



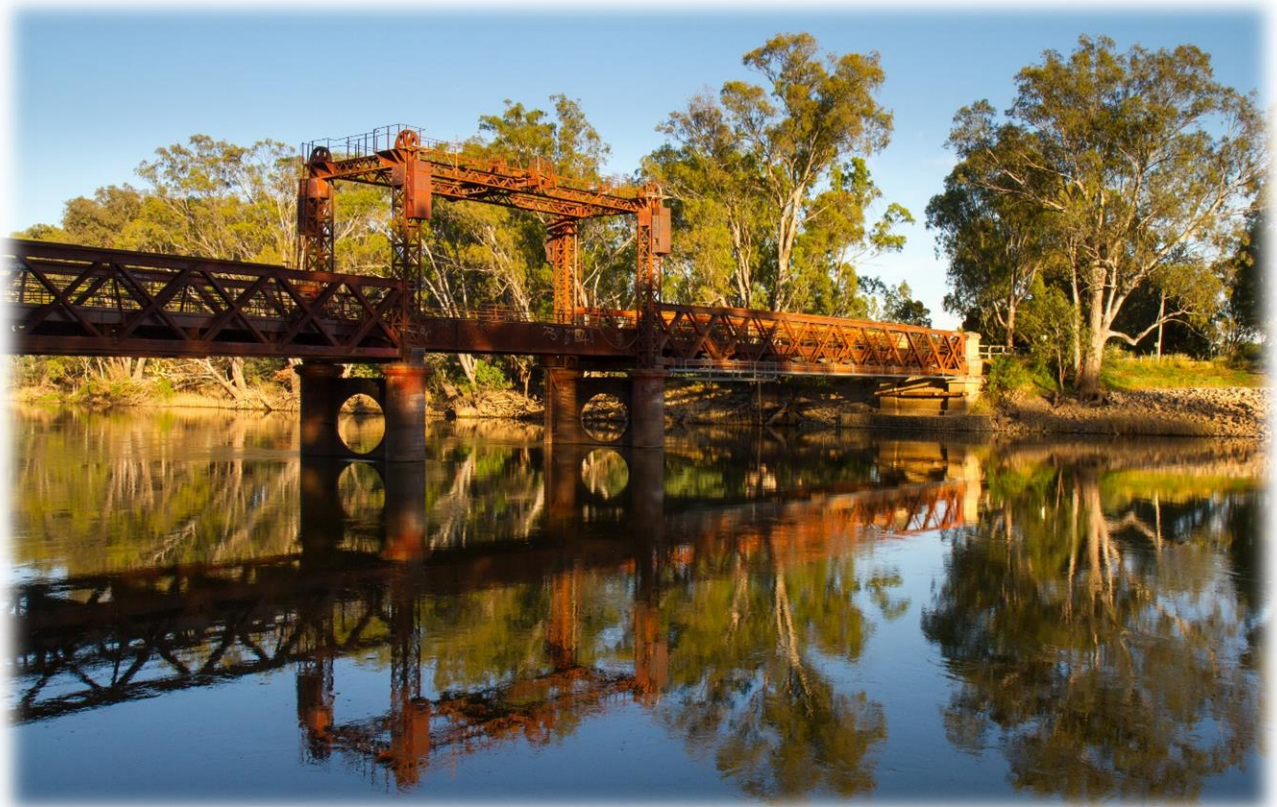
ORDINARY MEETING OF COUNCIL

Wednesday 18 August, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Agenda

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 18 August, 2021** when the following business will be submitted:-

ITEMS OF BUSINESS

1.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	4
2.	DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS	4
3.	VISITORS	4
4.	CONFIRMATION OF MINUTES	4
5.	MAYORAL MINUTES	4
5.1	Condolences to Moira Shire Council	4
6.	NOTICES OF MOTION	5
7.	ITEMS FOR RESOLUTION	5
7.1	Finance - Accounts	6
7.2	Action List Report	11
7.3	2021 Appreciation and Recognition Awards	12
7.4	Audit Office NSW Interim Audit Report	13
7.5	Murray Border Region – Government Advocacy Initiative	14
7.6	Election Postponement	18
7.7	Resignation of Cr Denis Glanville	19
7.8	Staff Leave Liabilities	20
7.9	Tocumwal Historic Aerodrome Museum Committee of Management	26
7.10	Finley School of Arts Committee of Management	27
7.11	Event Funding Application – Tocumwal Air Show	28
7.12	LGNSW Annual Conference 2021 – Changes to Program	30
7.13	Spendmapp	31
7.14	Liquid Trade Waste – Non-compliance Fees and Charges	33
7.15	Organisational Structure Review	35
7.16	Audit, Risk & Improvement Committee Charter	40
7.17	Carried Forwards 2021/22	42
7.18	Bequest for Memorial Garden at Tocumwal Aviation Museum	48

8. ITEMS FOR NOTING	49
8.1 Development Determinations for Month of July 2021	49
8.2 T05-21-22 Supply, Delivery and Spraying of Bulk Cut-Back Bitumen for 2021/2022 53	
8.3 Chief Executive Officer Performance Review	54
9. CLOSED COUNCIL	55
RESOLUTIONS FROM THE CLOSED COUNCIL MEETING	57
10. COMMITTEES	58
11. MAYOR'S REPORT	59
12. DELEGATES REPORTS	60
13. BUSINESS ARISING	61
14. CLOSE OF MEETING	61

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



Council Meeting

Wednesday 18 August, 2021

BUSINESS PAPER

This meeting is being webcast and those in attendance should refrain from making any defamatory statements.

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE
2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS
3. VISITORS
4. CONFIRMATION OF MINUTES

Recommendation: That the Minutes of the meeting held in the Council Chambers on Wednesday 21 July, 2021 be confirmed.

5. MAYORAL MINUTES

5.1 Condolences to Moira Shire Council

Recommendation: That the Council extend its condolences to the Moira Shire Council and staff following the tragic death of Mr Rick Devlin

Report:

On Thursday evening 5 August 2021 Mr Rick Devlin, the Operations Executive Manager died at his home.

On Monday 9 August 2021, the Moira Shire Council issued the below statement on their social media sites:

*JOINT STATEMENT FROM MAYOR LIBRO MUSTICA AND CEO CLARE KEENAN
We are all gutted to learn of the tragic death of our Operations Executive Manager Rick Devlin.
Rick was a dedicated and respected member of staff who worked for the shire he loved for more than 15 years.*

*On behalf of Councillors and staff we extend our thoughts to his family at this extremely difficult time.
He will be greatly missed.*

The circumstances of his death are tragic and have affected many of our staff directly and indirectly. We are one larger community and I feel it important Moira Shire Council receive all the support we can offer at this difficult time.

6. NOTICES OF MOTION

7. ITEMS FOR RESOLUTION

Council Meeting**18 August 2021****7.1 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 2021,
- b) Confirm the accounts paid as per Warrant No. 07/21 totaling \$2,547,081.04, and
- c) Note the report on investments attached as **"Appendix 7.1-A"**

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 July 2021 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 2021.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 July 2021, totaling \$2,547,081.04 and will be submitted for confirmation of payment as per Warrant No. 07/21
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2005](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) July has seen a decline in total funds of \$875K compared to the end of June as expected due to the payment of large scale projects and a substantial amount of leave accruals being paid out.

In comparison to July 2020 total funds have increased by \$3.7M and are expected to remain stable in the coming months.

f) Further information regarding Council's investments is attached to this Agenda as "Appendix 7.1-A".

