite).

The memorandum sent to staff is included at “**Appendix 8.5-B**” of this report.

Outdoor staff will maintain a skeleton crew during this time period.

Financial impact

Council staff will be required to use their leave during the office closure. Office running costs will be reduced.

8.6 Murray River Adventure Trails

Report by: Chief Executive Officer, Karina Ewer
Strategic Outcome: 3. Supported and engaged communities
Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council note this report.

Report:

At the March 2022 Ordinary Council meeting, Council was presented with information pertaining to Murray Regional Tourism's application to gain funding for the Murray River Adventure Trail. That report is included at "**Appendix 8.6-A**".

The letter of support written for the application is also included at "**Appendix 8.6-B**".

At the March 2022 Ordinary Meeting Council resolved the following:

8.6 Murray River Adventure Trail

- 66 **Resolved** Crs Hatty and Cr Taylor 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.

Unfortunately, the application for funding to commence the planning of the Murray Regional Adventure Trail was unsuccessful so the funding Council committed (\$3,600) is no longer required. It should be noted the commitment was not recorded in the 2022-2023 budget so there is no financial impact associated with the matter.

It should be noted the Murray River Adventure Trail remains a top priority for Murray Regional Tourism so it is expected other funding opportunities will be applied for during this financial year. Should that occur, another report will be brought to Council for their consideration.

8.7 Development Application 166/22/DA/D5 – Residential Storage Shed –
4 Murray Grove, Barooga

Report by: Manager Building & Planning, Matthew Miller

Strategic Outcome: 1. Sustainable natural and built landscapes

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

Recommendation: That the Council approve Development Application 166/22/DA/D5 for a Residential Storage Shed, subject to the following conditions:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the approved plans 4 Murray Grove Site Plan amended 17.08.2022 Local Shed Solutions Drawing No: LSS100 Sheets 1-7 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for each structure
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY
- c) notified the Council of the appointment
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days' notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

3. Occupation

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.
(Section 6.3 and 6.18 EP&A Act 1979)

4. Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

5. Critical Stage Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal

certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 6.5 EP&A Act 1979)

6. Permitted hours for building work

All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.

7. Stormwater

Roof water from the structure is to be retained on site and should be collected and stored for recycling and reuse and any overflow from onsite storage is to be directed to the Murray Grove table drain.

9. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia

10. Excavations and backfilling

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

11. Signs to be erected on building & demolition site

a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(i) stating that unauthorised entry to the work site is prohibited, and

(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

12. Erosion & Sediment Control

Prior to the commencement of any site works appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilisation has been completed.

13. Roof Cladding

The cladding on the roof will need to be clad in a non-reflective colour type the colour will need to be confirmed prior to the issue of the Construction Certificate this is to ensure that any potential glare from the roof will be mitigated.

14. Comply with Noise Control Act

Operations on the site must comply with relevant environmental legislation (including Noise Control Act).

15. Protection of public places

a. If the work involved in the erection or demolition of a building:

(i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

(ii) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

d. Any such hoarding, fence or awning is to be removed when the work has been completed

16. Waste

A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

17. Landscaping

Landscaping is required to be provided along the northern boundary to the rear of the subject Lot. The landscaping must be provided a width of 2m (minimum) along the length of these boundaries.

The landscaping must:

- Be protected from vehicle movement areas to prevent damage to these vegetated areas,
 - Be designed to ensure low maintenance,
 - Where possible native plant species are to be utilised in landscaping with the preference given to drought tolerant species,
 - A range of plant species of various heights are to be used in the landscaping to create interest, improve visual amenity and to help screen the development,
 - Provide irrigation where required for the maintenance and establishment of the landscaping.
-

This condition has been included to improve the visual quality and amenity of industrial development through the provision of effective, low maintenance landscaping. To ensure appropriate screening of outdoor areas from adjoining properties and from public places (including roads) and provide a buffer between industrial developments and adjoining or nearby non-industrial land uses.

18. Landscaping Completion

Landscaping must be established (i.e., planted) in prior to the issuance of an occupation certificate.

19. Maintenance of landscaping

Landscaping must be maintained at all times throughout the life of the development.

20. Use

This approval is granted for the shed to be used for storage purposes normally associated with a residence. No other use is permitted for the shed unless prior approval is obtained from Council.

Division:

In Favour:

Against:

Report:

Purpose of Report

This report is provided to Council for the determination of a Development Application (DA) as Council Officers do not have delegation to determine this particular application. This is due to the subject DA requesting the existing restriction to user on the title be varied to allow the shed to be constructed within the 20 metre buffer zone. As such the DA is required to be determined by Council, as the Council is the empowered authority to release vary or modify the restriction.

Proposal

The subject Development Application seeks consent for the construction of a residential storage shed.

The residential storage shed is proposed to be 20m long x 10m wide. The shed has an overall height of 3.8m and eave of 3m with a 10-degree roof pitch. The shed is located 10m from the rear northern boundary and 8m from the eastern boundary.

Variation to restriction on use on land

This variation to the Council to allow the construction of a building in the buffer zone has been supported by a request to encroach buffer zone statement prepared by Habitat Planning see **"Appendix 8.7-A"**. This has been considered in the assessment and the justification not supported given the use of the proposed shed is an ancillary residential development associated with the existing residence constructed.

Council has received correspondence from the adjoining landowner of 74 Quicks Road Barooga (Lot 2 DP712556) see **"Appendix 8.7-B"**. The concerns from the owner are that they have no issues with the construction of the shed going ahead, the main concern is the ability for the owner to continue to farm as indicated, as they are still actively farming the land and still have the potential impact of chemical spray drift and associated tractor noise from their farming operations.

The buffer zone was created as part of Development consent 50/03/DA/D9 for an 11 lot subdivision, issued on the 18 December 2002. Spray drift and the continuation of the agricultural use of the land to the west and north was mitigated in the subdivision by the creation of the buffer zone to the affected lots.

Now that the area has been in filled with dwellings and ancillary development with the likes of sheds and swimming pools, Council would be creating an unwarranted precedent and contradictory to the subdivision issued in 2002, as the adjoining land to the west and north of the lot has not changed zoning nor changed its farming operations to date. With this taken into consideration it is not appropriate for the Council to vary the restriction to use on the land.

Impacts

Any implications Council may have in the future to not varying this restriction will be low as the possibility of this becoming a common occurrence is unlikely, given the development of dwellings and ancillary developments on the surrounding lots have all been constructed out of the buffer zone.

Conclusion

As such, the Development Application seeks development consent for the construction of the Residential Storage Shed. The development is still permissible and is recommended for approval at the renewed setback of 20m from the rear boundary. A full development assessment report is provided as **"Appendix 8.7-C"**. The report assesses the application as required under s4.15 of the *Environmental Planning and Assessment Act 1979*.

Also attached as **"Appendix 8.7-D"** is the development plans.

8.8 Stronger Country Communities – Round 5

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:

- select the following projects as options for funding under Stronger Country Communities Fund:
 1. XXXX
 2. YYYY
 3. ZZZZ etc., and
- Direct Council staff to:
 1. conduct a survey of residents to guide Council to determine priorities, and
 2. provide a report to the ordinary meeting of Council on 21 September with the results of this survey

Report:

The NSW Government has announced another round of funding under its Stronger Country Communities Fund – the fifth round to date.

The fund has allocated \$1,350,611 for projects in Berrigan Shire. The Council is eligible to apply for \$931,490 with the balance reserved for eligible community organisations. Note that while Council is **eligible** to apply for \$931,490, this is **not reserved** for Council – community groups can access this funding too.

Applications close on 23 September 2022, so time is limited to scope and assess new projects.

Eligibility

The funding guidelines, attached as “**Appendix 8.8-A**”, support inclusion and accessibility

The NSW Government is seeking to support regional communities to future-proof infrastructure and programs by funding universally designed projects. These projects should move beyond current day compliance standards and provide dignified and equitable inclusion to social and community programs for people with disability.

Funding will support projects that improve community participation, livable communities and accessibility and inclusion outcomes. These will assist people with

disability and accessibility requirements to participate independently with equity and dignity.

Applicants must demonstrate consideration of accessibility and inclusion measures in their application. *Projects which demonstrate the provision of fit-for-purpose, accessible and safe facilities, and increased participation opportunities by increasing accessibility and inclusion/universal design are encouraged.*

This applies to both infrastructure projects and community or social programs aiming to improve existing accessibility and inclusion to encourage greater participation.

Eligible projects are shown below. Note that “projects” include public programs that benefit the local community

Projects must be for:

 construction of new, or upgrades to existing, local community infrastructure

 construction of new, or upgrades to existing, local sporting infrastructure

 capital works related to street beautification and other public places that promote the health, happiness and wellbeing of the community

 delivering programs that benefit the local community and provide public benefit

 infrastructure to assist the delivery of general community programs

 infrastructure or community projects or programs which improve and promote accessibility and inclusion

Ineligible projects include the maintenance and construction of local roads and other core service infrastructure. Upgrade works must upgrade the functionality of the facility, not simply improve the look - i.e., painting and maintenance.

Consultation

Projects must have demonstrated community support and applicants will be required to provide evidence of consultation and support for the projects they submit.

In previous rounds, the Council has conducted community surveys to assist in demonstrating community support for proposed projects.

The Council can also use evidence of consultation in its Community Strategic Plan or master plan/concept plan development as well as letters of support.

Note that the next Council meeting is scheduled for 21 September, only two days before applications close.

Council projects

The timeframe does not provide the Council with much time to develop new projects.

Projects that the Council has already scoped and costed and may be eligible include:

| Project | Estimate | Comment |
|--|-----------|--|
| Tocumwal Amphitheatre | \$650,000 | Current estimate. Included in Tocumwal Foreshore masterplan and 2022/23 Operational Plan. |
| Underground power – Chanter St, Berrigan | \$500,000 | Addresses urgent need for maintenance of buildings in heritage conservation zone. Current estimate. No community consultation to date. |
| Shared pathway – Barooga to Tocumwal | \$750,000 | 10.1km of path to join with existing path networks. Rough estimate. No design work undertaken. No community consultation to date |
| Tocumwal War Memorial Hall upgrade | \$150,000 | Amenity and accessibility upgrade. Scalable depending on available funding. Not fully scoped. |
| Tocumwal WAAAF Creek bridges and boardwalk | \$176,000 | 2018 estimate needs reviewing. Consultation included in masterplan development. |
| Mary Lawson Wayside Rest | Unknown | Masterplan prepared, including community consultation. Scalable to match available funding. |
| Barooga St carpark, Tocumwal | Unknown | Still in design phase. No cost estimate available. |

Project estimates may include up to 25% contingency allowance and 10% administration allowance. The estimates above do not include either allowance

Community projects

The guidelines are unclear on the eligibility of community group applications for Council-controlled infrastructure but the intent appears to be that the Council should be the lead partner on any application involving its infrastructure, considering extracts from the guidelines and Minister's letter

Eligible Council Applicants are encouraged to work with community groups to identify priority projects and should consider project partnerships where the Eligible Council Applicant is the landowner.

Council is encouraged to partner with community groups as the lead applicant where the project involves council-owned infrastructure

Projects not involving Council infrastructure that the community may wish to consider:

- Finley Lake improvements
- Finley Pioneer Rail improvements
- Tocumwal Railway Station
- Southern Riverina Wellness initiative

Financial Impact

Council should consider the financial impacts associated with grant funded projects.

- **Required co-contributions** – none in this instance
- **Overruns** – Council is obliged to meet any project overruns. It is important that solid estimates are prepared.
- **Operating costs** – Council should factor in the whole-of-life costs of new infrastructure including operations, maintenance and eventual replacement

8.9 CCTV Surveillance 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, noting that no submissions were received from the public, adopt the CCTV Surveillance Policy below:



Policy

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CCTV SURVEILLANCE

| | | | |
|------------------------|--|----------------|--|
| Strategic Outcome: | Good government | | |
| Policy type | Statutory | | |
| Date of Adoption: | 17 August 2022 | Minute Number: | |
| Date for Review: | 19 August 2026 | | |
| Responsible Officer: | Deputy Chief Executive Officer | | |
| Document Control: | New policy | | |
| Delivery Program Link: | 2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance | | |

1. POLICY STATEMENT

Council recognises crime can have a significant social, economic and environmental impact on the community. Hence, the need to ensure efforts are taken to prevent and reduce instances of crime. The CCTV Program has a range of benefits to the community and assists in identifying and reducing crime which can lead to enhanced public safety in particular locations or in a particular area.

This Policy has been developed in accordance with the provisions of the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces (the Guidelines). The Guidelines were developed to support councils, transport providers and others who implement CCTV in public spaces to ensure compliance with relevant legislation.

2. PURPOSE

This policy provides a framework for the installation, management, and operation of a closed-circuit surveillance system comprising cameras and associated equipment, software and systems (CCTV Program).

3. SCOPE

This policy applies to CCTV established, operated or managed by, or on behalf of Council with Council's express consent.



Policy

This Policy does not apply to:

- a) any CCTV installed by a third party, such as a tenant or licensee of Council land and/or facilities;
- b) mobile cameras including dash cams, and body worn video cameras that are primarily used for Council activities associated with enforcement by authorised officers of Council in their delegated tasks or for personal safety;
- c) cameras attached to Council's garbage trucks for operational purposes

4. OBJECTIVE

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

5. DEFINITIONS

CCTV television system that transfers images on a closed loop basis, where images are only available to those directly connected to the transmission system.

Public place: as defined in the *Local Government Act 1993* and specifically refers to public reserves and public roads. It also includes buildings and other assets located in public places.