Statement of Bank Balances as at 31 JULY 2021

Bank Account Reconciliation

Cash book balance as at 1 JULY 2021	\$14,540,073.09
Receipts for JULY 2021	\$ 1,672,827.69
Term Deposits Credited Back	\$ -
	<u>\$16,212,900.78</u>
<i>Less Payments Statement No 07/21</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 903,419.17
Electronic Funds Transfer (EFT) Creditors E037719-E037910	\$ 1,578,683.69
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 64,978.18
Total Payments for JULY 2021	<u>\$ 2,547,081.04</u>
Cash Book Balance as at 31 JULY 2021	<u>\$13,665,819.74</u>
<i>Bank Statements as at 31 JULY 2021</i>	\$13,660,244.10
Plus Outstanding Deposits	\$ 5,575.64
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 31 JULY 2021	<u>\$13,665,819.74</u>

INVESTMENT REGISTER

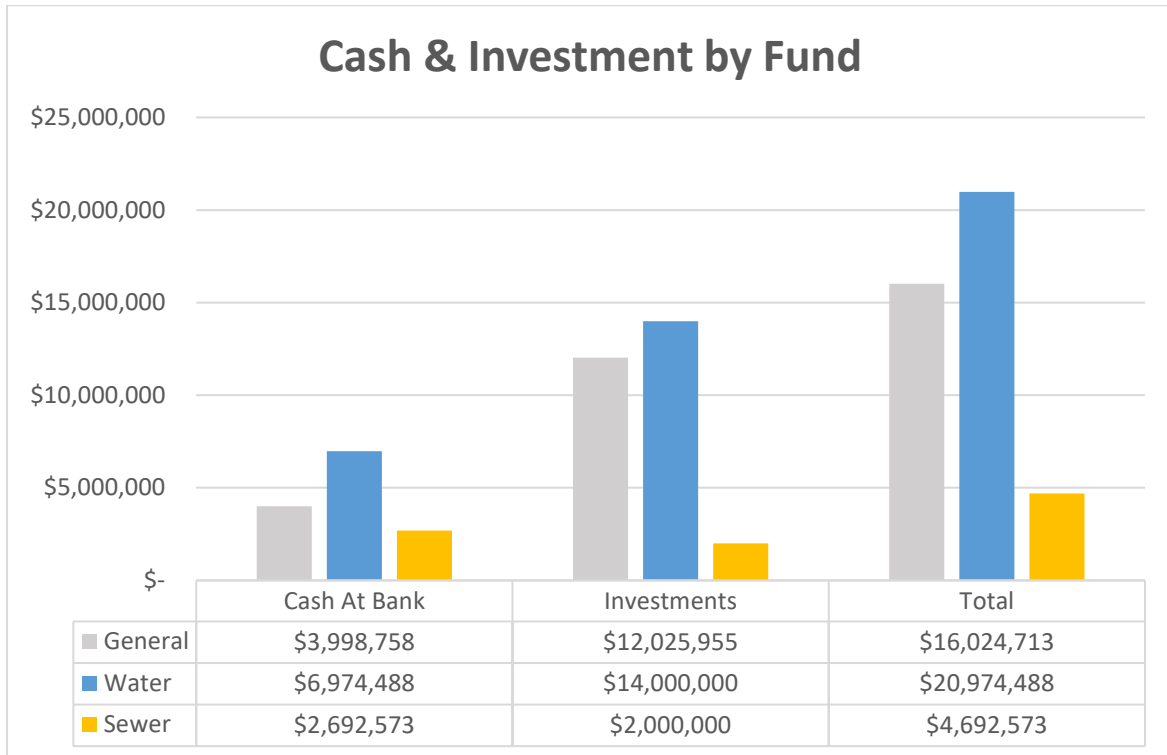
INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	136/18	365	**0.60%	19/10/2021	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	182	**0.30%	22/11/2021	\$ 1,000,000.00	BBB+
AMP	SEWER	144/19	365	**0.30%	23/03/2022	\$ 2,000,000.00	BBB+
AMP	GENERAL	125/16	365	**0.35%	31/05/2022	\$ 2,000,000.00	BBB+
Goulburn Murray Credit Union	GENERAL	124/16	365	0.40%	13/05/2022	\$ 2,025,954.84	UNRATED
Bendigo Bank	WATER	141/18	364	*0.85%	13/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	*0.80%	26/09/2021	\$ 2,000,000.00	BBB+
Bendigo Bank	GENERAL	146/20	365	*0.80%	28/09/2021	\$ 5,000,000.00	BBB+
Central Murray Credit Union	GENERAL	126/16	365	1.00%	31/08/2021	\$ 2,000,000.00	UNRATED
Defence Bank Limited	WATER	146/19	365	0.80%	31/08/2021	\$ 2,000,000.00	BBB
Defence Bank Limited	WATER	102/14	365	0.50%	6/04/2022	\$ 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	0.55%	18/11/2021	\$ 2,000,000.00	AA-
						<u>\$ 28,025,954.84</u>	
Total Funds Held at 31 JULY 2021						<u>\$41,691,774.58</u>	

Tahlia Fry - Finance Manager

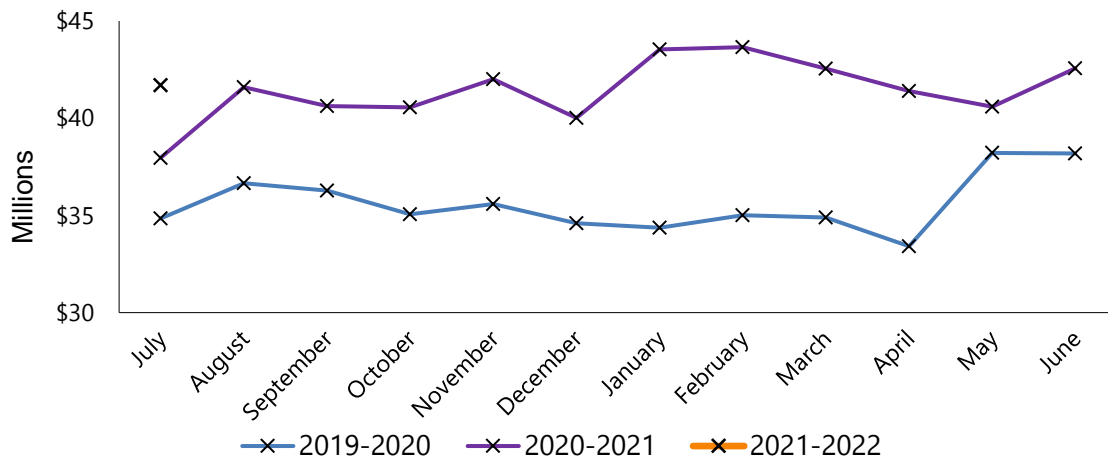
*The Council also receives an additional 0.25% commission

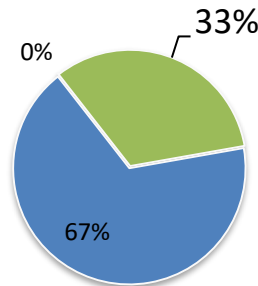
**The Council also receives an additional 0.20% commission

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

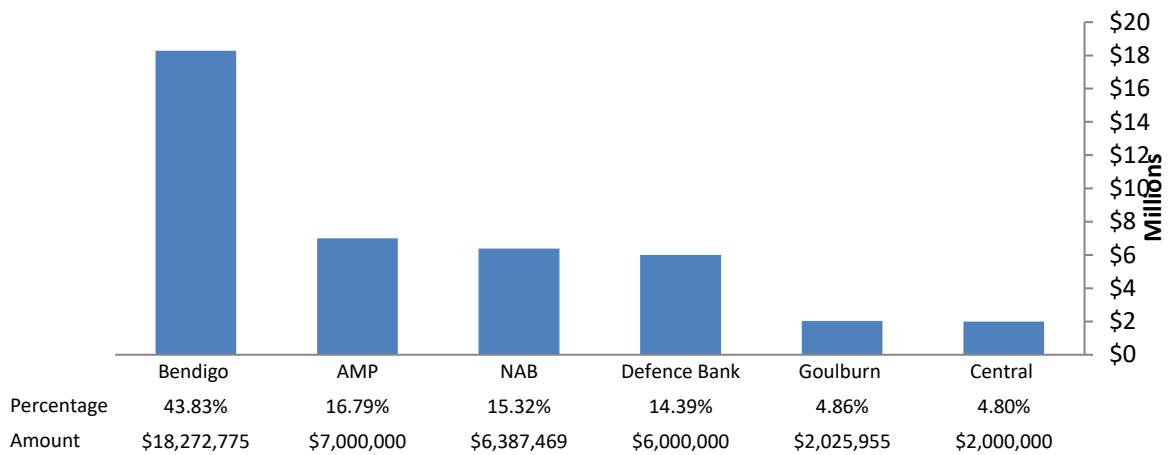


Total Cash and Investments





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



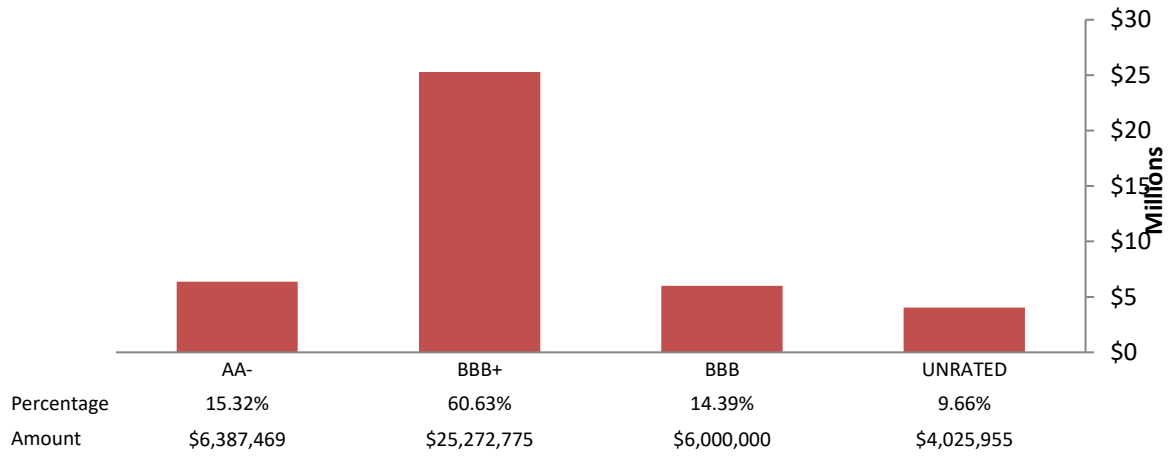
Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES TO TERM DEPOSITS FOR JULY 2021				