6. POLICY IMPLEMENTATION

6.1 CCTV Program Development

Council staff must identify the outcome to be achieved, develop and document objectives for the establishment, operation and management of CCTV in a public space

CCTV will only be used in accordance with its established objectives and not for any other purpose.

Outcomes may include:

- To assist in the investigation and/or prosecution of civil and criminal offences in relation to the security of public places and Council's facilities/assets, or crimes against the person;
- Improving public confidence in the safety and security of public places;
- To deter anti-social behaviours in high-risk public places;
- To assist with the safety of Council staff or authorised contractors within public places;
- To assist with the management/operations or maintenance of public places, or monitoring their use; or
- Identifying potential environmental safety risks



Policy

6.2 Consultation

Per the Council's Community Engagement and Participation Framework Council staff when considering the establishment or significant expansion of CCTV council staff must ensure the relevant concerns of affected parties are documented and considered.

People or groups who may be affected by the proposal may include:

- Residents;
- Users of the public place;
- Local businesses;
- Police or other regulatory authorities; and
- Council staff

Information available through the consultation process will include the potential benefits of the scheme, possible costs involved, and privacy implications, including people's rights and Council's responsibilities.

6.2.1 Police

Council staff will therefore, collaborate/partner (refer to our Engagement Framework) with police to ensure the installation of CCTV fits within a broader crime prevention strategy and will meet the stated objectives for its installation

6.2.2 Council staff

While CCTV schemes installed in public locations and as part of Council infrastructure may incidentally capture Council staff performing work tasks, they are not intentionally designed as surveillance to monitor workforce productivity.

Consultation with Council staff will ensure compliance with the *Workplace Surveillance Act 2005* and ensure staff are given due notice prior to the installation of a scheme.

6.3 Establishment

Council staff will ensure that where CCTV in a public place is established, operated, and managed for crime prevention and community safety purposes, its implementation will be part of an integrated, multi-agency approach to crime control and community safety.

Hence, CCTV will only be considered as one part of a range of crime prevention measures, and not a stand-alone strategy, and prior to installation, a Crime Prevention through Environmental Design audit will be completed.

The audit will consider:



Policy

- whether the problem is on-going or the result of a one-off event;
- whether the perception of crime is supported by evidence and data;
- how the establishment, operation and management of CCTV fits within a broader crime prevention strategy;
- evidence as to the effectiveness of CCTV in addressing the identified crime;
- the lawfulness of the collection of personal information via CCTV; and
- the costs associated with establishing, operating and managing the CCTV.

6.4 Evaluation

Council staff will develop and implement an evaluation framework for each public place where CCTV is established to determine whether the CCTV is achieving its objectives.

The evaluation framework will provide guidance on appropriate mechanisms to enable Council staff to assess whether the CCTV scheme is:

- achieving its objectives (including an assessment of its impact upon crime and community safety, for those schemes implemented for crime prevention or community safety purposes);
- being used in accordance with its established objectives, and not for any other purpose;
- impacting on any groups;
- providing an overall benefit (after consideration of the costs involved in operating the scheme); and
- achieving its planned outcomes and if not, whether it requires changes to the extent or location of the cameras, or technology utilised.

6.5 Ownership

Council staff will ensure the ownership of public area CCTV schemes is clear and publicly known.

Council staff will erect signs informing the public of the existence of CCTV in a public place and will take steps to ensure the signs comply with relevant legislation such as the *Privacy and Personal Information Protection Act 1998*.

Furthermore, Council staff will maintain a public register of its CCTV schemes.

Council maintains ownership of, and has copyright of all data, recordings, photographs and documentation pertaining to the CCTV Program and the third-party release or distribution of data, recordings, photographs and documentation provided by Council is strictly prohibited without obtaining Council's written consent

6.6 Retention

The retention of, and access to, recorded data will only be for the purpose provided in this policy.



Policy

Council generally retains recorded data for a period of 30 days; however, retention of data is based on several variables which may result in shorter or longer retention periods. If in the rare circumstances of a technical failure and current recorded images are unattainable, all reasonable efforts to repair will be made. No backups or secondary copies are retained.

Appropriate security measures are taken to ensure data held by Council is secure and restricted to authorised Council officers only and must be in accordance with Councils CCTV Standard Operating Procedures.

6.7 Access

6.7.1 Public access

All requests for access to data held by Council must be made by way of application in accordance with the requirements set out in the *Government Information (Public Access) Act 2009* and the Council's Access to Information Policy.

An application for access to information will be appropriately assessed in accordance with this policy and relevant laws.

6.7.2 Police and law enforcement

Access and release of data held by Council will only be granted to a law enforcement agency for a lawful and permitted purpose and in accordance with the terms of this policy.

Where the Council has reported loss or damage to its own property, the Chief Executive Officer or delegate may authorise release of data relating to the matter to the relevant law enforcement agency.

In all other instances prior to any data or information being released, law enforcement agencies will be required to clearly identify the data required and the rationale for the requested release.

Any law enforcement agency that obtains data or information from the CCTV Program is responsible for ensuring they comply with any relevant laws including the *Privacy and Personal Information Protection Act 1998*.

6.8 Accountability and privacy

Council staff will ensure its CCTV schemes are open and accountable and operate with due regard for privacy and civil rights of individuals and the community, including:

- the recording and retention of images is undertaken lawfully;
- the purpose for which the information is being obtained is known;
- the information is not used for any purpose other than that stated;
- people are made aware they may be subject to CCTV surveillance; and



Policy

- the owners of the scheme are known and accountable for its operation.

Cameras will not be used to purposely monitor private property that may be captured within the view of a camera's view. Notwithstanding this, any data or information collected from the CCTV Program will be recorded and may be provided to a law enforcement agency for a lawful and permitted purpose.

6.9 Complaints

Complaints in relation to Council's establishment, management or operation of CCTV may be made through Council's existing customer contact processes. Complaints, except for those specified below, will be managed in accordance with Council's complaint management procedures.

Complaints in relation to Council's handling of a person's personal information will be managed in accordance with Council's Privacy Management Plan. Complaints of this nature may also be made to the NSW Information and Privacy Commissioner.

6.10 Review

Council staff will review its CCTV systems every four (4) years to assess compliance with this Policy and any associated procedures. The review will examine such matters as:

- Assessment of the scheme and any technological problems;
- Processes used to receive, access and process footage requests;
- Complaints received and responses provided;
- Compliance with relevant legislation, regulations and Australian Standards; and
- Whether the systems and processes utilised remain good practice

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Workforce Surveillance Act 2005*
- *Government Information (Public Access) Act 2009*
- *Security Industry Act 1997*
- Privacy and Personal Information Protection Regulation 2005
- NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places (2014)



Policy

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Privacy Management Plan
- Community Engagement and Participation Framework
- Records Management Policy
- Access to Information 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

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

10. DOCUMENT AVAILABILITY

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

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

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

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au



Policy

11. VERSION CONTROL

| Version Number | Date | Summary | Responsible Officer |
|----------------|------------|---------------------|--------------------------------|
| 1.0 | 17.08.2022 | New Policy document | Deputy Chief Executive Officer |

APPENDICES

Nil

DRAFT

Report:

At its ordinary meeting held on 17 August 2022 the Council resolved the following

That the Council

- 1. Adopt the CCTV Surveillance Policy attached as Appendix A as a draft, and*
- 2. Place the draft policy on public exhibition for 14 days and call for public submissions, and*
- 3. Consider the policy and any submissions received at its ordinary meeting to be held on 17 August 2022*

The draft policy was placed on public exhibition and a notice placed on the Council's Facebook page and in the Council bulletin page in the Southern Riverina News and Cobram Courier.

At the time of writing, no submissions were received by the Council.

The Council may adopt the policy, should it wish.

Financial Impact

The policy itself does not have a direct financial impact. Installing CCTV systems does have a cost however and will need to be considered as systems are installed.

8.10 Salary Packaging Policy

Report by: Finance Manager, Tahlia Fry

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: That the Council:

1. adopt the Salary Packaging Policy set out below:



Policy

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SALARY PACKAGING

| | | | |
|------------------------|------------------------------------|----------------|--|
| Strategic Outcome: | Good government | | |
| Policy type | Strategic | | |
| Date of Adoption: | 17 August 2022 | Minute Number: | |
| Date for Review: | 17 August 2026 | | |
| Responsible Officer: | Finance Manager | | |
| Document Control: | Rep; | | |
| Delivery Program Link: | Delivery Program Objective 2.1.3.1 | | |

1. POLICY STATEMENT

Berrigan Shire Council is committed to offering employees flexible remuneration programs, including salary packaging that allows them to best maximise their net salary.

This policy details the salary packaging benefits available to Berrigan Shire Council employees and the requirements for entering salary packaging arrangements

2. PURPOSE

The purpose of this policy is to provide a framework to allow and regulate salary packaging to Council employees employed under the Local Government (State) Award 2020 or a contract as per [section 338 of the Local Government Act 1993](#)

3. SCOPE

All full-time and part-time employees, excepting staff on probation, employed under:

- the Local Government (State) Award 2020 or successor Awards, and
- a contract as per s338 of the *Local Government Act 1993*,

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

5. DEFINITIONS

| | |
|-----------------------------|--|
| Fringe Benefits Tax: | A tax imposed on employees receiving extra benefits in addition to their wages |
| Probation: | A period of time at the start of a permanent full-time or part-time employment relationship that gives the employer the opportunity to assess whether their new employee is capable, reliable and suitable for the job |
| Superable Salary: | An annual base salary, plus certain allowances and payments that are generally paid to an employee while on annual or long service leave, plus loading for shift work |

6. POLICY IMPLEMENTATION

6.1 Eligibility

Where salary packaging is made available to employees of Berrigan Shire Council the following information and guidelines will provide the framework in which such arrangements will operate:

There is no compulsion for any employee to participate in salary packaging. It is entirely voluntary

Salary packaging may only be made available to eligible employees. An eligible employee is:

- a full or part time permanent employee of Berrigan Shire Council employed under the Local Government (State) Award 2020, or subsequent Awards
- Chief Executive Officer, Directors and other Senior Staff where individual contracts provide for access to salary packaging

Employees on probation are **not** eligible for salary packaging.

Packaging will only be available on normal salary and wages and standard allowances that are paid each and every pay period. Overtime will **not** form part of any salary package

Packaging of benefits is to be carried out at no cost to Council (i.e., the employee will bear any management fees and / or Fringe Benefits Tax implications etc. associated with the salary packaging arrangement)

6.2 Obligations

6.2.1 Employees

Employees will:



Policy

- obtain independent financial advice prior to commencing salary packaging
- sign an agreement setting out components to be salary packaged and acknowledging Council is not responsible or liable for salary packaging decisions made by the employee and/or their financial advisor
- be able to select from an approved menu of items to be included in salary packaging
- provide Council with declarations relevant to components requested to be packaged

6.2.2 Management

The Chief Executive Officer and/or Finance Manager will:

- circulate and maintain a policy on salary packaging at Berrigan Shire Council
- approve and release from time to time an updated menu of items which can be accessed under salary packaging

6.3 **Operation**

Except as otherwise agreed, the employee may request in writing to change the items to be salary packaged once per year and Council shall not unreasonably refuse such request

The value of the items included in the package shall be treated as approved items for superannuation purposes and shall not reduce the employee's superable salary

The value of the items included to be packaged shall be agreed between Council and the employee and shall include fringe benefits tax where applicable

Items of the package shall be paid by Council to or on behalf of the employee on an arrears basis at regular periods agreed by Council and the employee

Allowable input tax credits (ITC) will be passed on to the employee while any workers' compensation premium or any other salary-related savings will be retained by Council

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

7.1 **Legislation**

- *Local Government Act 1993*
- *Fair Work Act (Cth) 2009*
- Local Government (State) Award 2020

7.2 **Council policies and guidelines**

- Code of Conduct



Policy

- Risk Management Policy and Framework
- Salary Policy
- Procurement and Disposal Policy
- Expenses and Facilities Guidelines for Staff.

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

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Policy

11. VERSION CONTROL

| Version Number | Date | Summary | Responsible Officer |
|----------------|------------|------------|---------------------|
| 1.0 | 17.08.2022 | New Policy | Finance Manager |

APPENDICES

Salary Packaging Menu (under development)

DRAFT

Report:

To assist Berrigan Shire Council to recruit staff, Berrigan Shire Council now offers salary packaging to eligible employees. Salary packaging provides the Council with an option to provide a salary package that leaves the employee better off at no additional cost.

To provide a framework for this process, staff have prepared a proposed Salary Packaging Policy. The proposed policy sets out eligibility, obligations of employees and management and details how salary packaging will operate.

Financial Impact

The policy is designed to make salary packaging cost-neutral for the Council.

8.11 Works Within Road Reserve Policy

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Revoke the Road Opening Policy adopted on 21 July, 2004 and;
2. Adopt the Works Within Road Reserves Policy as set out below:



Policy

51

WORKS WITHIN ROAD RESERVES

| | | | |
|------------------------|--|----------------|--|
| Strategic Outcome: | Sustainable natural and built landscapes | | |
| Policy type | Administrative | | |
| Date of Adoption: | 17 August 2022 | Minute Number: | |
| Date for Review: | 19 August 2026 | | |
| Responsible Officer: | Director Infrastructure | | |
| Document Control: | Replaces Road Opening Policy adopted 21 July 2004 | | |
| Delivery Program Link: | 1.3.1 Coordinate flood levee, local road, sewer and stormwater asset management and planning | | |

1. POLICY STATEMENT

Under [Section 138 of the Roads Act 1993](#), works undertaken in, on and over Berrigan Shire Council roads – including the footpath and nature strip – require the consent of the Council.