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES TO TERM DEPOSITS FOR JULY 2021				

**The Council also receives an additional 0.20% commission



Council Meeting

18 August 2021

7.2 Action List Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Request the report be implemented as a monthly report for all Ordinary Council Meetings;
2. Receive and note the report

Report:

The Chief Executive Officer (CEO) has noted there is currently no mechanism for Council to be updated on the implementation progress of the motions they move at each Council meeting. The CEO feels this leads to a number of questions that may stem from concern those motions are forgotten.

The 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.

The CEO does request Councillor input into the report to ensure the information provided is sufficient to meet the needs of Councillors and to assist with communication flow.

Council Meeting

18 August 2021

7.3 2021 Appreciation and Recognition Awards

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Hold its 2021 Appreciation and Recognition Awards at a breakfast at the Berrigan Sportsground on Thursday 23 September, 2021;
2. Invite a guest speaker to talk on the topic of mental health;
3. Recognise staff and councillors for the period of 2 years

Report:

Each year the Council hold its '*Appreciation and Recognition Awards*' albeit last year's awards were postponed, due to restrictions of COVID-19.

This year staff are looking to hold the awards in the morning in a breakfast setting as opposed to previous presentations which has seen the presentation follow a staff training day and are held in the afternoon.

Staff are also looking into the option of inviting a guest speaker to speak at the breakfast on the topic of mental health, something Council are working towards raising a greater awareness of. It would be expected that the presentation for staff and Councillor recognition would be conducted following the guest speaker with staff to resume working duties following the award presentation, expected around 11:00.

With the postponement of last year's presentation it would be appropriate to recognise staff and councillors for the 2 year period to get Council in line with staff and Councillors service.

Council Meeting

18 August 2021

7.4 Audit Office NSW Interim Audit Report

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: that Council receive the report, and note progress against agreed outcomes will be reported to Council through the Audit, Risk and Improvement Committee.

Report:

On 27 July 2021, the Chief Executive Officer received the finalised Interim Audit Report attached as “**Appendix 7.4-A**”.

Council staff have worked closely with the NSW Audit Office to address the issues raised by the NSW Audit Office and have provided response outlining plans to mitigate each issue.

The Audit has noted 4 primary areas of concern:

- Excess Annual Leave – agreed outcomes to be finalised 30 June 2024;
- Computer Operations (Disaster Recovery Plan) – agreed outcomes to be finalised March 2022;
- Process to review changes made to the Revenue Master File – agreed outcomes to be finalised July 2021;
- Contractor Management (lifeguards) – agreed outcomes to be finalised July 2021

All outstanding matters from previous audits are listed on page 12 of the Interim Audit report and show excellent progress, and therefore improvement, against previous years.

The report is offered for Committee information. Reports on progress against planned mitigation will in future be made to the Audit, Risk and Improvement Committee.

Council Meeting

18 August 2021

7.5 Murray Border Region – Government Advocacy Initiative

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council provide financial support up to \$xx,xxx, with a first installment of \$x,xxx to be made to the Murray Border Region – Government Advocacy Initiative as soon as possible and that the Council request regular updates from the Murray River Council as to how the investment is being used, including financial accounts.

Report:

On 23 July 2021, the Chief Executive Officer received the following email:

Dear Karina

RE: URGENT - Murray Border Region – Government Advocacy Initiative

Murray River Council (MRC), at an extraordinary meeting held on Friday 16th July, resolved to contribute up to \$100,000 towards an initiative to bring to the New South Wales and Victorian governments attention, the impact that border closures and restrictions have on border communities.

Evidence from an independent report, commissioned by Murray Regional Tourism Board (MRTB), shows that \$1 Billion and 10,000 jobs have been lost from the Murray border economy over the last 12 months.

While Melbourne has just clocked up 125 days in isolation since the COVID 19 pandemic began, Murray border communities have been in lockdown or under restriction for 294 days. Whether the outbreak is in Sydney or Melbourne, our communities are the victims of poor containment processes.

Our businesses are on their knees, there have been massive job losses, the pandemic will be with us for some considerable time. These are the reasons why this initiative is urgently needed.

It is being designed, to get the governments attention, by providing them with real time data and effects on our communities and alternative ways of dealing with COVID 19 outbreaks, without the need to lockdown or place restrictions on communities that do not have cases of the virus.

Murray River Council has appointed Randal Killip, to work with a small team including Mark Francis CEO of MRTB over a five week period to:

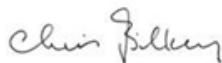
1. Develop and deliver a media strategy and government advocacy initiative to stop or limit border lockdowns and restrictions, without placing any additional risk on other areas of the state and
2. To ensure that where, lockdowns are unavoidable, that employees and business owners receive financial support to keep our economy ticking over and
3. Work with councils and MRTB to design and deliver a marketing campaign to drive recovery of the visitor economy along the Murray.

I urge you and your council to seriously consider joining with MRC in the fight to save our regional economy and to encourage state and federal governments to adopt better processes, for dealing with COVID 19 outbreaks, to deliver both health and economic outcomes.

Should your council agree to contribute financially to this campaign, fully audited accounts will be provided, and any remaining funds will be reimbursed on a pro-rata basis.

Thank you for your consideration.

Yours Sincerely



Chris Bilkey
Mayor

Administration provides Council the following information when considering the above request:

Events – Cancelled or postponed

- 2020 PGA Associates Championships – 5 day event May 2020
- Left-handed Golfer Australian Championships – 3 day event November 2020
- Strawberry Fields – 10,000 people to a 3 day event
- Tocumwal Foreshore Markets – 8 markets postponed – 2,500+ attendees each time (approx. 20,000 attendees)
- Tocumwal Air Show – postponed to 10 April 2022 – 7,000 + expected attendees
- Good Times in Tocumwal – postponed twice

- Mild to Wild Rod Run – 3 day event, March Long Weekend
- Tocumwal Races
- Berrigan Races – 3 events
- Christmas Carols – Barooga and Tocumwal
- 2020 cancellation of regional netball and football

These events are well attended by locals and visitors to the area. The social and tourism impacts are difficult to accurately quantify in hindsight, but access to Spendmapp for Council into the future will allow better results and effects to be tracked. The loss to community income from the above alone will be in the millions of dollars.

Supply Issues

- Many locals and businesses are finding it difficult if not impossible to get a variety of materials from Victoria during border closures. Council's own foreshore building in Tocumwal has directly felt the effects of these continued interruptions and set the finalisation of the building well behind schedule.
- Confusion and uncertainty over border closure rules has harmed confidence in engaging businesses from outside the area (a good example of this is Council's own decision to employ a NSW based firm to do the Barooga Rec Reserve Masterplan. The threat of border closures has meant we have been unable to undertake our normal competitive tender processes due to concerns around delivery of product on time).

Tourism

- Spendmapp has been clearly able to demonstrate that 60% of the income that is generated in the Berrigan Shire is directly due to visitor (tourism) spend. A loss of 60% of businesses' income puts considerable financial strain on those business and support industries that rely on tourism, including our grocery stores, petrol stations, pharmacies, hotels, accommodation houses, etc., etc.
- Kingswood Motel in Tocumwal alone has confirmed \$175,000 in cancellations over the last 12 months. It is highly likely this business will not survive in the continued uncertainty COVID is bringing to the area.
- Recent research from Tourism bodies shows "being unable to return home" as being the biggest barrier to interstate travel, with fear of catching COVID19 rated at number 4
- Continued border closures, including the newly announced restrictions on the border bubble area, from both State Governments have effectively cut the region off from their traditional market and income base.
- Visitor spend in Berrigan Shire in May 2021 was \$2.5M which shows an increase of 187% on the same period last year (2020 being a lockdown month).
- Visitor confidence to return to the region is demonstrably being eroded with every lockdown, with recovery taking longer and spending increases being minimised.

Anecdotally it would appear, travelers moving through the area are reluctant to stop often until they reach their intended destination.