2. PURPOSE

This policy provides advice and direction to Council staff and the public regarding works undertaken on roads controlled by Berrigan Shire Council. This is to ensure that assets within road reserves are protected and reinstated to their original state after works have been carried out in the road reserve.

3. SCOPE

This policy applies to:

- works within the road reserve, including nature strips, footpaths, kerb and gutter, roads and other paved areas for service and drainage connections, and
- vehicle crossings across kerb and gutter, nature strips and footpaths
- road closures for works to be undertaken

NOTE: Other statutory service authorities such as Telstra, NBN, gas and electricity providers are exempt under legislation to apply for road opening permits from Local Government authorities



Policy

4. OBJECTIVE

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

1.3.1 Coordinate flood levee, local road, sewer and stormwater asset management and planning

5. POLICY IMPLEMENTATION

5.1 What works require a Permit?

A consent is required for all works – on, within or over a road. examples include:

- a. Excavate or break surface of a road
- b. Erect a structure over a road
- c. Removing or interfering with a structure on a road
- d. Planting or removing a tree or other vegetation
- e. Boring under a road
- f. Installing pipes, cables etc. on a road reserve
- g. Constructing a driveway crossing or a footpath
- h. Works undertaken involving the use of the footpath (i.e., cranes and scaffolding on the footpath)

5.2 Application

All works within Council road reserves, including in nature strips, footpaths, kerb and gutter, roads and other paved areas for service and drainage connections, and in nature strips for vehicle crossings require Council approval in advance.

An application must be made via the Council's online planning portal and a Council Permit obtained at least 5 working days prior to work commencing, except in emergency situations.

5.3 Applicant's responsibilities

5.3.1 Other services

Before proceeding with a road opening, the appropriate service authorities shall be consulted regarding the location of their services. Covering, interfering with or damaging their services will require reinstatement with the cost charged to the applicant.

5.3.2 Trees

For any excavation within 2 metres of a tree trunk, the permit holder shall contact the Council and comply with all precautions and requirements stipulated for protection of each tree. Work will be carried out so that minimum possible damage is caused to plant and tree growth.



Policy

Any trees badly damaged must be replaced with the consent of Council at the permit holder's expense. Debris and rubbish from clearing of vegetation must be removed promptly from the road reserve. Roots of 50mm or greater are not to be cut.

5.3.3 Traffic control

The applicant shall make adequate provision for the safety of all traffic using the road or pedestrians using the footway as set out below:

- a) All works in Council road reserves are to be satisfactorily barricaded, signed, lit and made safe to the public by the permit holder at their expense and to the satisfaction of the Director Infrastructure and Asset and Engineering Manager until such time as the works are satisfactorily completed. The permit holder is responsible for maintaining any backfilled opening or pavement prior to and up until the permanent reinstatement of the road, footpath, kerb, nature strip etc.
- b) Not more than one-half the useable road pavement width shall be closed to traffic at any one time. In all cases where traffic is diverted onto the carriageway normally used by opposing traffic, the permit holder shall supply adequate advance warning signs and sufficient traffic control signs or barriers to allow safe movement of traffic.
- c) All signs and barricades to be installed in accordance with Australian Standards 1742.3 2002 Traffic Control Devices for Works on Roads and the Roads and Traffic Authority, NSW, Traffic Control at Worksites Manual.

All works affecting road formation, channel and pavements are to be carried out between the hours of 8:00am and 5:00pm.

No trench in a road pavement shall be left open at night without the permission of the Director Infrastructure. Works not completed within one (1) day must be protected with adequate barriers and appropriate lights.

5.3.4 Liability

The applicant shall accept the liability in connection with works covered by the permit and will indemnify the Council against all actions, claims and demands made by any person for injuries or damages suffered by them by reason of the works.

Prior to the issue of the approval permit, the applicant shall provide Council evidence of their current public liability policy for a minimum amount of \$20,000,000 with an approved insurance company.

5.3.5 Works as executed



Policy

Works "as executed" drawings showing the actual location and level of the installed conduit or pipe shall be submitted to Council by the permit holder within seven (7) days of the completion date of works.

5.4 Works

5.4.1 Notice

A minimum of 48 hours' notice to be given to Council when inspections are required for all excavation works prior to backfill and after completion of works.

5.4.2 Type of opening

Council will specify whether the works constituting a service or drainage connection are to be bored or open cut, the alignment of the connection, the depth at which the connection is to be placed and the method of reinstatement, including material to be used.

Road crossings on sealed roads shall be thrust bored. (Permission by the Council's Director Infrastructure to open a trench may be given in exceptional circumstances.) The boring shall be beneath the existing pavement and shoulders, with a minimum cover of 900mm unless otherwise specified on the permit. This cover shall be maintained for the full width of the road reserve.

Boring by water jetting is not permitted.

5.4.3 Standard of work

All works, including reinstatement works, must be completed to the Council's satisfaction

Should the permit holder fail to meet Council's requirements, Council will undertake the following rectification actions:

- a) If any of the work does not comply with the requirements of the permit conditions, a written notice will be served upon the permit holder, the permit holder shall within seven (7) days pull down, take up and reconstruct any part of the works which in the opinion of the Council are unsatisfactory.
- b) For works found to be unsafe on inspection by the Council, a written notice will be served upon the permit holder to immediately undertake works to rectify the problem and make the site safe. The rectifications shall be completed within 24 hours of the notice being served
- c) Should the above not be complied with, the Council will undertake works to rectify the problem. The person named on the permit will be responsible for all rectification costs incurred.

5.4.4 Irrigation crossing



Policy

Irrigation culvert crossings shall be constructed to the following standards

- a) The pipe is to be reinforced concrete pipe, rubber ring jointed and minimum diameter of 375mm.
- b) The pipe is to extend from fence to fence for the full width of the road reserve. Headwalls to be provided at each end of the culvert.
- c) Minimum cover to top of pipe shall be not less than 450mm below the table drain and not less than 900mm below the road pavement surface. Council does not accept any responsibility for damage caused to the pipe by works carried out on their behalf following its installation.
- d) A plan showing the proposed culvert's location and design levels is to be submitted to the Council prior to the issue of the road opening permit
- e) Council staff will specify a minimum pipe class capable of carrying the proposed load as per Standards.

5.4.5 Time to complete

The applicant's work shall be completed within thirty (30) days of the issue of the Permit after which the Permit shall lapse. Permits relating to the installation of driveways for new houses must be completed within 30 days from "lock-up" stage.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- Local Government (General) Regulation 2021
- Roads Regulation 2018
- Australian Standards 1742.3 2002 Traffic Control Devices for Works on Roads
- Roads and Traffic Authority, NSW, Traffic Control at Worksites Manual

6.2 Council policies and guidelines

- Governance Policy
- Code of Conduct

7. RECORDS MANAGEMENT



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).

8. 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.

9. 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 2020*.

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

10. VERSION CONTROL

| Version Number | Date | Summary | Responsible Officer |
|----------------|------------|-----------------------|-----------------------------|
| 1.0 | 21.07.2004 | New Policy document | Director Technical Services |
| 1.1 | 20.07.2022 | Minor review (detail) | Director Infrastructure |

Report:

Council has an existing Road Opening Policy last reviewed in the year 2004. The purpose of the policy was to ensure it provides advice and direction to Council staff and the public regarding works undertaken on roads controlled by Berrigan Shire Council. This is to ensure that assets within road reserves are protected and reinstated to their original state after works have been carried out in the road reserve.

As part of the review, Council staff has re-named the policy to “Works on Road Reserves” which aligns more to the purpose of the policy.

The reviewed policy clearly mentions the purpose, scope, implementation, along with responsibilities and liabilities of an applicant.

Financial Impact

The policy mitigates the Council’s risk of financial exposure where third-party works in the road reserve are not approved and/or poor quality.

8.12 Records Management Policy

Report by: Information and Records Officer, Arpita Khare

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 Records Management Policy as set out below:



Policy

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RECORDS MANAGEMENT

| | | | |
|------------------------|---|----------------|--|
| Strategic Outcome: | Good government | | |
| Policy type | Statutory | | |
| Date of Adoption: | 17 August 2022 | Minute Number: | |
| Date for Review: | 19 August 2026 | | |
| Responsible Officer: | Director Corporate Services | | |
| Document Control: | New policy | | |
| Delivery Program Link: | 2.1.2 Meet legislative requirements for Council elections, local government and integrated planning and reporting | | |

1. POLICY STATEMENT

Under the *State Records Act 1998* public offices such as Berrigan Shire Council are required to establish and maintain a records management program in conformity with standards and codes of best practice approved by the State Records Authority.

Berrigan Shire Council is committed to meeting its responsibilities under the *State Records Act 1998* and to implementing best practice in its information management practices and procedures.

2. PURPOSE

The purpose of this policy is to:

- establish a framework for the implementation of a records management program in conformity with standards and codes of best practice;
- ensure effective information management and retrieval across Council and highlight the responsibilities of Council staff regarding compliance with the *State Records Act 1998*;
- ensure the preservation of Council's 'corporate memory' through sound recordkeeping practices and the accurate capture of information to meet legal, evidential and accountability requirements; and
- ensure Council's Records Management Program provides timely and comprehensive information to meet operational business needs, accountability requirements and community expectations



Policy

3. SCOPE

This policy applies to the Chief Executive Officer, the Mayor, Councillors, contractors, volunteers, delegates and all staff of Berrigan Shire Council.

This policy applies to all Council business records including electronic and physical records. It includes records which are created, collected, processed, used, sentenced, stored and disposed of in the conduct of official Council business.

4. OBJECTIVE

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

- 2.1.2 *Meet legislative requirements for Council elections, local government and integrated planning and reporting*

5. DEFINITIONS

Records Management: The discipline and organisational functions of managing records to meet operational business needs, accountability requirements and community expectations.

Access: Right, opportunity, means of finding, using or retrieving information.

Archives: Those records that are appraised as having continuing value.

Business Activities: Broad term covering all functions, processes, activities and transactions of an organisation and its workers.

Classification: Systematic application of codes and their descriptions that are applied to documents upon registration to determine the level of security (access) to documents.

Disposal: A range of processes associated with appraising documents and files for retention, deletion or destruction in or from recordkeeping systems, and the transfer or custody or ownership of records.

Magiq: Magiq is Council's official electronic record keeping system.

EDRMS: Electronic Document Records Management System is an electronic document and records management system. It is an automated software application designed to facilitate the creation, management, use, storage and disposal of a range of both physical and digital documents and records in an integrated way.



Policy

| | |
|--------------------------|--|
| Ephemeral Record: | Records of little value that only need to be kept for a limited or short period of time. Records that are ephemeral have no continuing value to the public office and, generally, are only needed for a few hours or a few days. |
| File: | A collection of documents, which can be paper based or electronic. |
| Metadata: | Is data that describes records, people and business activities in a suitable amount of detail to ensure better information accessibility; improved records management, and greater accountability in business operations. |
| Record: | Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. |
| Recordkeeping: | Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. |
| State Archive: | A State record that the State Records Authority of New South Wales has control of under the <i>State Records Act 1998</i> (NSW). |
| State Record: | Any record made, received and kept by any person in the course of the exercise of official functions in a public office or for any purpose of a public office, or for use of a public office. |

6. POLICY IMPLEMENTATION

6.1 Creation of Records

Councillors, Delegated Committees and Council staff of Berrigan Shire Council should ensure they create full and accurate records of all decisions and actions made in the course of their official business. For example, if business is transacted by telephone, file notes of the key points in the conversation should be documented. Official meetings should include the taking of minutes.

6.2 Capture of Records

All business records, documents and files **must be registered into Council ED RMS** in a timely manner.

It is the responsibility of the sender of internal and outgoing correspondence to capture the records into the recordkeeping system.

Incoming emails are to be captured by the first listed Council recipient.



Policy

Mail that is received physically and items taken over the front counter are to be scanned and registered by Customer Service Staff.

Records of Council business that are created or received by Councillors (with the exception of those sent by Council) must be forwarded to the Chief Executive Officer's Executive Assistant (CEOEA) to capture in EDRMS. If records are of a sensitive or confidential nature, the Councillor should alert the CEOEA to this fact so appropriate security classifications may be applied.

6.3 Ephemeral Records

Ephemeral records may be destroyed once reference to them ceases. Examples of ephemeral records include unofficial drafts, rough notes, unsolicited advertising materials and catalogues, etc.

6.4 Records of a Confidential Nature

On some occasions Council workers may be required to keep matters discussed relating to Council business confidential. Confidential conversations / correspondence must still be recorded and registered in Magiq if they refer to Council business.

There are security classifications that can be used to ensure these records have limited access, but these records may still need to be produced under relevant legislation, e.g., subpoena or the *Government Information (Public Access) Act 2009*. With security controls in place records are likely to be less at risk than if they were not in the Council's EDRMS.

6.5 Records Security and Access

Records must only be retrieved and used for authorised purposes in accordance with relevant legislation and access policies. Records must be kept secure from unauthorised access, unauthorised release, alteration and unlawful destruction.

Records considered as internal, sensitive or confidential must not be provided to external parties unless appropriately authorised.

All records must be stored in a secure location, with access provided to authorised persons only.

All physical records must be handled and stored with care to prevent deterioration, damage or loss.

The location of physical records must be documented and kept up-to-date.

Records that are required to be retained but are no longer active, in current use, may be transferred to State Archives.



Policy

6.6 Records Retention and Disposal at Berrigan Shire

All records kept by Berrigan Shire Council will undergo appraisal before being disposed of in accordance with the General Retention and Disposal Authority: Local Government Records, produced by the State Records Authority of New South Wales and approved under section 21(2)(c) of the *State Records Act 1998*.