Examples of the work already being undertaken by Murray Regional Tourism in the advocacy space have been provided at **"Appendix 7.5-A"** and **"Appendix 7.5-B"**. The data in the impact estimate and the information in the press release have proved valuable sources of information for our own advocacy work in this area and ensure Council is providing a consistent message to relevant State and Federal bodies.

The only provision the CEO would recommended should the Committee elect to recommend an amount of funding to this advocacy initiative, is that Council is at all times kept up to date with where and how that money has been spent, so that it may be transparently accounted for.

Council Meeting

18 August 2021

7.6 Election Postponement

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council receive and note the report.

Report:

All council elections have been postponed until 4 December 2021.

A Frequently Asked Questions paper regarding the postponement is included at "**Appendix 7.6-A**". The Circular (provided as "**Appendix 7.6-B**"), provides further information.

It should be noted, the Berrigan Shire Council Mayor is elected by Councillors however Mayor Matthew Hannan was re-elected at the September 2020 Extraordinary Council Meeting held 16 September 2020. Mayor Hannan will therefore continue to hold the office of Mayor until the 4 December 2021 election date.

Council Meeting

18 August 2021

7.7 Resignation of Cr Denis Glanville

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Accept the resignation of Cr Denis Glanville and thank Cr Glanville for his outstanding 9 years of service to the Berrigan Shire community;
2. Hold the vacancy created by Cr Glanville's resignation until the 4 December 2021 election date;
3. Advise the Office of Local Government, Local Government NSW, and the NSW Electoral Commissioner of this vacancy within 7 days of this resolution

Report:

The purpose of this report is to provide Council with the resignation letter of Cr Denis Glanville attached as "**Appendix 7.7-A**").

As per the information provided in the previous Business Item 7.6, Council is able to hold the vacancy created by Cr Denis Glanville's resignation until the 4 December 2021 election which will mean a by-election will not be necessary.

Council Meeting

18 August 2021

7.8 Staff Leave Liabilities

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Support the CEO's direction that all current employees shall have their excess leave balances reduced to within the ranges outlined in the Employee Leave Policy by 30 June 2024;
2. Acknowledge changes will be made to the Employee Leave Policy to address concerns related to retirement and termination management practices;
3. Approve a review of the Workforce Development Plan to include cover considerations and cross training of employees in line with Council's Fraud Control Policy;
4. Request reports to the new Audit, Risk and Improvement Committee on the progress of the Excess Leave Project should be provided on a quarterly basis at least until the project has concluded;
5. Acknowledge the CEO will approach recently retired employees to:
 - formally accept their resignation;
 - open negotiations with those retired employees as to the timing of cessation of employment; and
6. Note the above includes acknowledgement that any negotiated outcomes will continue to have long term financial and governance implications for Council until the respective leave entitlements expire.

Report:

Council's Annual Statements show a significant Leave Liability being held by Council. Under normal circumstances this matter would be taken to the Audit, Risk and Improvement Committee for consideration and recommendation of action to Council, however as this committee is not currently implemented at Berrigan Shire, the matter is being presented to the Strategic Policy Workshop for consideration.

Investigations into the leave liability amounts have revealed a culture of allowing the accrual of excessive leave amounts to develop over time, including the ability of staff to retire or leave Council (termination) and then take leave until their leave liability is exhausted. This

practice, although common across most Councils, is against legislation, Award provisions, good governance and good financial management practices.

The current liability Council is holding (as at 6 July 2021) is 573 weeks of EXCESS* leave (including accrued RDO's, Long Service Leave and Annual Leave). RDO accruals are not included in the calculations below, nor are overhead costs such as insurance.

Leave Type	Total Current Financial Liability
Long Service Leave	\$1,482,585.21
Annual Leave	\$974,843.57
SUB TOTAL	\$2,457,428.78
Award Increase (1.5%)	\$36,861.43
Super On Leave (10%)	\$249,429.02
Band / Step Increases (est @ 0.5%)	\$13,718.60
NET CASH DISTRIBUTION	\$2,757,437.83

*Excess Leave is a leave balance above the allowable accrual as stated in the Employee Leave Policy (i.e. Annual Leave is 8 weeks, Long Service Leave is anything above 13 weeks after 10 years of service and RDOs are 5 days).

RDO accruals currently stand at 68 weeks in excess of allowances and are spread across 16 employees. RDO accruals are not included in the above calculations

Important Considerations

Please see Legal Advice provided confidentially as "**Appendix 7.8-A**".

Whilst employees may have "officially" resigned from Council, if they are being paid any type of leave, they legally remain Council employees. Council therefore continues to pay their superannuation payments, insurances, and all other relevant overheads.

Further, whilst employees are being paid Annual or Long Service Leave, they continue to accrue both types of paid leave and sick leave until their employment terminates. Should they fall sick whilst on this leave, they are technically able to apply for an extension of the leave they are taking under the Fair Work Act. Other matters that may extend their time as a Council employee, and which may be applied for whilst a Council employee, include bereavement, victim of crime leave, domestic violence leave, carer's leave and parental leave for example.

Because these people remain employees in a legal sense, they are also subject to Award increases and other workplace rights and obligations, including technically the requirement of the employer under the Fair Work Act to undertake "keeping in touch days".

The *Local Government (State) Award 2020* states:

D. ANNUAL LEAVE

Resignation or termination of employment

(x) *On resignation or termination of employment, the employer **shall** pay to the employee their ordinary rate of pay for all accrued untaken annual leave.*

The *Long Service Leave Act 1955* states:

4 Long service leave

(5) (a) *Where the services of a worker are terminated otherwise than by the worker's death and any long service leave –*

(i) to which the work was entitled has not been taken, or

(ii) accrues to the worker upon such termination and has not been taken,

*the worker **shall**, subject to subsection (13), be deemed to have entered upon the leave from the date of such termination and the employer shall forthwith pay to the worker in full the worker's ordinary pay of the leave less any amount already paid to the work in respect of that leave.*

*subsection 13 refers to the transfer of long service leave from one employer to another and considers how long service leave interacts with the requirements of the Fair Work Act 2009 and any relevant Award.

Council should consider that leave accrued at lower levels of pay must be paid at the employee's current level of pay on termination.

Council policies cannot offer less than what is reflected in legislation nor a relevant modern award unless the condition meets the "better off overall" test. There is no policy, and has not been a policy of Council, to allow staff to legally remain Council's employee post termination, indeed the current "unofficial" policy is in direct contradiction of both the LSL Act and the Award, both of which do not offer discretion in that decision making process.

Council has recently adopted an Employee Leave Policy (**Appendix 7.8-B**). The intention of the policy has been to reduce the leave liabilities of Council to be in line with the requirements of the above legislation.

A suggested update to the current Employee Leave Policy to address the Retirement and Termination matter is included at "**Appendix 7.8-C**" for Councilors' information. This document requires further employee consultation before it is finalised and does represent an operational matter.

Currently there is minimal cover for employees in some specifically skilled areas (such as water and sewer, building and planning etc). Staff shortages in these areas do sometimes lead to staff feeling they cannot take leave as they are "too busy" or "it isn't the right time". It is recommended therefore that Council's Workforce Development Plan be reviewed to

ensure cover is available. Senior managers across the organisation (including the CEO) need to actively ensure key staff can be covered when on leave (or when acting in Higher Duties as the result of leave). Staff need to feel confident that when they return from leave they will not have more to do than before they left.

Council's Delegation to Approve Leave (8) reads as follows:

Approve or refuse leave for Council employees having due regard to the proper functioning of the Council and the maintenance of appropriate levels of services to the public.

The CEO does not believe current practices have "due regard to the proper functioning of the Council" as the practice of allowing the accrual of large amounts of excess leave exposes Council to significant risks as outlined above and below.

Finally, Council's Fraud Control Plan includes the requirement to take regular leave in order to allow other staff to participate in roles that are not normally their own. An extract of the policy is included below:

3.6 Human Resource Controls

Human Resource controls are critical in minimizing Council's fraud risks. Main areas of control include pre-employment screening, segregation of duties, job rotation and enforced leave...

Enforced Leave

Council will monitor leave entitlements and will ensure that leave is taken in accordance with the State Award, and Council's Annual and Other Leave Policy.

Ensuring staff take regular leave is a key internal control in the Council's Fraud Control Plan. ICAC have identified staff not taking leave is often a sign of misconduct – not wanting their fraud or misconduct to be uncovered when on leave. CPA Australia's *Employee Fraud Prevention Guidelines* ("Appendix 7.8-D") state employers should "ensure that all employees take annual leave during the year" and "have a cross training program in place to ensure that one employee is never the only person capable of a particular role". In this way, the prevention of fraud is far more than limited to a finance function.

Risks

Likelihood	Consequence				
	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

Risks to Council have been assessed against Council’s current Risk Management Policy and Framework.

Financial Risk: 3A (High) – Significant financial loss (<20% annual budget); considerable impact on program or business operation – Expected to occur – the liability sum of \$2.7M represents 15% of Council’s Operating Budget (\$17.8M) and is therefore considered a High Risk to Council’s ability to meet its financial obligations and its operational plans.

Currently Council’s Leave Liability Reserve holds \$388,800 which represents only 14% of the amounts required in total. Council may therefore need to consider the redirection of funds to the reserve to cover the Excess Leave management project outlined below.

It should be noted that keeping employees who have been terminated on Council’s books, also artificially increases the employee FTE head count and therefore the percentage of budget allocated to staffing levels.

Public Liability: 3C (High) – Serious Injury requiring hospitalization – Possible – the evidence that a large number of employees are not taking leave as required for their own mental health and wellbeing indicates a high risk to Council caused by poor fatigue management and not having a “break” from work.

Work Health & Safety: 3B (High) – Serious Injury requiring hospitalisation – Will probably occur – as above. It should be noted that if an injury were to occur and lack of leave taking was seen as a major contributing factor to that injury, Council could easily be exposed to extensive litigation (see Professional Indemnity below).

Professional Indemnity: 4B (High) – Major complaint with litigation and long term significance; very high loss to organisation – Will probably occur. Given the number of employees with excess leave balances the likelihood of an injury, such as a stress leave claim, is highly elevated. Although these claims are less likely than physical injury claims, they generally run into the millions of dollars in payout figures, excluding re-training, as the person rarely

returns to their original employer at finalisation of these claims (which also generally take many years to complete).

Community / Government / Reputation / Media: 2C (Medium) – Heightened local community concern or criticism – Might occur at some time. The CEO believes there may be community interest in current leave management practices which may receive negative publicity. It is possible the community could view these practices as contrary to proper use of public monies.

Legal 2A (High) – Contained non-compliance or breach with short term significance and minor financial impact – Expected to occur – Although the financial impact has the potential to be significant rather than minor, the CEO believes the non-compliance to be contained and manageable into the future. The possibility of union representation and advocacy is outlined in the legal advice at clause 13. Council should also consider the advice provided at clause 24 to 30 in particular.

Excess Leave Project

The Chief Executive Officer has directed that all current and any future excess leave balances must be actively managed by the relevant senior managers. To this end the current outstanding balance of 573 weeks has been given a three-year deadline to reduce the excess balances to within the requirements of the Employee Leave Policy. The result of that direction will have a negative effect on Council's budget as leave is taken and others act into relevant roles etc.

Further, changes have been made to the Employee Leave Policy to consider the management of retirement and termination into the future. This matter will require employee and union consultation but a draft of the policy is included as "**Appendix 7.8-C**" for review.

To allow for the above Council will need to allow approximately \$900,000 per year for the next three years (including the current reserve holdings) to provide for these excess balances.

Council Meeting

18 August 2021

7.9 Tocumwal Historic Aerodrome Museum Committee of Management

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:

- a) revoke existing members of the Tocumwal Historic Aerodrome Museum Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Tocumwal Historic Aerodrome Museum Committee of Management:

President:	Bob Brown
Vice President:	David Grant
Secretary:	Gina Brown
Treasurer:	Lea Grant
Committee:	
	Cr Ross Bodey

Report:

Advice of committee members has been received and could be endorsed by the Council.

Council Meeting

18 August 2021

7.10 Finley School of Arts Committee of Management

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:

- a) revoke existing members of the Finley School of Arts Committee of Management.
- b) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Finley School of Arts Committee of Management:

President:	Ross Whittaker
Secretary:	Janneice Gray
Treasurer:	Christine Lawlor
Committee:	
	Noel A'vard
	Ted Gray
	Anne Freestone
	Kelly-Anne Lawlor
	Maureen Shalders

Report:

Advice of committee members has been received and could be endorsed by the Council.

Council Meeting

18 August 2021

7.11 Event Funding Application – Tocumwal Air Show

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

Strategic Objective: 4.2 Diversify and promote local tourism

Recommendation: That the allocated \$10,000 in event funding for the Tocumwal Air Show be reallocated to the rescheduled event in early 2022.

Report:

At the June Council meeting the Tocumwal Air Show was allocated \$10,000 from the event funding budget for the event to be held in September 2019 at the Tocumwal Aerodrome.

The Council was notified on 3 August that the event had to be rescheduled due to travel restrictions imposed by the Victorian Government on the NSW/VIC border. The organisers worked with a number of other Air Show presenters to ensure that the rescheduled date did not affect other events that are currently in the same predicament. The date that has been chosen now is Sunday the 10 April 2022.

It is important to the communities of Berrigan Shire that the Tocumwal Air Show becomes a fixture on the regional event calendar and making the Council funding available to the rescheduled event will ensure that happens.

The event has the potential to impact the local economy with a total output estimated at \$1,263,109 and value added at \$489,331. This assumption, generated from the Councils Economic Impact Calculator uses data from the National Institute of Economic and Industry Research.

Event Impact Summary

Berrigan Shire - Tocumwal Air Show - Modelling the effect of \$1,125,000 from a Sports and Recreation Activities event with State significance				
	Output (\$)	Value-added (\$)	Local Jobs (annual jobs)	Resident Jobs (annual jobs)
Direct impact	900,000	373,830	7.2	
Industrial impact	292,364	87,868	0.8	
Consumption impact	70,744	27,633	0.4	



Total impact on Berrigan Shire economy	1,263,109	489,331	8.4	
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Source: [National Institute of Economic and Industry Research \(NIEIR\)](#) ©2021. Compiled and presented in economy.id by [.id](#) (informed decisions)

Council Meeting

18 August 2021

7.12 LGNSW Annual Conference 2021 – Changes to Program

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council note and receive the report.

Report:

At the July Council meeting the following resolution was made:

174 Resolved Crs Bruce and Jones that the Council:

- Approve the Mayor, Deputy Mayor, Chief Executive Officer and one Councillor to attend the 2021 LGNSW Annual Conference; and
- present the following motions for consideration at the conference:
 1. Addressing quality housing shortage in regional NSW and the impact this has on communities;
 2. Better management of border issues with regard to management of COVID-19 and any future pandemics.

Since this meeting the 2021 Local Government Elections have been postponed to 4 December 2021, a week after the scheduled LGNSW Conference. Following the postponement of the election, LGNSW have now made the decision to split this event into two components:

- **A one-hour Annual Conference** to present the annual report and financial reports, which will be conducted online from 9:30am on Monday 29 November, 2021; and
- **A Special Conference** including the debate and resolution of motions setting the advocacy agenda for 2022 – to be held in-person at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2 March 2022

Registrations for the one-hour conference are now open with details of the special conference to be finalised and shared at a later date.

As per the above resolution, arrangements to register the Mayor, Deputy Mayor, Chief Executive Officer and one Councillor for the Annual Conference will be made and a future recommendation will be presented to Council when the details of the Special Conference in 2022 have been finalised.

Council Meeting

18 August 2021

7.13 Spendmapp

Report by: Economic & Industry Development Liaison, Merran Socha

Strategic Outcome: 4. Diverse and resilient business

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

Recommendation: That the Council allocate \$11,000 in its annual budget to purchase the annual subscription to Spendmapp.

Report:

The Council has recently invested in a trial version of Spendmapp. Spendmapp is a new tool in economic development that gives insights into where and why spending is occurring in our community and can help improve local retail performance and inform retail planning.

Spendmapp is a subscription service that reports monthly on bank data of credit and debit card usage across all banking services and models a cash component.

Spendmapp will allow us to track online spending and expenditure leakage to quantify how spending is changing and how it may affect demand for commercial floor space and jobs now and into the future. The trial subscription has supplied 2 years of historical data allowing us to look back to pre-COVID19 spend as well as see the impact of the border lockdown and general movement restrictions.

A snapshot from the Quick Fact Dashboard:

July 2020 – June 2021

Total Transactions – 766,000

Average transaction value - \$63.00

Peak Month of spending – \$5.68M April 21

Trough month of spending - \$2.94 M

Resident Local Spend - \$19.77M (40.9%)

Visitor Local Spend - \$28.61M (59.1%)

The advantages of this program is that it will allow us to track event related spending and indicate from where visitor spend is coming. This tool has already been useful in showing increased visitor spend from Griffith and Leeton during the recent marketing campaign.

Whilst we had some solid anecdotal evidence of a response to this campaign, the Spendmapp data gives us the facts.