Administrative records such as financial and personnel records are covered under the General Retention and Disposal authority: administrative records (GA39) compiled by NSW State Archives. NSW State Archives recommends disposal actions are assigned to records in all formats on creation to ensure they are managed appropriately. The Records Management Procedures contains information on how this is achieved.

No records of NSW State Archives may be disposed of unless in accordance with these retention and disposal authorities or Normal Administrative Practice. NSW State Archives has defined how Normal Administrative Practice will be applied in the Records Management Procedures. Any sentencing of records must be supervised by the Public Officer and the Records Administrator. Approval and signed authorisation for retention, destruction or transfer of records must be sought from the appropriate Program managers before any disposal takes place.

Disposal and destruction of records will be systematic, accountable, authorised and legally appropriate.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *State Records Act 1998 (NSW)*
- *Evidence Act 1995 – Evidence Amendment Act 2008*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- *Local Government Act 1993*
- General Retention and Disposal Authority: Local Government Records (GA39)

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Access to Information Policy
- Privacy Management Plan



Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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

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

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

*Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712*

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

11. VERSION CONTROL

| Version Number | Date | Summary | Responsible Officer |
|----------------|------------|---------------------|-----------------------------|
| 1.0 | 17.08.2022 | New Policy document | Director Corporate Services |

APPENDICES

Nil

Report:

To comply with the Council's obligations under the *State Records Act 1998* (the Act), the Council has established a Records Management Program.

One of the obligations the Council is required to meet is to adopt a Records Management Policy. The Records Management Policy must be published on the Council's website.

Council staff have prepared a proposed Records Management Policy for consideration by the Council.

This policy provides the framework and outlines responsibilities for the operation of the Records Management Program. On adoption of the policy, Council staff will prepare associated procedures to provide detailed guidance for Council officials.

Implementation of the policy will enable the Council to achieve information accessibility, business enhancement and improvement. It will also meet its obligations for accountability while ensuring that it protects the rights and interests of the NSW Government, the Council, its staff, clients, and the community.

Financial Impact

Implementation of this policy will require the Council to dedicate suitable resources. These resources are already in place.

8.13 Liquid Trade Waste Regulation Policy

Report by: Director Strategic Planning & Development, Joanne Ruffin

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.1 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Adopt for public exhibition and comment for 28-days, the Liquid Trade Waste Regulation Policy attached as **“Appendix 8.13-A”**

Report:

As part of the ongoing review of the Council’s policies, Council staff have reviewed its

[Liquid Trade Waste Regulation Policy](#)

The review of this policy involved updating the appended draft to reflect regulatory changes since the Council’s current policy was adopted. The Council should also note that a draft of this policy has been reviewed by the Regulator (NSW) Department of Planning and Environment to ensure that the policy is consistent with the regulators Liquid Trade Waste Management Guidelines 2021.

Copies of the draft Liquid Trade Waste Regulation Policy (**“Appendix 8.13-A”**).

Financial Impact

Fees generated as a result of this policy are expected to cover the cost of implementation. Non-compliance with the NSW government guidelines carries financial risk.

Council Meeting

17 August 2022

8.14 Revotes 2022/23

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 vote the items recommended in this report be budgeted for again in 2022/23

Report:

Note, no Quarterly Budget Review Statement has been prepared for the June 2022 quarter. This is consistent with the Council's obligations under the *Local Government Act 1993* and associated regulations. Council will however be presented with a copy of the quarterly review at the September Strategy & Policy Workshop along with a copy of the 2022/23 carried forwards.

Traditionally Council has been supplied with carried forwards and revotes within the same report. However, carried forwards do not need Council approval and are only items for noting therefore going forward Council will be supplied with revotes only within this report. This is to ensure greater transparency and ensures Council are aware of expenditure they are voting to have a budget assigned to again for this financial year.

Budgets & Revotes are covered in the Local Government (General) Regulation 2021 specifically clause 211 (3) as per the below snippet:

(3) All such approvals and votes lapse at the end of a council's financial year. However, this subsection does not apply to approvals and votes relating to--

- (a) work carried out or started, or contracted to be carried out, for the council, or
- (b) any service provided, or contracted to be provided, for the council, or
- (c) goods or materials provided, or contracted to be provided, for the council, or
- (d) facilities provided or started, or contracted to be provided, for the council,

If Council approve the expenditure listed below these items will then appear in the 2022/23 revised budget reducing Council's surplus by \$1,780,000. The expenditure in the table below has a reason for why a revoke is being requested which has been provided by the budget.

It is important to note that the figures supplied in this report have not yet been audited. Figures could change as a result of discoveries that occur as a result of getting information

ready for the audit or as a result of investigations by the auditors. The figures take into account all known and quantifiable factors up to the time of this report.

Financial Impact

Revotes are funded through the surplus carried forward from 2021/22.

A complete list of items for revote is shown below.

| DESCRIPTION | REVOTES (\$) | REASON |
|---|--------------|---|
| EXPENSES | | |
| 1412-0540 REHAB EXHAUSTED LANDFILL AREAS | \$10,000.00 | For new Cell at Berigan |
| 1417-0619 ARRAMAGONG-MCKINLEY | \$1,000.00 | Design ready, Tender Aug 22', project withheld due to finalisation of Barooga Rec Reserve Masterplan |
| 1417-0620 SNELL ROAD KAMAROOKA-CHOMLEY | \$6,000.00 | Design ready, Tender Aug 22', project withheld due to finalisation of Barooga Rec Reserve Masterplan |
| 1417-0718 HORSEFALL ST – JERILDERIE/DENISON | \$60,000.00 | Design ready, expected Tender mid-Sep'22. Project could not be completed due to shortage of staff. |
| 1417-0859 DENISON ST – HORSFALL/NANGUNIA | \$35,000.00 | Design ready, expected Tender mid-Sep'22. Project could not be completed due to shortage of staff. |
| 1417-0860 BRUTON ST – KERB CONNECTION | \$15,000.00 | Design ready. Half Cost Scheme consolation to be completed |
| 1417-0927 HILL ST TOC REALIGNMENT | \$10,000.00 | Ops Team to carry out works. Project got delayed due to other priorities. |
| 1418-0509 SEPPELTS LEVEE | \$30,000.00 | Maintenance works to be done during summer months, Nov'22-Feb'23. Project could not be completed due to shortage of staff & consultation. |
| 1418-0510 LEVEE 1 – 10850 -11412 | \$157,000.00 | Project to be tendered by the end of Oct'22. Project could not be completed due to shortage of staff. |
| 1510-0563 REPLACE AC WATER MAINS | \$375,000.00 | To be utilised for watermain replacement. Project could not |

| | | |
|---|--------------|---|
| | | be completed due to shortage of staff. |
| 1510-0895 BGN – STATIC MIXER | \$12,000.00 | Could not be completed due to shortage of staff. |
| 1610-0551 TOC – STP FENCE REPLACEMENT | \$35,000.00 | Project to be tendered by clubbing all fencing projects |
| 1610-0705 FIN UPGRADE PUMP STATIONS | \$47,000.00 | Project to be managed by Ops Team. Project could not be completed due to shortage of staff & SCADA upgrades. |
| 1611-0342 TOCUMWAL CCTV | \$41,000.00 | To understand condition assessment of pipes. Project could not be completed due to shortage of staff. |
| 1910-0809 RESEAL DENISON ST FINLEY 466-1409 | \$14,000.00 | Dependent on watermain replacement etc. |
| 1911-0092 RESEAL PINEY RD 4576-6594 | \$184,000.00 | Works started internally |
| 1911-0099 RESEAL CASEYS RD | \$13,000.00 | Reschedule of works to be done with reseals this year in the area |
| 1911-0125 RESEAL RACECOURSE SERVICE TOC | \$14,000.00 | Reschedule of works to be done with reseals this year in the area |
| 1911-0149 RESEAL TUPPAL RD | \$8,000.00 | Reschedule of works to be done with reseals this year in the area |
| 1911-0216 RESEAL LOWER RIVER RD | \$8,000.00 | Reschedule of works that was reprogrammed after grant project on Lower River Road |
| 1913-0619 SNELL RD – ARRAMAGONG TO MCKINLEY | \$5,000.00 | Design ready, expected Tender end of Aug'22. The project was withheld due to finalisation of the Barooga Rec Reserve Masterplan |
| 1913-0927 HILL ST TOCUMWAL REALIGN | \$35,000.00 | Ops team to carry out works |
| 1914-0094 MELROSE RD 7570 TO 9637 | \$417,000.00 | At tender stage |
| 1916-0600 SNELL RD – ARRAMOGONG TO MCKINLEY | \$12,000.00 | Design ready, expected Tender end of Aug'22. The project was withheld due to finalisation of the Barooga Rec Reserve Masterplan |
| 1916-0601 SNELL RD – KAMAROOKA TO CHOMLEY | \$63,000.00 | Design ready, expected Tender end of Aug'22. The project was withheld due to finalisation of the Barooga Rec Reserve Masterplan |
| 1916-0718 HORSEFALL ST – JERILD/DENISON | \$65,000.00 | Design ready, expected Tender mid-Sep'22. Project could not |

| | | |
|---|-------------|--|
| | | be completed due to shortage of staff. |
| 1916-0927 HILL ST TOCUMWAL REALIGN | \$40,000.00 | Operations to undertake - no plans required |
| 1917-0541 NEW FOOTPATHS – VARIOUS LOCATIONS | \$50,000.00 | work as per Council's PAMP, Project could not be completed due to shortage of staff. |
| 1917-0667 LAWSON DR BGA | \$40,000.00 | Shared path done - outstanding works is log fence and drainage cnr of Golf course road |
| 1917-0678 RACECOURSE RD BGN WALKING TRACK | \$50,000.00 | Drainage crew to undertake - Design is done |
| 1917-0684 TONGS ST WALKING TRACK | \$20,000.00 | Waiting on Council decision around what side of the street – granitic sand or concrete |
| 1917-0912 BRUTON ST – ANTHONY TO HANNAH | \$30,000.00 | Design ready, Project could not be completed due to shortage of staff. |

8.15 Development Determinations for Month of July 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 the Month of July 2022

Report:

APPLICATIONS DETERMINED FOR JULY 2022

| APPLICATION | DESCRIPTION | PROPERTY LOCATION | APPLICANT | OWNER | STATUS | VALUE | DAYS TAKEN | |
|--------------|---|---|----------------------------------|-------------------------------------|---------------------|--------------|------------|-----------|
| 62/22/DA/D2 | REPLACEMENT SIGNAGE AT EXISTING SERVICE STATION | 54-56 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot11//DP1161562) | SLR CONSULTING AUSTRALIA PTY LTD | MR M ARTHUR AND MRS M ARTHUR | Approved 11-07-2022 | \$55000.00 | Active 176 | Total 176 |
| 101/22/DA/DM | CHEESE PROCESSING FACILITY | 26 CROSBIES ROAD, FINLEY NSW 2713 (Lot11//DP801250) | KELVIN FENAUGHTY | MR KM FENAUGHTY AND MRS S FENAUGHTY | Approved 29-07-2022 | \$75000.00 | Active 138 | Total 138 |
| 161/22/DA/D1 | BV DWELLING & ATTACHED GARAGE | 60 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot30//DP1250358) | KENNEDY BUILDERS PTY LTD | MR AT MCMILLAN | Approved 11-07-2022 | \$340000.00 | Active 35 | Total 35 |
| 164/22/DA/D5 | RESIDENTIAL STORAGE SHED | 36 COBRAM STREET, TOCUMWAL NSW 2714 (Lot2//DP1251575) | DANNI JONES | MR SD PERRYMAN | Approved 06-07-2022 | \$59000.00 | Active 0 | Total 31 |
| 165/22/DA/D5 | ALFRESCO | 27-29 WIRUNA STREET, BAROOGA NSW 3644 (Lot2//DP607443) | REKLAW CONSTRUCTION S PTY LTD | MR D JARZYNA AND MS NJ MCDONALD | Approved 18-07-2022 | \$30000.00 | Active 39 | Total 39 |
| 167/22/DA/D1 | DWELLING, SHED AND POOL | 17 HAMILTON STREET, FINLEY NSW 2713 (Lot4//DP1262202) | CARDILLO CONSTRUCTION S | MR PL BRUNT AND MS TA PARISH | Approved 19-07-2022 | \$1430000.00 | Active 37 | Total 37 |
| 168/22/DA/D2 | STORAGE SHEDS | 5 WISE COURT, TOCUMWAL NSW 2714 (Lot5//DP1036181) | FRANK LATORRE | P.T.J. PTY LTD | Approved 28-07-2022 | \$190000.00 | Active 44 | Total 44 |
| 169/22/DA/D5 | RESIDENTIAL STORAGE SHED | 35 WIRUNA STREET, BAROOGA NSW 3644 (Lot7//DP237525) | CRAIG PEACOCK | MR CS PEACOCK AND MS SA DAWSON | Approved 06-07-2022 | \$7000.00 | Active 0 | Total 27 |
| 170/22/DA/D5 | ADDITIONAL BAY TO EXISTING SHED | 102-108 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot8/29//DP758981) | BERRIGAN SHIRE COUNCIL | BERRIGAN SHIRE COUNCIL | Approved 05-07-2022 | \$20000.00 | Active 24 | Total 24 |
| 174/22/DA/D1 | BV DWELLING & ATTACHED GARAGE | 40 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot40//DP1250358) | KENNEDY BUILDERS | ACD.K PTY LTD | Approved 29-07-2022 | \$350000.00 | Active 0 | Total 38 |
| 178/22/DA/D5 | CARPORIT | 8 WHITE AVENUE, TOCUMWAL NSW 2714 (Lot26//DP262468) | ELIZABETH QUICK | MR GJ AND MRS EM QUICK | Approved 06-07-2022 | \$4620.00 | Active 0 | Total 12 |
| 179/22/DA/D5 | RESIDENTIAL STORAGE SHED | 53 HUGHES STREET, BAROOGA NSW 3644 (Lot2//DP1257753) | FD BUILDS | MR DC WINCHCOMB | Approved 21-07-2022 | \$25097.00 | Active 23 | Total 23 |

| | | | | | | | | |
|--------------|--|---|-----------------------------|---|---------------------|-------------|-----------|----------|
| 180/22/DA/D1 | BV DWELLING & ATTACHED GARAGE | 12 MAJUDA COURT, TOCUMWAL NSW 2714 (Lot73//DP1131677) | METRICON HOMES | MR NC ALLAN | Approved 20-07-2022 | \$357345.00 | Active 22 | Total 22 |
| 182/22/DA/D2 | ADDITIONS TO EXISTING VINEGAR PROCESSING ROOM / SHED | 139 HUGHES STREET, BAROOGA NSW 3644 (Lot12//DP1143435) | MON NATURAL FOODS | NATIONAL BEVERIDGE DISTRIBUTION PTY LTD | Approved 28-07-2022 | \$55200.00 | Active 27 | Total 27 |
| 51/22/CD/M5 | INGROUND FIBREGLASS SWIMMING POOL | 14 ANDERSON STREET, FINLEY NSW 2713 (Lot622//DP1025155) | POOLSIDE COBRAM | MR W VAN BEEK AND MRS PE VAN BEEK | Approved 01-07-2022 | \$104500.00 | Active 8 | Total 8 |
| 184/22/DA/D5 | RESIDENTIAL STORAGE SHED | 47-48 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot46//DP1118257) | O'HALLORAN PROPERTY SERVICE | MR DA CHAPMAN AND MRS HMT CHAPMAN | Approved 28-07-2022 | \$40258.00 | Active 22 | Total 22 |
| 185/22/DA/D5 | RESIDENTIAL STORAGE SHED | 28 HADLEY STREET, TOCUMWAL NSW 2714 (Lot22//DP1250358) | ALL SHEDS | MR KA CASE | Approved 14-07-2022 | \$20284.00 | Active 0 | Total 11 |
| 53/22/CD/M5 | INGROUND FIBREGLASS SWIMMING POOL | 11 RILEY COURT, TOCUMWAL NSW 2714 (Lot46//DP1054776) | POOLSIDE COBRAM | MR AN PURTILL AND MRS ML PURTILL | Approved 15-07-2022 | \$100000.00 | Active 12 | Total 12 |
| 2/23/DA/D5 | STORAGE SHED | 66 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot2//DP270154) | PAUL MANGION | MS LJ MANGION | Approved 18-07-2022 | \$28000.00 | Active 9 | Total 9 |
| 3/23/DA/DO | CARPORT | 1238 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot88//DP752304) | ALL SHEDS | EE HARRIS NOMINEES PTY LTD | Approved 28-07-2022 | \$36363.00 | Active 16 | Total 16 |

APPLICATIONS PENDING DETERMINATION AS AT 31/07/2022

| Application No. | Date Lodged | Description | Property Location |
|-----------------|-------------|--|---|
| 208/21/DA/D3 | 26-05-2021 | INSTALLATION OF 68KL UNDERGROUND LP GAS TANK | 94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296) |
| 24/22/DA/D9 | 03-09-2021 | 10 LOT SUBDIVISION | LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036) |
| 119/22/DA/D5 | 24-02-2022 | RESIDENTIAL STORAGE SHED | 136 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot62//DP1028910) |
| 108/22/DA/D2 | 21-03-2022 | HIGHWAY SERVICE CENTRE | NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267) |
| 130/22/DA/D9 | 28-03-2022 | 2 LOT SUBDIVISION | 24-30 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot182//DP752296) |
| 135/22/DA/D5 | 01-04-2022 | RESIDENTIAL STORAGE SHED | 74 TOCUMWAL STREET, FINLEY NSW 2713 (LotA//DP387671) |
| 145/22/DA/D9 | 26-04-2022 | 13 LOT SUBDIVISION | BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP802330) |
| 151/22/DA/D5 | 29-04-2022 | EXTENSION TO ALFRESCO | 22 RILEY COURT, TOCUMWAL NSW 2714 (Lot56//DP1054776) |
| 163/22/DA/DM | 24-05-2022 | RELOCATABLE CONTAINER OFFICE | QUICKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP1088371) |
| 166/22/DA/D5 | 24-05-2022 | RESIDENTIAL STORAGE SHED | 4 MURRAY GROVE, BAROOGA NSW 3644 (Lot18//DP1092267) |
| 172/22/DA/D1 | 02-06-2022 | BV DWELLING & ATTACHED GARAGE | 13 HAMILTON STREET, FINLEY NSW 2713 (Lot3//DP1262202) |

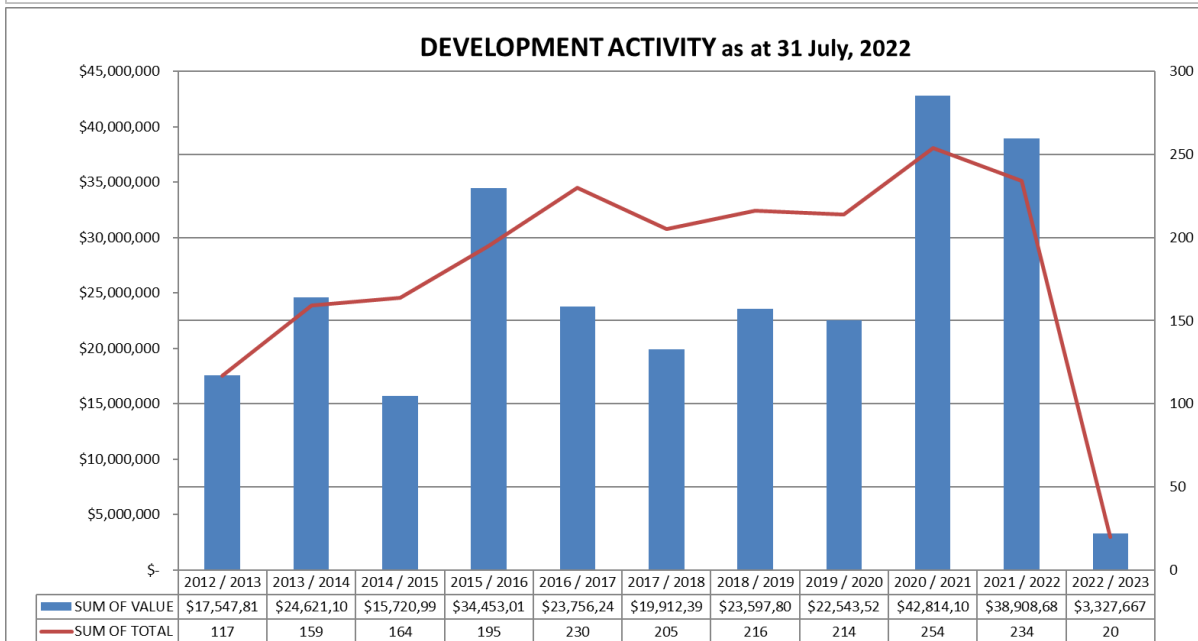
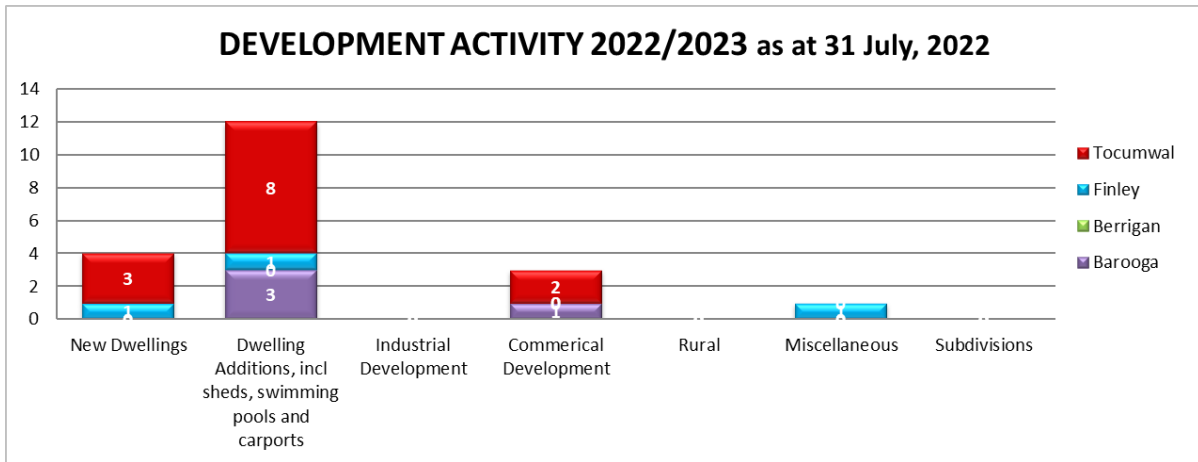
| | | | |
|--------------|------------|---|---|
| 175/22/DA/D6 | 07-06-2022 | ADDITIONS TO DWELLING | 1057 MULWALA-BAROOGA ROAD, BOOMANOOMANA NSW 3644 (Lot17//DP653769) |
| 176/22/DA/D5 | 07-06-2022 | RESIDENTIAL STORAGE SHED | 20-22 BERRIGAN ROAD, FINLEY NSW 2713 (Lot7/B/DP3407) |
| 177/22/DA/D2 | 16-06-2022 | ADDITION AND ALTERATIONS TO EXISTING FACADE AND LAYOUT | 63-67 TOCUMWAL STREET, FINLEY NSW 2713 (Lot2101//DP701844) |
| 181/22/DA/D2 | 21-06-2022 | VERANDAH ON SHOP FRONT | 14-16 MURRAY STREET, TOCUMWAL NSW 2714 (Lot5/32/DP758981) |
| 183/22/DA/DM | 21-06-2022 | TREE REMOVAL | 26 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot1/49/DP758981) |
| 186/22/DA/DM | 29-06-2022 | EARTHWORKS AND RETAINING WALLS | 160-162 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot332//DP1073141) |
| 187/22/DA/D6 | 29-06-2022 | ADDITIONS TO DWELLING | 9-11 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot33//DP625305) |
| 4/23/DA/D1 | 06-07-2022 | BV DWELLING & ATTACHED GARAGE | 1 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP834495) |
| 5/23/DA/D1 | 07-07-2022 | BV DWELLING & ATTACHED GARAGE | 4 PUTTER COURT, BAROOGA NSW 3644 (Lot110//DP1133352) |
| 6/23/DA/D5 | 08-07-2022 | RESIDENTIAL STORAGE SHED | 7 SUGDEN STREET, TOCUMWAL NSW 2714 (LotB//DP421288) |
| 7/23/DA/DM | 13-07-2022 | MURRAY RIVER ROD RUN 2023 | DENILQUIN ROAD, TOCUMWAL NSW 2714 |
| 9/23/DA/D2 | 25-07-2022 | ROOF CANOPY | 10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479) |
| 10/23/DA/D1 | 25-07-2022 | BV DWELLING & ATTACHED GARAGE | 34 HADLEY STREET, TOCUMWAL NSW 2714 (Lot25//DP1250358) |
| 11/23/DA/D5 | 26-07-2022 | RESIDENTIAL STORAGE SHED | 106-110 SNELL ROAD, BAROOGA NSW 3644 (Lot1543//DP1144165) |
| 12/23/DA/D1 | 26-07-2022 | BV DWELLING & ATTACHED GARAGE | 6 DONALDSON STREET, FINLEY NSW 2713 (Lot15//DP247524) |

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

| | This Month (July) | Year to Date | This Month's Value (July) | Year to Date Value |
|--|------------------------------|-------------------------|--------------------------------------|-------------------------------|
| <i>Development Applications (DA)</i> | 18 | 18 | \$3,123,167 | \$3,123,167 |
| <i>Construction Certificates (CC)</i> | 13 | 13 | \$1,559,562 | \$1,559,562 |
| <i>Complying Development Certificates (CDC)</i> | 2 | 2 | \$204,500 | \$204,500 |
| <i>Local Activity (s.68)</i> | 10 | 10 | 0 | 0 |

OTHER CERTIFICATES ISSUED FOR JULY 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 | |
|--------------|----------------------------------|------------|-------------------------|------------|---|------------|---|------------|-------------------------------|------------|---------------------------|------------|
| | JULY | Year Total | JULY | Year Total | JULY | Year Total | JULY | Year Total | JULY | Year Total | JULY | Year Total |
| BAROOGA | 5 | 5 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| BERRIGAN | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FINLEY | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOCUMWAL | 15 | 15 | 0 | 0 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 |
| TOTAL | 34 | 34 | 0 | 0 | 2 | 2 | 1 | 1 | 0 | 0 | 1 | 1 |



8.16 T06-22-23 Demolition and Construction of Barooga Recreational Reserve: Netball Courts

Report by: Project Manager, Mohit Jain

Strategic Outcome: 3. Supported and engaged communities

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

Recommendation: That the Council:

1. award Tender No. T06-22-23, Demolition and Reconstruction of Barooga Recreational Reserve: Netball Courts to Tenderer-2 – Miller Pipe Civil Pty Ltd for the value of \$270,403.99 (inc. G.S.T.)
2. delegate to CEO and Mayor to sign and seal contract documents, once prepared.