In deciding to trial the Spendmapp subscription *Telstra Location Insights* was researched in parallel however the data available from this program was not as relevant to our current needs and had some reporting holes in rural areas where trips to and from the area are often interrupted by rest stops and it was also cost prohibitive.

Spendmapp should be an important tool in the future as the Council develops a new 4 year Economic Development Strategy.

Council Meeting

18 August 2021

7.14 Liquid Trade Waste – Non-compliance Fees and Charges

Report by: Director Technical Services, Matthew Clarke

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Recommendation: That the Council adopt Excess Mass Charging formula for Category 3 Liquid Trade Waste Dischargers in accordance with NSW Department of Planning, Industry and Environment Liquid Trade Waste Management Guidelines for Councils in Regional NSW 2021 as outlined in this report.

Report:

As part of Councils implantation of its liquid trade waste policy it is necessary to establish a fee mechanism that deters businesses from neglecting to comply with liquid trade waste standards and to encourage compliance with discharging suitable waste water effluent to Council's sewer.

In the event that a poor quality effluent is discharged to Council's sewer, particularly over a period of time, a number of serious consequences arise:

- Council's gravity network can become blocked due to the buildup of fat on the internals of pipe which can result (in catastrophic cases) of wastewater discharging in properties
- Wastewater could be of such strength that the waste water treatment plant is unable to adequately treat the sewage resulting in a number of environmental issues including odour.

It is recommended that category three dischargers, in line with NSW Department of Planning, Industry and Environment Liquid Trade Waste Management Guidelines for Councils in Regional NSW 2021, be billed with the set out calculators based on excess mass charges and non-compliance excess mass charges if the acceptance limit set out in the applicable Liquid Trade Waste Approval is exceeded on more than two occasions.

Example:

Council has approved the acceptance limit for BOD5 as 1,000 mg/L.

The BOD5 (biochemical Oxygen Demand) tested in a sample is 1,200 mg/L (Actual BOD5).

The volume of liquid trade waste for the billing period is 2 ML.

If Council's charging rate for BOD 600 mg/L (C) is \$0.80 per kg, calculate EMC (Excess Mass Charges) for BOD5.

The excess mass charging rate is calculated by using Equation 10:

$$U_e = 2 \times 0.80 \times (1200 - 300) / 600 \times 1.05^{(1200 - 600) / 600} = 2.52 \text{ (\$/kg)}$$

Use Equation 13 to calculate the non-compliance excess mass charging rate for BOD₅ > 600 mg/L.

EMC for BOD > 600 mg/L (\$) =

$$U_n = 2 \times 0.80 \times \frac{(1,000 - 300)}{600} \times 1.05^{\frac{(1,000 - 600)}{600}} + 4 \times 0.80 \times \frac{(1,200 - 1,000)}{600} \times 1.05^{\frac{(1,200 - 1,000)}{600}} = 3.01 \text{ (\$/kg)}$$

Non-compliance excess mass charge for BOD₅ is calculated using equation 9

$$\text{EMC (\$)} = \frac{(S - D) \times Q_{TW} \times U_n}{1,000}$$

$$\text{Non-compliance EMC for BOD (\$)} = \frac{(1200-300) \times 2000 \times 3.01}{1000} = \$5,423$$

Charging rate for pH, if outside the approved range

If the pH of the waste discharged by Category 3 dischargers is outside the approved range, Equation 1 is used for the calculation of non-compliance pH charges. This equation provides an incentive for dischargers to install and properly maintain a pH correction system so that the waste remains within the approved pH limits.

Equation 1. Charging rate for pH, if outside the approved range

$$K \times |\text{actual pH} - \text{approved pH}| \times 2^{|\text{actual pH} - \text{approved pH}|}$$

Where:

- K = pH coefficient in \$

Example 4

Council has approved the pH range 7.0 to 9.0 for a large discharger. Recommended pH coefficient (K) for the 21-'22 is \$0.45.

Case 1: Measured pH is 5.5

$$\text{Charging rate for pH (\$/kL)} = 0.45 \times |5.5 - 7| \times 2^{|5.5 - 7|} = \$1.91 \text{ per kL}$$

Case 2: Measured pH is 11.0

$$\text{Charging rate for pH (\$/kL)} = 0.45 \times |11 - 9| \times 2^{|11 - 9|} = \$3.60 \text{ per kL}$$

Council Meeting

18 August 2021

7.15 Organisational Structure Review

Report by: Chief Executive Officer, Karina Ewer

Strategic Outcome: 2. Good government

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

Recommendation: That the Council:

1. Adopt the suggested Organisational Structure as presented under Section 333 of the Local Government Act;
2. Determine the position of Deputy Chief Executive Officer to be a Senior Staff position for when that position becomes vacant;
3. Adopt the Position Description for the position of Deputy Chief Executive Officer as presented;
4. Determine the position of Director, Infrastructure Services to be a Senior Staff position;
5. Adopt the Position Description for the position of Director, Infrastructure Services so the recruitment to that position may commence immediately; and
6. Create the role of Director, Strategic Planning and Development within the organisation structure with the Position Description for that role to be presented to Council for consideration at the September Council meeting.

Report:

We are currently holding a number of “difficult to recruit” vacancies and the increase in workload for a number of remaining managers has the potential to increase lag times in delivery of services and stress on those trying to complete work tasks if the vacancies are not addressed urgently.

It is therefore necessary to now bring forward the review of the Organisational Structure in order to commence recruiting for vacant positions so we can deliver the work program for the 2021-2022 financial year. The matter is seen as quite urgent with our current vacancy rate at 14%.

The review of the Organisational Structure is provided for in Section 333 of the Local Government Act:

333 Re-determination and review of structure

The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.

It should be noted, regardless of the outcome of any decisions today, the Organisation Structure as a whole will be presented to the new Council within 12 months of the election. If this new structure is adopted it will be an opportunity to report on how the new alignment has been received and where and if efficiencies have been found as a result.

The executive level of the structure has been discussed with the people potentially affected and they agree the realignment is the best possible option for Council to meet current and future needs and address current skills shortages.

“Appendix 7.15-A” describes the roles that will be assigned to each work group. This tool was used to inform the development of the Organisational Structure as a whole.

“Appendix 7.15-B” outlines the management positions Council staff believe will be required to assist Council in delivering current and future strategic and operational plans.

Other Council employees are currently working with their managers to assess all current vacancies and how realignment under the proposed new structure might look as functional teams. A proposed overall Organisational Structure is included at “Appendix 7.15-C”, though that document remains subject to change.

It must be stressed that under the proposals NO staff members will lose their positions. The intent is to acknowledge the difficulty in attracting people to some roles and rearrange some of the roles and duties required of those positions so that we may provide a broader pool of applicants into the future.

Council’s role in the determination and management of the Organisational Structure is outlined in section 332 of the Act:

332 Determination of structure

(1) A council must, after consulting the general manager, determine the following:

- (a) the senior staff positions within the organisation structure of the council,*
- (b) the roles and reporting lines (for other senior staff) or holders of senior staff positions,*
- (c) the resources to be allocated towards the employment of staff.*

(1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.

-
- (1B) *The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.*
- (2) *A council may not determine a position to be a senior staff position unless—*
- (a) the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and*
 - (b) the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013.*
- (3) *For the purposes of subsection (2)(b), the total remuneration package payable with respect to a position within a council's organisation structure includes—*
- (a) the total value of the salary component of the package, and*
 - (b) the total amount payable by the council by way of the employer's contribution to any superannuation scheme to which the holder of the position may be a contributor, and*
 - (c) the total value of any non-cash benefits for which the holder of the position may elect under the package, and*
 - (d) the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits.*

The following information considers each position noted in the provided Organisational Chart.

Chief Executive Officer

Section 334 of the LG Act at section (2) states: "The position of general manager is a senior staff position."

Council has employed the General Manager with the position title of Chief Executive Officer, hence section 334(2) applies to the CEO.

No change is proposed other than anything that may be agreed at any performance review by Council. This position is currently Council's only employee designated as a senior staff member.

Director Corporate Services

A revised Position Description has been included at “**Appendix 7.15-D**” for the DCEO role.

332(1) A council must, after consulting the general manager, determine the following—

(a) the senior staff positions within the organisation structure of the council,

A Council may not determine a position to be a Senior Staff Position unless:

- the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the *Local Government (State) Award*; and
- the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013* (currently \$192,600)

This means Senior Staff positions other than the General Manager / CEO can only be determined to be a ‘Senior Staff’ position if their total remuneration package (TRP) is equal to or greater than \$192,600.

If the position is to become a Senior Staff position, section 337 of the LG Act states:

337 Council to be consulted as to appointment and dismissal of senior staff

The general manager may appoint or dismiss senior staff only after consultation with the council.