Report:

Background:

As part of Barooga Recreational Reserve – Strategic Plan 2021-2031, a “Master Plan” was prepared by an external consultant for the development of Barooga Regional Multi-Sport Precinct.

Prior to the preparation of the “Master Plan”, Berrigan Shire Council engaged the same consultant to undertake a comprehensive community engagement process which identified key strengths, issues and opportunities for the upgrade of Barooga Recreation Reserve. The master plan provides a framework for the staged redevelopment of the Reserve’s facilities upgrade of which this project is an integral element. A snapshot has been presented in Figure 1.

As part of the staged development, two netball courts were nominated to be constructed under LRCIP-3 for a value of \$566,054.

Council officers identified issues related to underground utilities at the location marked on the masterplan. The new location (at the three tennis courts) was selected to ensure there is no cost to relocate utilities and best outcomes were achieved from the investment.

Council officers scoped the project of two netball courts, with lighting and line markings. The whole scope was divided into three packages:

- Package 1: Demolition and construction of Barooga netball courts
- Package 2: Lighting works
- Package 3: Surfacing & Line markings

Package 1 tender scope included:

- Demolition of existing Tennis Courts and related assets around the courts
- Construction of necessary drainage infrastructure
- Supply and Installation of surface and subsurface pavement layers
- Supply and Installation of goal post and rings.

Other works under Package 2 and 3 as part of the project will be procured through quotation.



Figure 1: Barooga Recreational Reserve: Master Plan

Tender Evaluation:

Lifecycle of tender under package 1 is presented in Figure 2:

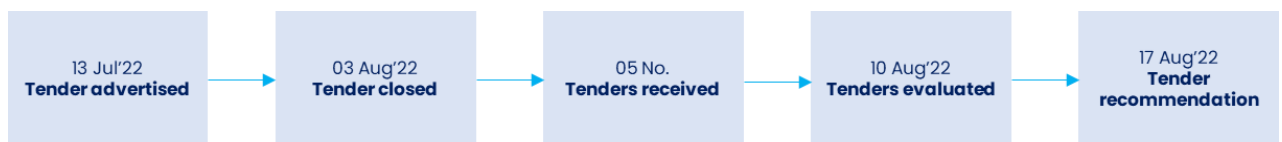


Figure 2: Lifecycle of tender - Package 1

Out of five (5) tenders received, two were non-conforming Tenders (one was a late submission, and one was for the lighting works). The non-conforming tenderers were not considered further.

Evaluation team evaluated the tenders as per the advertised criteria:

- Price – 40%
- Compliance / Management Plans – 30%
- Prior Experience – 20%
- Time Performance – 10%

The assessment weightings given in this tender were not consistent with the Council’s standard tender procedures. They are however consistent with legislative and regulatory requirements. The non-standard weightings were used as Council wanted to give the “price” component a higher weighting than usual. This is possible using the Council’s standard procedures, but this was not known to the relevant staff at the time the tender was prepared. This has identified a knowledge gap created by the large turnover of staff in the infrastructure directorate. It has also identified the need for a prompt review of the Council’s procurement and tender policies.

Despite not being consistent with the Council’s procedures, the process itself does meet legislative and regulatory requirements and provided all tenderers with an even playing field. The evaluation team and the independent observers are satisfied with the evaluation undertaken, is fair and achieves best outcome for the investment.

The evaluation score of three conforming tenders is presented below:

| Evaluation Parameters | Weightage | <u>Tenderer -1</u> Aggregate Score | <u>Tenderer -2</u> Aggregate Score | <u>Tenderer -3</u> Aggregate Score |
|-----------------------|-------------|---------------------------------------|---------------------------------------|---------------------------------------|
| Cost | 40.00% | 4.4 | 4.8 | 4.52 |
| Management Plans | 30.00% | 2.55 | 2.55 | 2.85 |
| Relevant Experience | 20.00% | 1.7 | 1.7 | 1.6 |
| Time Performance | 10.00% | 0.55 | 1.05 | 0.85 |
| Final Score | 100% | 3.07 | 3.37 | 3.27 |

Financial submission of three tenderers be presented below:

| Tenderer | Financial submission |
|--------------|----------------------|
| Tenderer – 1 | \$519,425.50 |
| Tenderer – 2 | \$270,403.99 |
| Tenderer – 3 | \$446,141.84 |

The highest overall score was achieved by Tenderer -2. It is, therefore, the recommendation of the Tender Evaluation Panel that the tender T06-22-23, Demolition and Construction of Barooga Recreational Reserve: Netball Courts be awarded to Tenderer-2 for the value of \$270,403.99 including GST.

Financial and Resource Implications

The budget for this Package was estimated to be \$300,000 out of the total budget of \$566,054.

The expected financials of this project are presented below:

| Package | Description | Estimated amount |
|---------------------------|---|---------------------|
| Package – 1 | Demolition and Construction of Barooga Recreational Reserve: Netball Courts | \$270,403.99 |
| Package – 2 | Lighting works | \$65,000 |
| Package - 3 | Surfacing & Line markings | \$50,000 |
| Total project cost | | \$385,403.99 |

It is suggested to keep about 10% of the expected overall project cost as contingency i.e. \$38,540.

It is expected that the project of constructing two netball courts at Barooga Recreational Reserve would be complete for a value of \$423,944 (\$385,403.99 + \$38,540).

The expected savings from the original budgeted amount is \$142,110 (\$566,054 - \$423,944).

Disclosure of Interests:

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

The following Council Officers who participated during the evaluation were:

- Rohit Srivastava, Director Infrastructure (Witness)
- Aaron Khokhar, Manager Assets & Engineering (Evaluator)
- Mohit Jain, Project Engineer (Evaluator)
- Arbind Shah, Graduate Engineer (Evaluator)
- Tahlia Fry, Finance Manager (Witness)

8.17 Albury Waste Management and Cleanaway MRF Tour

Report by: Director Infrastructure, Rohit Srivastava

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife

Recommendation: That the Council:

1. note the report.
2. encourage as many elected members as possible to participate in such educational tours in future.

Report:

A tour to Albury Waste Management and Cleanaway MRF sites was organised for Council Executive Team and elected members on 27 July 2022.

The purpose of the visit was to get understanding of how Albury City is managing its waste streams – recycling, green waste, hazardous waste FOGO (Food Organics & Garden Organics) and landfill operations.



Albury City introduced third bin towards FOGO, apart from the general refuse and recycling.

Introduction of FOGO bin resulted in changes to the collection cycle of general refuse bin size as indicated in Figure 1.



Figure 3: Introduction of FOGO & Bin Collection

Overview of site facility is resented in Figure 2. The facility has been built to allow safe access to users to drop-off various categories of waste streams. The recycling centre collects:



Figure 4: Overview of the site plan

- Electrical and electronic waste
- Mattresses and soft furnishings
- Whitegoods
- Clothing
- Steel
- Plastic and paper
- Polystyrene
- Tyres
- Clean fill

Household hazardous waste can also be dropped off at no cost at the facility. These include:

- Asbestos (with conditions)
- Needles, sharps and syringes
- Paint
- Oils
- Household car batteries
- Gas bottles
- Fire extinguishers and smoke detectors



Figure 5: Drop off facility for heavy and Construction Waste

Low-approach parallel park disposal area allows elderly users to drop-off heavy waste like construction and demolition.

As part of introduction to FOGO, Albury City had an extensive educational campaign as part of behavioural change for its residents to explain reasons of this approach.

As part of the FOGO introduction, there were strategies prepared before launching. A snapshot of the approach is presented in Figure 4.

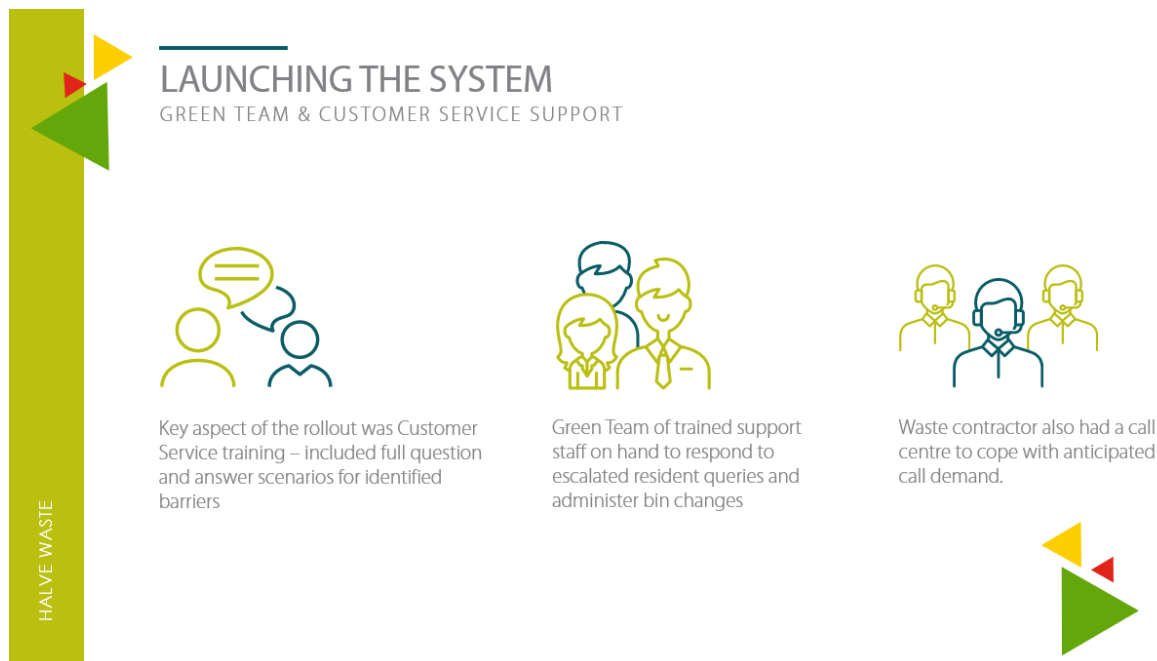


Figure 6: Launching of FOGO

The site is managed by about 35 full-time staff and various contractors. The Council is happy to share its experience and educational material with us as part of our journey towards FOGO.

Council Team also visited Cleanaway MRF (Material Recovery Facility) at Albury. This facility collects recyclable products from Albury facility and processes on-site or packages and sends to other Cleanaway facilities for processing.

The facility processes plastics, glass, paper on-site. The facility is quite sophisticated and complex in operations.



Figure 7: Segregation of paper & plastic

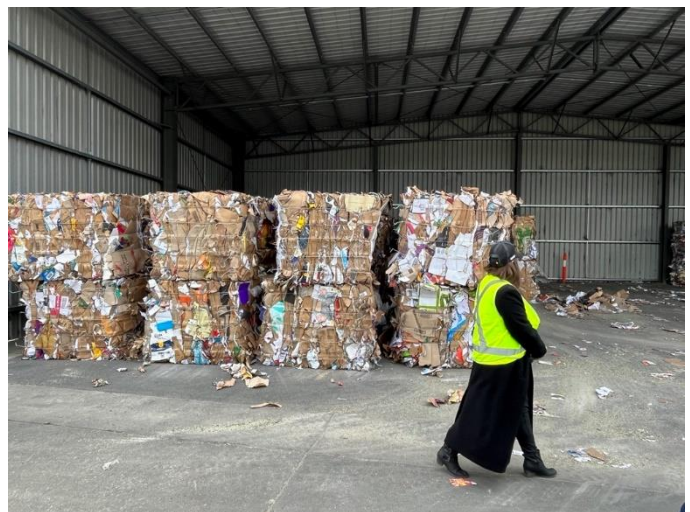


Figure 8: Paper & Cardboard for recycling

8.18 Playground Management Policy

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 3. Supported and engaged communities

Strategic Objective: 3.3 Create safe, friendly and accessible communities

Recommendation: That the Council:

1. Revoke the Playground Maintenance Policy adopted on 21 June 2017; and
2. Adopt the Playground Management Policy as set out below:



Policy

61

PLAYGROUND MANAGEMENT

| | | | |
|------------------------|--|----------------|--|
| Strategic Outcome: | Supported and engaged communities | | |
| Policy type | Administrative | | |
| Date of Adoption: | 17 August 2022 | Minute Number: | |
| Date for Review: | 17 August 2026 | | |
| Responsible Officer: | Enterprise and Risk Manager | | |
| Document Control: | Replaces Playground Maintenance Policy adopted 21/06/2017 | | |
| Delivery Program Link: | 3.1.1 Build communities that are home to more families and young people. | | |

1. POLICY STATEMENT

Berrigan Shire Council recognises it has a duty of care to ensure the siting, construction and maintenance of all playgrounds under its control is carried out in a manner that is as safe and sustainable as reasonably practicable for the users of the playgrounds, as well as ensuring playgrounds are accessible, relevant and cater to community needs.

2. PURPOSE

The purpose of this policy is to clearly outline the methodology used when considering provision of a new playground, and measures necessary for the maintenance of existing playgrounds.

3. SCOPE

This policy applies to all playgrounds under Berrigan Shire Council's control, including the siting and installation of new playgrounds, and the workers responsible for inspecting and maintaining them. |

4. OBJECTIVE

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

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

3.1.1 Build communities that are home to more families and young people

3.1.3 Strengthen the inclusiveness and accessibility of our community



Policy

5. DEFINITIONS

| | |
|-----------------------------|---|
| Playground | An area designed for children's play, including the site, natural features, build landscape and any manufactured equipment. It does not include sites and equipment intended for use in formal sport. |
| Playground equipment | Equipment including manufactured structures and impact absorbing surfacing. |
| Workers | As per the <i>Work Health and Safety Act 2011</i> , the term workers includes paid employees, volunteers, contractors, work experience students. |

6. POLICY IMPLEMENTATION

6.1 Determining new playgrounds for Berrigan Shire

Decisions to install new playgrounds may be based on a number of factors including:

- demand;
- current use of existing playgrounds;
- formal requests; and / or
- close proximity of other facilities.