Section 338 of the LG Act further requires Council to ensure senior staff are employed using the (s388(1)) standard form contract and ensure the contract is (s388(2)) not less than 12 months or more than 5 years.

s388(7) The council may include in an employment contract for the general manager or another member of the senior staff additional provisions to those contained in the standard form of contract but only if those provisions relate to any of the following –

- (a) the level of remuneration or salary (including employment benefits) of the person employed under the contract;*
- (b) subject to subsections (1) and (2), performance-based requirements for the duration of the contract.*

It is therefore proposed that the position be classified as senior staff as and when the position becomes vacant, that is, the current Director Corporate Services leaves the role under their current Award arrangements.

Director, Technical Services

This position will become vacant as of 30 August 2021 and recruitment is currently underway to replace the current Director, Technical Services.

It is suggested the title be changed to Director, Infrastructure Services to make it more contemporary in the market and attract those who better relate to that title.

The current position is also an enormous role and the suggestion below to create the position of Director, Strategic Planning and Development is intended to relieve some of the current workload in the infrastructure area.

The Director, Technical Services currently earns more than the Director, Corporate Services. To some extent this is due to the qualification(s) required for the position, but it is more reflective of the budget and staff numbers managed by the role. It should be remunerated at a reasonably high level to reflect the importance of the role in managing the significant value and diversity of our infrastructure.

The Council should now determine it to be a Senior Staff position under the Act which requires a term contract of employment as outlined above.

The position description is included at **"Appendix 7.15-E"**.

Director, Strategic Planning and Development

This position is new to the structure and the principal reason is to address the difficulty in recruiting to the position of Planning Services Manager (ex Laurie Stevens' position). The qualification required for this role does not match the remuneration being offered.

We have the opportunity with this role to take an integrated approach to the Council's planning function – by bringing together oversight of the Integrated Planning and Reporting requirements, Strategic Planning, and Development Planning, including economic development.

To that end, the Senior Team has discussed options and believe offering the position at Director Level, including increased responsibilities, will assist Council to recruit a more appropriate person to fulfil the role. It will also provide the opportunity, as indicated above, to move some of the responsibility from the Director, Technical Services (Infrastructure Services) to the new Director position.

A recommendation as to whether this position should be a Senior Staff position or not would be made with the consideration of the Position Description should the position be approved for consideration.

Council Meeting

18 August 2021

7.16 Audit, Risk & Improvement Committee Charter

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 adopt the Audit, Risk and Improvement Committee Charter, included as **“Appendix 7.16-A”**

Report:

In preparation for the formation of the Audit, Risk and Improvement Committee (ARIC), several documents need to be prepared before Council can begin the process of establishing the Committee and recruiting members.

In order to ensure that the ARIC operates at an efficient and superior level, there must be clear documentation and guidelines in place. Specifically, the ARIC Charter is a vital document to ensure the ARIC is successful in achieving its objectives. Under the NSW Government Internal Audit Guidelines, September 2010, “the Audit Committee should have a charter that sets out its roles and responsibilities and its oversight of the internal and external audit functions, including any statutory duties. The elected council should approve the audit committee charter.”

Under the Risk Management and Internal Audit Framework Discussion Paper (September, 2019), the charter document is described as ‘Terms of Reference’, and ARICs will be required to develop this document based on the Model Terms of Reference developed by OLG. This has not yet been developed, so in the interim Council will still refer to the Charter and will update this document once the Model Terms of Reference is released.

Whilst the Risk Management and Internal Audit Framework is still sitting in draft, it is our opinion that to ensure Council is best placed to implement the ARIC and have all the appropriate documentation in place by the March, 2022 deadline, the draft guidelines will be the document (pending its release) that will need to be followed.

Included with this report is the Berrigan Shire Council’s ARIC Charter based on the draft guidelines. The Charter outlines the ARIC’s objective, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

The Charter is a reference document for both the ARIC members and Council to ensure that the ARIC is operating within its defined function. Under the draft guidelines, membership of the ARIC is made up of independent members, one of which (the Chair) must be appointed from the NSW Government's prequalified member register. The remaining two members can be non-prequalified however they must meet eligibility criteria around the type of qualifications Council deems as essential, and they must also undergo a criminal and financial (bankruptcy) check.

Under the Charter developed for the Berrigan Shire Council's ARIC, we have included a Councillor. This is optional under the draft guidelines, and is a non-voting position.

Whilst the Councillor is a non-voting position, it must be remembered that the ARIC is an advisory committee only, and any decision or recommendation voted upon is made by reaching consensus, and is not deemed a decision of the Council unless the matter is referred to Council for determination. Should Council include the position of non-voting Councillor on its ARIC, that position will not receive payment above that received for their position on Council.

The ARIC is a committee of Council, however there are variations in comparison to the relationships Council has with their S355 Committees. Under the roles and responsibilities outlined in the Charter, which has been extracted from the draft guidelines, there is a lot of involvement in the Council's activities particularly around Council's compliance and risk management functions, so it is important to ensure the Charter clearly defines what Council expects from its ARIC and ARIC members.

The Charter is a dynamic document and can be reviewed by the ARIC and Council, however any changes to the Charter must be adopted by Council.

Council Meeting**18 August 2021**

7.17 Carried Forwards 2021/22

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 note the carried forward items recommended in this report be carried into 2021/22

Report:

Note, no Quarterly Budget Review Statement has been prepared for this 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.

In nearly every case, items which make up the carry forward figure of \$3,272,231 have been previously allowed for in the revised budget figures. They have usually been carried forward due to the projects not having been completed, and the project being deemed still worthwhile for completing in 2021/22.

The carried forward figure for 2021/22 has again increased from last year. This is largely as a result of the Council's commitment to completing some large scale grant funded programs – continuing to delay somewhat the Council's own works program.

As a general rule capital items which have not been spent are carried forward unless the project is complete or the project is deemed no longer necessary. Operating items are generally only brought forward if the money is tied to a grant and therefore must be spent on a particular program.

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.

A complete list of carry forward items is shown below:

DESCRIPTION	CARRY FORWARDS (\$)
INCOME	
1200-1951 CROWN LANDS MANAGEMENT GRANT	66,000
3670-2026 DWM TRANSFER TO RESERVE	210,000
3750-1807 COREE STREET UPGRADE DSPF	96,250
3800-1950 BUILDING BETTER REGIONS JERSEY BBRF3	58,077
3800-1955 FLOODPLAIN MANAGEMENT PROGRAM	189,000
4110-1955 GRANT - SAFE & SECURE WATER	3,700,000
5110-1926 SEWER TRANSFER FROM RESERVE	1,460,900
5240-1950 BUILDING BETTER REGIONS JERSEY BBRF3	62,323
6100-1951 LIBRARY LOCAL SPECIAL PROJECTS GRANT	22,827
6320-1951 LOCAL HERITAGE FUND GRANT	9,000
6500-1969 BERRIGAN SPORTSGROUND TOILET GRANT	53,000
6500-1970 TOC SPORTSGROUND LED UPGRADE LRCIP	30,400
6500-1974 FINLEY NETBALL COURTS LRCIP2	115,000
6500-1975 TOCUMWAL NETBALL COURTS LRCIP2	15,000
6600-1951 CREATE NSW TOC CREEK WALK PLAN GRANT	55,000
6600-1954 EVERYONE CAN PLAY GRANT - TOC CWA PARK	15,000
6600-1963 TOC FORESHORE GRANT	645,984
6600-1968 BGA LIONS PARK IMPROVEMENT LRCIP	5,000
6600-1969 FIN MURRAY STREET O/SPACE PARK LRCIP	23,525
7060-1807 COREE STREET UPGRADE DSPF	436,750
7060-1951 JERSEY STREET PRECINCT BBRF3	115,529
7300-1678 K&G SNELL RD – ARRAMAGONG TO MCKINLEY	35,000
7300-1679 K&G SNELL RD – KAMAROOKA TO CHOMLEY	2,000
7300-1680 K&G DAWE AVENUE FINLEY	7,000
7300-1681 K&G BAROOGA ST TOC – MURRAY TO MORRIS	12,000
7300-1807 K&G COREE STREET UPGRADE DSPF	145,000
7300-1950 BUILDING BETTER REGIONS JERSEY BBRF3	20,437
7300-1952 KERB & GUTTER UPLIFT LRCIP2	178,000
7500-1807 FOOTPATH COREE STREET UPGRADE DSPF	72,000
7500-1868 FOOTPATH JERILDERIE STREET NORTH TOC	25,000
7500-1952 BUILDING BETTER REGIONS JERSEY BBRF3	31,216
7500-1953 TOC GOLF CLUB PATH LRCIP	7,500
7500-1954 BGA LAWSON DRIVE PATH LRCIP	7,800
7500-1955 BAROOGA TO COBRAM PATH LRCIP	14,000
7700-1601 TOC AERODROME MUSEUM CONTRIBUTIONS THAM	120,000
7750-1951 APEX PARK CARPARK LRCIP2	100,000
8400-1950 BUILDING BETTER REGIONS JERSEY GRANT BBRF	64,679
8600-1950 FINLEY SALEYARDS HVSP	282,000