Funding and the design of new playgrounds will be in accordance with Council's Delivery Program and Resourcing Strategy. Any opportunities to obtain funding from other sources will be pursued.

Any new proposed playgrounds will be assessed for meeting the objectives of Council's Community Strategic Plan, and Children and Families Strategy, site suitability, accessibility and inclusivity, and in accordance with facility risk rating procedures and Council's Risk Management Policy and Framework

6.2 Facility risk ratings

New and existing playgrounds are assessed and rated using the Statewide Mutual Best Practice Manual for playgrounds. The purpose of the assessment is to gather as much data as possible to make an informed decision around the risks associated with a playground and the site of a playground, and to determine what, if any, additional control measures are required. The process involves:

- a) establishing a register of all playgrounds;
- b) determining the level of development at the playground site including natural and introduced hazards located in the vicinity of the playground equipment;
- c) determining the number of people who use, or are likely to use the playground;
- d) determining the frequency of use of the playground including seasonal fluctuations;
- e) calculating a risk rating; and



Policy

- f) selecting, arranging and installing appropriate measures.

6.3 Playground maintenance and inspection

Council has in place a regular inspection and maintenance regime for playgrounds.

Ongoing maintenance of playgrounds will be carried out as identified through inspections, as a result of customer requests, and as part of scheduled maintenance and recurrent expenditure programs for playgrounds.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Civil Liability Act 2002*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- AS ISO 31000:2018 Risk management – Guidelines
- AS/NZS 4486 Playgrounds and playground equipment
- AS 4685.1 Playground equipment and surfacing

7.2 Council policies and guidelines

- Risk Management Policy and Framework
- Statewide Mutual Best Practice Manual – Playgrounds
- Facility Risk Rating Register

7.3 Council Strategies

- Children, Young People, and their Families Strategy
- Active Ageing and Disability Inclusion Plan
- Recreation Reserve and Town Landscape Master Plans

8. RECORDS MANAGEMENT

Recording of all information relating to this policy including inspection and maintenance programs will be maintained in accordance with Australian Standard playground requirements.

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

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

11. VERSION CONTROL

| Version Number | Date | Summary | Responsible Officer |
|----------------|------------|--|-------------------------|
| 1.0 | | New Policy document | Enterprise Risk Manager |
| 1.1 | 21.06.2017 | Minor review | Enterprise Risk Manager |
| 1.2 | 17.08.2022 | Minor review- inclusion of accessibility and inclusivity | Enterprise Risk Manager |

APPENDICES

Nil

Report:

The Playground Management policy has undergone review to ensure it reflects not only Council's requirements regarding inspection and maintenance for playgrounds so they are in a safe condition, but to also expand on the requirements around assessment for new and revamped playgrounds, and ensuring Council is addressing playground accessibility and inclusivity.

In addition to this policy review, the Facility Risk Ratings for playgrounds have also been reviewed reflecting upgrades, new installations and playground removal. The Facility Risk Rating register is included as **"Appendix 8.18-A"**.

Financial Impact

Implementation of this policy will require the Council to dedicate suitable resources. These resources are already in place.

8.19 Signs as Remote Supervision Policy

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke the Signs as Remote Supervision Policy adopted on 19 April 2017; and
2. Adopt the Signs as Remote Supervision Policy as set out below:



Policy

67

SIGNS AS REMOTE SUPERVISION

| | | | |
|------------------------|--|----------------|--|
| Strategic Outcome: | Good government | | |
| Policy type | Administrative | | |
| Date of Adoption: | 17 August 2022 | Minute Number: | |
| Date for Review: | 19 August 2026 | | |
| Responsible Officer: | Enterprise and Risk Manager | | |
| Document Control: | Replaces Signs as Remote Supervision Policy adopted 19 April 2017 | | |
| Delivery Program Link: | 2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance | | |

1. POLICY STATEMENT

Berrigan Shire Council is committed to managing its risks strategically and systematically in order to benefit the community and manage adverse effects to the Council.

Council's goal is to eliminate risk wherever possible, however this is not always practicable and in many reserves and facilities under Council's control, it is often appropriate for the Council to utilise signage as a risk mitigation measure.

2. PURPOSE

The purpose of this policy is to clearly outline the methodology used in assessing facilities for signs as remote supervision. This systematic process will determine the type of sign to be erected, the information to be included, the location and number of signs required, and follow up inspection and maintenance programs.

3. SCOPE

This policy applies to:

- identified public facilities where, due to their nature, access is open and uncontrolled;
- staff involved in the assessment of facilities to determine the need for signage; and
- staff involved in the ongoing inspection and maintenance of signage.



Policy

4. OBJECTIVE

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

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

5. DEFINITIONS

Facility refers to a parcel of land that may include reserves, parks, beaches, pools and where applicable waterways, either owned, operated or under the care and control of Council.

Facility Visitation Rating (FVR) is a calculation based on the data collected during the evaluation process. The data collected includes the amount of development of the facility, the population use of the facility and the frequency of use of the facility ($FVR = (Development \times Population) + Frequency$). The FVR is the resulting numerical value used to determine the most appropriate sign for the facility.

Frequency of use is defined as the number of times the facility is used by patrons on a regular basis.

General warning symbols are depicted by a yellow diamond with a black border. Inside the yellow diamond is a black figure/image depicting the activity/hazard that is being warned against.

Level of Development refers to the amount of improvement that has taken place at a facility, or the existence of natural features within or about the facility. Development and improvement includes the infrastructure Council has provided for use by the public, such as carparks, tables, barbeque equipment, swings, pools, tennis courts, etc. Natural features include creeks, cliffs, etc.

Population use is defined as the average number of people who use a facility at any given point in time during organised or impromptu events.

Prohibition symbols are depicted by a red circle with a red diagonal slash across the front on a white background. Inside the red circle is a black pivotal image depicting behaviour or activity Council has prohibited.



Policy

6. POLICY IMPLEMENTATION

6.1 Determining appropriate signs for Council facilities

In determining appropriate signs for facilities, the Council will apply best practice principles sourced through Statewide Mutual using the following process:

1. Establish a full and complete inventory of all applicable Council facilities that require signage as a remote form of risk mitigation.
2. Determine Council's level of development within each facility, including naturally occurring features.
3. Ascertain the population use for each facility.
4. Predict or obtain the frequency of use of the facility.
5. Using the FVR formula, calculate the FVR.
6. Identify the hazards associated with the facility, and using Council's risk management framework, assess and rate the risks.
7. Select and produce the most appropriate sign for the facility and determine its location.

6.2 FVR Register

The FVR Register lists all the identified facilities where signage as remote supervision is required.

The register details the process to be used to determine the FVR, and then individually identifies each facility, the results of the assessment, the signage to be used and the location of the signage.

6.3 Sign maintenance and inspection

Council has in place a regular inspection and maintenance regime for facility signage which is included as part of the overall public facility inspection program.

Ongoing maintenance of signs as remote supervision will be carried out as part of scheduled maintenance and recurrent expenditure programs for signage as allocated in the Council's annual budget, and at the discretion of the responsible manager.

Changes to standards or best practice guidelines on which this policy and the signs' design are based will automatically warrant the replacement of signs. Existing signs will be used until they reach the end of their useful life or circumstances within the facility change to the extent replacement is warranted.



Policy

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Civil Liability Act 2002*
- AS ISO 31000:2018 Risk management – Guidelines
- AS 2342-1992 Development, testing and implementation of information and safety symbols and symbolic signs

7.2 Council policies and guidelines

- Statewide Mutual "Signs as Remote Supervision" Best Practice Guidelines
- Risk management Policy and Framework
- Claims Management Policy
- Claims Management Procedures
- Incident Investigation Procedures

8. RECORDS MANAGEMENT

All records relating to the sign evaluation and determination process, sign inspection and maintenance programs will be maintained as part of Council's records management system.

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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

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



Policy

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

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

| Version Number | Date | Summary | Responsible Officer |
|----------------|------------|---------------------------|-------------------------|
| 1.0 | | New Policy document | Enterprise Risk Manager |
| 1.1 | 17.08.2022 | Minor review - formatting | Enterprise Risk Manager |

APPENDICES

Nil

Report:

The Signs as Remote Supervision policy has undergone review to ensure it accurately reflects Council's requirements regarding identification of content, selection, inspection and maintenance for signage at Council's parks and reserves.

In addition to this policy review, the Facility Visitation Ratings for signage have also been reviewed reflecting upgrades to signage and changes to visitation ratings. The Facility Visitation Rating register is included as "**Appendix 8.19-A**".

Financial Impact

Implementation of this policy will require the Council to dedicate suitable resources. These resources are already in place.

8.20 Asbestos Policy

Report by: Enterprise Risk Manager, Michelle Koopman

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Revoke the Asbestos Policy adopted on 20 July 2016; and
2. Adopt the Asbestos Policy as set out below:



Policy

85

ASBESTOS

| | | | |
|------------------------|---|----------------|--|
| Strategic Outcome: | Good government | | |
| Policy type | Administrative | | |
| Date of Adoption: | 17 August 2022 | Minute Number: | |
| Date for Review: | 19 August 2026 | | |
| Responsible Officer: | Enterprise and Risk Manager | | |
| Document Control: | Replaces Asbestos Policy adopted 20/07/2016, and refers to the Model Asbestos Policy for NSW Councils developed by the Heads of Asbestos Coordination Authorities | | |
| Delivery Program Link: | 2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance | | |

1. POLICY STATEMENT

This policy is developed to support Council's commitment to asbestos identification, education and management, and should be read in conjunction with the *Model Asbestos Policy for NSW Councils*, and relevant legislation, guidelines and codes of practice.]

2. PURPOSE

The purpose of this policy is to provide a summary of Council's commitment to asbestos management and direct staff and the public to the *Model Asbestos Policy for NSW Councils*.

3. SCOPE

This policy applies:

- to all workers of the Berrigan Shire Council including volunteers and contractors.
- councillors and residents of the Berrigan Shire Council

4. OBJECTIVE

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

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



Policy

5. DEFINITIONS

As per the *Model Asbestos Policy for NSW Councils*.

6. POLICY IMPLEMENTATION

6.1 Asbestos identification

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in the *Model Asbestos Policy for NSW Councils*.

Council has identified the presence of asbestos in all of its buildings where asbestos is likely to be present and has an established register.

Where there is doubt, staff and residents are advised to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos.

Further information is included in the *Model Asbestos Policy for NSW Councils*.

6.2 Asbestos education and training

As required by the *Work Health and Safety Act 2011* and *Work Health and Safety Regulations 2017*, Council will:

- provide any information, training, instruction or supervision necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of council business
- ensure workers who council reasonably believes may be involved in asbestos removal work, or the carrying out of asbestos-related work in the workplace, are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

In addition, Council will provide information regarding the possible presence of asbestos to residents as part of planning approvals.

Further information is included in the *Model Asbestos Policy for NSW Councils*.

6.3 Asbestos management



Policy

The many facets of asbestos management are included in the *Model Asbestos Policy for NSW Councils*, to which Berrigan Shire Council complies.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- *Workplace Injury Management and Workers Compensation Act 1998*
- *Protection of the Environment Operations (Waste) Regulations 2014*
- AS ISO 31000:2018 Risk management – Guidelines

7.2 Council policies and guidelines

- *Model Asbestos Policy for NSW Councils*
- Work Health and Safety Policy
- Clothing and Protective Equipment Policy
- Risk Management Policy and Framework

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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Policy

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11. VERSION CONTROL

| Version Number | Date | Summary | Responsible Officer |
|----------------|------------|-----------------------------|-------------------------|
| 1.0 | | New Policy document | Enterprise Risk Manager |
| 1.1 | 17.08.2022 | Minor review – new template | Enterprise Risk Manager |

APPENDICES

Model Asbestos Policy for NSW Councils

Report:

Included with the recommendation section above is the Asbestos Policy, and as “**Appendix 8.20-A**”, the Model Asbestos Policy. Both policies form Council’s commitment to the safe and effective management of asbestos.

Due to the size of the Model Asbestos Policy, we have elected to summarise Council’s management of asbestos into a smaller version, and to allow a smoother transition to the new template.

There have only been minor changes made to the Model Asbestos Policy to reflect changes in personnel and to upgrade to the current versions of relevant legislation.

Financial Impact

Implementation of this policy will require the Council to dedicate suitable resources. These resources are already in place.

Non-compliance with NSW government regulation exposes the Council to financial risk.

8.21 Australasian Waste and Recycling Expo

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

Strategic Objective: 2.1 Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting

Recommendation: that the Council register the Mayor and Deputy Mayor to attend the Australasian Waste and Recycling Expo from 24-25 August 2022

Report:

Returning to AWRE in 2022, the free-to-attend Seminar Program tackles the industry's most challenging and compelling issues today and into the future, through a program of carefully curated seminars and panel discussions.

Covering critical topics impacting the future of waste and recycling in Australia, the AWRE Seminar Program will include discussions of key industry actions and insights from across policy & regulation, trends & insights to practical and tangible solutions from innovators shaping the future direction for Australia.

The Seminar Program can be viewed [here](#).

Both the Mayor and Deputy Mayor have expressed their interest in attending this Seminar, and while the Seminar is at no cost, flights and accommodation are.

Financial Impact

The cost of attending the expo is free. Accommodation, flights and incidentals will be the only costs.

8.22 Rural Fire Service Assets - Update

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 this report

Report:

Purpose

The purpose of this report is to update Council regarding the ongoing dispute between Councils and Audit Office regarding the Rural Fire Service fleet.

Summary

In short, the matter is getting heated and Council needs to be aware of some of the risks it is taking in continuing to support this line. Personally, I think there is no other way Council can meet this challenge then continue to stand with all other Councils and to be prepared for any of the eventualities as outlined below.

At Council's July Ordinary Council meeting, it requested a number of letters go out under the Mayor's signature. Those letters are included with this report at "**Appendix 8.22-A**".

Council's motion at the July Ordinary Council meeting is included in part below to remind Council of our current and ongoing stance in this matter.

6. MAYORAL MINUTE(S)

6.1 Mayoral Minute – Accounting Treatment of Rural Fire Service ("Red Fleet") Assets

194 Resolved

3. Berrigan Shire Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Berrigan Shire Council's financial statements, noting that the State Government's own Local Government Code of Accounting Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.
4. Council promotes these messages via its digital and social media channels and via its networks.
5. Re-affirms its complete support of and commitment to local RFS brigades noting that Berrigan Shire Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and

controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.

6. That Berrigan Shire Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets

Background

Council is already aware that the Audit Office has found that RFS Assets vest in the Council for accounting purposes. Berrigan Shire Council, along with 80 other Councils in NSW strongly dispute this finding and have been fighting to have the decision overturned and the Rural Fire Act changed.

Council staff met for the first time in a very long time, with members from Federation Zone RFS at the Council office on 26 July 2022. We noted at that meeting that Council has requested on numerous occasions to get a list of RFS Assets and we have been refused on each occasion. That list was sent through immediately following the meeting (see financial implications below).

We also discussed that we do not have and have not ever seen a Service Level Agreement. The RFS representatives promised a copy of this document but that is yet to be forthcoming. We do not believe one has ever been done since the Federation Zone was established, therefore

no Service Level Agreement exists between the RFS and Berrigan Shire Council. It should be noted, should one be forthcoming, I would be very reluctant to sign it and would seek the direction of Council.

I would certainly be ensuring that all matters relating to the ineffective legislation be included (such as Council being required to be contacted for approval prior to deployment of RFS assets). I understand how unworkable that outcome would be for both the RFS and Council however it is no more unworkable than the current asset situation.

Relevance to Community Strategic Plan and Other Strategies /Masterplans / Studies

This argument has been made to Council on a number of occasions so will not be repeated here, suffice to say that our ownership of RFS Assets for accounting purposes does not meet the required tests under the Australian Accounting Standards in that we do not control, have no say in their purchase, do not maintain, have no knowledge of their whereabouts at any given time and cannot keep the proceeds of divestment.

Issues and Implications

It has been confirmed by the Audit Office that should Council not undertake the demanded stocktake of RFS Assets and account for them on its 2021/2022 financial statements it will receive a qualified audit. The Audit Office has further ordered Councils threatened that Councils who do not account for the RFS Assets may be restricted from accessing grant funding or loans.

Interestingly although a few of the original 68 Councils have caved in to the pressure being applied by the Audit Office (Narrandera Shire and Hay are included from the RAMJO Councils however their relationships with their RFS are very different to the experience of most others). It should be noted LGNSW reports that “dozens more [Councils] have joined the LGNSW campaign by resolving to no longer entertain the NSW Government’s fanciful position that RFS assets are controlled by councils and as a result, will no longer be recording [RFS] assets”. There is no official number of how many Councils have joined the group though it is believed the number has swelled to approximately 80. A number of metropolitan Councils have joined the campaigning in support of those Councils affected by these decisions.

It is also important to note we have received the list of asset presumably for the Berrigan Shire Council area. What we do not have for that document is anything other than a spreadsheet list. We do not know the quality of the document and would question it in general given the historical reluctance to provide it. The list also does not include any current valuations of their assets, and there is no replacement costs nor depreciation values provided. We have made many assumptions even in our rough estimates below.

Policy

Treasury also provided the LGNSW the document attached at “**Appendix 8.22-B**” on 4 August 2022. It should be noted that the LGNSW has highlighted the questionable nature of this paper, including its legitimacy. There is not only no evidence provided to support the analysis, but the paper is not on any official letterhead, is undated, has no author and is unsigned. It would appear the paper is only recently prepared in response to the Local Government sector’s advocacy and is an attempt to justify the Government’s position.

Financial

Currently Council depreciates all Motor Vehicles using the straight-line method. The current replacement cost at 28 June 2021 of RFS Assets within our Council area is \$3,904,656 – there are nineteen assets that make up this value. Of the nineteen assets seventeen would be brought onto Council’s books at a written down value of NIL as they would be fully depreciated. Council would then have a depreciation value of approximately \$69,650 in year 1 of accounting for these assets. On the other hand, if all RFS assets were to be depreciated and weren’t written down fully Council would be accounting for a depreciation expense of approximately \$589,404 which would have a substantial effect on Council’s bottom line.

Note that Council does receive an offsetting “revenue” item when it recognises the “receipt” of the RFS asset. This still does not allow for Council to note any gains or losses on disposal as Council is not advised when the equipment supposedly vested in it is disposed.

To generate income just shy of \$600,000 Council would need to apply for a Special Rate Variation (SRV) of 10.5% on an ongoing basis. An SRV of this size would increase household expenses by \$70-80 per annum before an annual increase was applied. Council rates may potentially be going up on average 13% per annum as a result of being forced to account for RFS Assets as demanded by the Auditor-General.

I will need to remove our Finance Manager’s delegation as Responsible Accounting Officer as this issue could have severe effects on her career in the finance field if a qualified audit opinion is given by the Audit Office. Essentially a qualified audit opinion means the auditor’s have reservations about the truth and fairness of the financial statements, even though in this case, our Finance Manager may be forced to make misstatements on the financial reports due to the decisions currently in place by Treasury and the Audit Office.

Legal / Statutory

The LGNSW has been lobbying both Treasury and the Audit Office on the behalf of NSW Local Councils. The response they received on 9 July 2022 is included at “**Appendix 8.22-C**”.

As per the information provided in Council’s various letters, if the intent of the RFS Act is to be applied as written, the following is true:

- RFS should seek concurrence from Council prior to deploying any RFS equipment;

- Service Agreements are required (these are out of date for almost every Council and for our none exists due to the formation of Federation Zone some time ago)
- Council should have access to all fleet and equipment when “not required for an emergency”- in reality all fleet and equipment are on constant standby as it is not known when an emergency will occur, also RFS appliances are not registered so cannot be used in other than an emergency.
- Council already contribute funding to the value of 11.7% of the depreciation value. If we are to account for 100% of that value then those payments to the RFS should cease immediately.

Community Engagement / Communication

When reading Appendix 2 it should be noted that, in their rush to deny any responsibility for their Fleet the RFS have also “thrown away” their volunteers by stating they are not “their volunteers” but rather loose associations of people who only become RFS Volunteers during an emergency. I personally believe this shows an enormous lack of understanding of their volunteers and their importance to our communities. It has also damaged the identity of those volunteers, many of whom have many decades of service as volunteer RFS brigade people, and certainly devalued the worth of wearing the uniform.

Berrigan Shire is the birth place of the RFS. It will be important for Council that we continue to ensure we support the importance of the volunteer RFS brigade and make sure their reinstatement as recognised RFS volunteers, and certainly an apology from the RFS, the Minister for Emergency Services and Treasury is forthcoming as soon as possible in an effort to reduce the no doubt enormous amount of damage done.

Human Resources / Industrial Relations (If applicable)

Whilst it would not appear there is much here, there is a potential for a considerable impact. By claiming that the plant, equipment and volunteers are the responsibility of Councils, the RFS is potentially saying that Council is the Person Conducting a Business of Undertaking (PCBU). This essentially means that I, as the CEO of Council, would then become responsible for the Workplace Health and Safety of the RFS buildings and sites.

If that proves to be the case, then I will need to induct all volunteers under Council’s policies, I will need to see all WHS Audits undertaken for each RFS worksite and I will need to hold a copy of all Safe Work Method Statements for each piece of Plant and Equipment, and any chemicals or other appliances the RFS have on site. Council may also then be responsible for undertaking inspections of each of the RFS worksites.

Personally I think this is a step too far but in their rush to divest responsibility of their assets to Councils they are not considering the consequences of applying the rest of the RFS Act as it is written. Doing so will ensure the RFS becomes an unworkable service and certainly not one that is financially sustainable for Council to manage.

Risks

Financial

| | Consequence | | | | |
|------------|-------------|--------|--------|-----------|-----------|
| Likelihood | 1 | 2 | 3 | 4 | 5 |
| A | Medium | High | High | Very High | Very High |
| B | Medium | Medium | High | High | Very High |
| C | Low | Medium | High | High | High |
| D | Low | Low | Medium | Medium | High |
| E | Low | Low | Medium | Medium | High |

IF Council were to take on the accounting for RFS Assets as being demanded, then the costs to Council’s budget are significant and would need to be covered by a significant rate rise for the community as discussed above.

Governance

| | Consequence | | | | |
|------------|-------------|--------|--------|-----------|-----------|
| Likelihood | 1 | 2 | 3 | 4 | 5 |
| A | Medium | High | High | Very High | Very High |
| B | Medium | Medium | High | High | Very High |
| C | Low | Medium | High | High | High |
| D | Low | Low | Medium | Medium | High |
| E | Low | Low | Medium | Medium | High |

It is possible Council will be exposed to missing grants or being refused loans, however given more than 80 Councils are in the same position this would seem unlikely. We will however prepare media releases should such a thing actually occur.

Conclusions

This matter is highly contentious and it will take a great deal of determination to ensure we continue the fight along with the other Councils. There is safety in numbers and it would appear, that although a few have caved to the enormous pressure being applied, more are joining the fight than leaving it. I will keep Council up to date.

8.23 June Quarter Operational Plan 2021/22

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 note and adopt the appended June Quarter Review of the Council’s Annual Operational Plan 2021/22 (“**Appendix 8.23-A**”)






Report:

Circulated with this Agenda as “**Appendix 8.23-A**” is the Council’s June Quarter Review of the Council’s *Annual Operational Plan 2021/22*.

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

- Council actions that support and promote *Berrigan Shire 2032* outcomes (these are outcomes which match the Office of Local Government’s quadruple bottom line reporting requirements: Social, Economic, Environmental and Civic Leadership);
- *Delivery Program* Objectives;
- *Annual Operational Plan* Objectives; and
- *Annual Operational Plan* Actions.

The traffic light format provides a visual update on the status of *Council’s Annual Operational Plan* and Council’s progress toward full implementation of its *Delivery Program*. Also included in this report is a snapshot of the monitoring measures used to report the Council’s progress against its *Delivery Program* objectives.

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

Additional information in the *Delivery Program Progress Report* and *Operational Plan Performance Review* and includes:

1. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target.
2. Comments from the Responsible Council Officer highlighting service achievements and or the challenges relevant to the Council operation and action being reported

and its status.

3. the challenges relevant to the Council operation and action being reported and its status.

The following tables (Table 1 and Table 2) provide a summary by strategic outcome of Council's progress and performance as at 30 June 2022. Table 1 lists the actions which were a) not updated (no status) or b) are past due or not on target. There are no new actions noted as past due or not on target.

Included in Appendix are clarifying comments from the responsible officer. All actions noted as not updated are noted as such in the Appendix

Op

Plan Action

No.

1.1.1.4 Commence review of Local Environment Plan

1.1.3.1 Continue Annual Heritage Grants Program

1.1.3.7 Investigate the development of an active transport strategy

1.2.1.2 Participation in roadside vegetation enhancement projects

1.2.1.3 Undertake tree assessments and establish a tree register

1.2.1.4 Develop an Urban Tree Strategy

1.2.1.6 Undertake a review of the plans of management for Crown Lands controlled by Council or Council Committees of Management

3.1.4.1 Develop an Integrated Water Cycle Management Strategy

3.1.4.3 Monitor, control and report upon environmental contaminants and public health hazards - water, fire, refuse, buildings and air

3.2.1.4 Develop a public arts strategy

4.1.1.2 Develop industry profiles informed by strategic analysis of local conditions and relative competitive advantages

Table 1 is a summary by strategic outcome of Council's progress and performance as of 30 June 2022.

Table 2 Performance by Outcome

| | Completed | On target | Not on target | Past Due | Deferred / No Status | Total |
|--|-----------|-----------|---------------|----------|----------------------|-------|
| Sustainable natural and built landscapes | 16 | 1 | 2 | 1 | 4 | 24 |
| Good government | 15 | 3 | - | - | - | 18 |
| Supported and engaged communities | 14 | - | 1 | - | 2 | 16 |
| Diverse and resilient business | 15 | - | 1 | - | 1 | 17 |
| Total Actions | 60 | 4 | 4 | 1 | 7 | 76 |

9. NOTICES OF MOTION / QUESTIONS WITH NOTICE

Nil

10. CONFIDENTIAL MATTERS

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

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

10.1 Trade Waste Discharge – Barooga WTP – Purchase of Land

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It is not in the public interest to reveal the information provided by the consultant.

Recommendation: That the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

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

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

Open Council resumed at..... and the following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

11. MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE

12. COUNCILLOR REPORTS

12.1 Mayors Report

Recommendation: That the Mayor's Report be received.

12.2 Verbal Reports from Delegates

13. CONCLUSION OF MEETING