EXPENSES	
1412-0528 BERRIGAN TIP - FENCE	30,000
1412-0531 CONCRETE CRUSHING	80,000
1412-0535 COMPULSORY AQUISITION CROWN LA	100,000
1417-0619 SNELL ROAD ARRAMAGONG-MCKINLEY	1,000
1417-0620 SNELL ROAD KAMAROOKA-CHOMLEY	6,000
1417-0808 DAWE AVENUE FINLEY	200,000
1417-0835 MURRAY ST WARMATTA TO WOLAMAI	22,000
1417-0845 MCALLISTER St - HEADFORD TO OSB	49,000
1417-0846 JERSEY ST - CHANTER TO TUPPAL	2,000
1417-0850 DENISON - WOLLAMAI TO WARMATTA	4,000
1417-0852 TOCUMWAL ST- WOLLAMAI TO WARMATTA	75,000
1417-0853 MORRIS ST- TOC REC RESERVE	6,000
1417-0856 TOCUMWAL ST - TUPPAL TO WOLLAMAI	75,000
1417-0859 DENISON ST - HORSFALL/NANGUNIA	35,000
1417-0860 BRUTON ST - KERB CONNECTION	15,000
1417-0861 JERILDERIE ST NTH - BRUTON ST	10,000
1417-0905 BAROOGA ST TOC MURRAY-MORRIS	80,000
1418-0502 LEVEE 1 - 7580-8435	34,000
1418-0503 LEVEE 1 -9100-9650	22,000
1418-0506 LEVEE 3 - 220M	9,000
1418-0507 LEVEE 5 - 2260M	47,000
1418-0508 LEVEE WORKS - GEOTECH	16,000
1418-0509 SEPPELTS LEVEE	30,000
1418-0510 LEVEE 1 10850-11412	30,000
1418-0520 FLOODPLAIN MANAGEMENT PROGRAM	220,000
1418-0932 JERSEY ST PRECINCT - LEVEE BBRF3	149,707
1510-0563 REPLACE AC WATER MAINS	24,839
1510-0600 BGA AIR SEPERATOR CONNECTION	10,000
1510-0601 BGN AIR SEPERATOR CONNECTION	10,000
1510-0602 FIN AIR SEPERATOR CONNECTION	10,000
1510-0605 TOC BACKWASH BYPASS LINE	30,000
1510-0615 FIN - FILTERED & UNFILTERED MAIN TONGS/HOWE STS	60,000
1510-0620 CONSTRUCT LABORATORY ROOM	30,000
1510-0665 TOC-CHLORINE DOSING SYSTEM	20,000
1510-0669 METER CYBAL REPLACEMENT	272,283
1510-0882 WATER MAIN REPLACEMENT	8,863
1510-0885 BGN - WTP FENCE REPLACEMENT	20,000
1510-0889 FIN - WTP FENCE REPLACEMENT	15,000
1510-0895 BGN - STATIC MIXER	12,000
1510-0897 AUTOMATION QUALITY CONTROL	346,000
1510-0898 REPLACE COMPRESSOR TOCUMWAL	8,132

1610-0512 PUMP REPLACEMENT	30,739
1610-0526 SEWER MAIN UPGRADES - TOCUMWAL	78,736
1610-0550 BGN - STP FENCE	10,000
1610-0551 TOC - FENCE REPLACEMENT	35,000
1610-0610 AC MAIN RENEWALS	147,595
1610-0621 BGA UPGRADE PUMP STATION	14,748
1610-0705 FIN UPGRADE PUMP STATIONS	7,000
1610-0743 UPGRADE SEWER TELEMTRY	310,078
1610-0883 FIN - GRAVEL POND BANKS	10,000
1610-0899 FIN - DESILT PRIMARY POND	80,000
1610-0900 FIN - UPGRADE PUMP STATION	40,000
1610-0901 NEW DRYING BED	50,000
1610-0912 FIN-ODOR INVESTIGATE/ MITIGATE	50,000
1610-0914 TOC RISING MAIN HUTSONS TO PS9	297,120
1610-0915 UPGRADE STP AMENITIES	29,785
1610-0916 SEWER TREATMENT COMPONENT RENE	22,000
1610-0932 JERSEY ST PRECINCT - Sewer BBRF3	171,128
1610-0933 TOC SEWER MAIN RELINING	34,492
1610-0935 TOWN BEACH SEWER UPGRADE	104,802
1710-0192 LIBRARY STAFF TRAINING	1,600
1710-0235 LIBRARY SPEC. PROJ. OPERATING	23,194
1717-0501 BGA LED LIGHT UPGRADES SCCF3	3,075
1717-0502 BGN LED LIGHT UPGRADES SCCF3	3,550
1717-0525 AMENITIES UPGRADE BGN CRIP	29,004
1717-0540 FIN SHOWGROUND IRRIGAT NSWSP2	162,000
1717-0545 FIN NETBALL COURTS LRCIP2	300,000
1717-0550 TOC NETBALL COURTS LRCIP2	40,000
1718-0500 TOC FORESHORE STAGED DEVELOP	397,286
1718-0501 RUSSEL CRT OPEN SPACE	14,000
1718-0502 RAILWAY PARK UPGRADE	302,222
1718-0503 TOC CWA LIBRARY PARK UPGRADE	20,025
1718-0504 MARY LAWSON WAYSIDE REST CONCEPT PLAN	10,000
1718-0553 TOC WAAAF CREEK WALK - ART	26,734
1718-0554 MURRAY ST FIN OPEN SPACE PARK	86,129
1910-0357 R/S MCALLISTER ST 216-679	6,000
1910-0809 RESEAL DENISON ST FIN 466-1409	14,000
1910-0823 RESEAL MURRAY ST - WELLS/SCHOU	11,698
1911-0125 RACECOURSE RD TOC -552 TO NEWEL	14,058
1911-0126 RACECOURSE RD TOC - MCCULLOUCHS	25,363
1912-0107 RESHEET WAVERLY ROAD	2,000
1912-0136 RESHEET MIECHELS RD SH17 - 3.1	78,000
1912-0137 RESHEET CANALLA RD	14,877

1912-0144 RESHEET HOGANS RD	33,000
1913-0553 LANE 961 - BRUTON ST BAROOGA	60,000
1913-0619 SNELL RD - ARRAMAGONG TO MCKIN	5,000
1913-0620 SNELL RD - KAMAROOKA TO CHOMLE	80,000
1913-0808 DAWE AVENUE - FULL LENGTH	150,000
1913-0845 MCALLISTER ST - HEADFORD TO OSB	57,000
1913-0905 BAROOGA ST TOC - MURRAY TO MOR	95,000
1913-0915 COBRAM ST TOCUMWAL RECONSTRUCT	31,037
1913-0924 HANNAH ST - CALAWAY TO END	5,000
1913-0931 JERILDERIE ST NTH - BRUTON ST	10,000
1913-0932 JERSEY ST - CHANTER - TUPPAL BBRF3	197,000
1914-0059 LAWLORS RD BGN HEAVY PATCHING	70,000
1914-0062 CROSBIES RD 0.1/2.7	50,000
1914-0115 BROOCKMANNS RD (FLR)	218,642
1914-0216 LOWER RIVER RD CAUSEWAYS	100,000
1914-0316 YARRAWONGA RD 00 to 2676	71,258
1914-0317 YARRAWONGA RD 20607-22607	30,454
1914-0599 PEPPERTREE RD - WOOLSHED RD	17,000
1916-0500 KERB & GUTTER UPLIFT LRCIP2	355,000
1916-0600 SNELL RD - ARRAMOGONG TO MCKIN	12,000
1916-0601 SNELL RD - KAMAROOKA TO CHOMLE	62,724
1916-0602 DAWE AVENUE FULL LENGTH	50,000
1916-0603 BAROOGA ST TOC - MURRAY TO MOR	60,000
1916-0852 JERIDERIE ST NTH - BRUTON ST	23,000
1916-0853 HANNAH ST - CALAWAY TO EXISTIN	22,000
1916-0932 JERSEY ST CHANTER - TUPPAL BBRF3	54,712
1917-0600 TOC GOLF CLUB PATH LRCIP	3,088
1917-0601 BGA LAWSON DRIVE PATH LRCIP	3,966
1917-0602 BAROOGA TO COBRAM PATH LRCIP	49,855
1917-0664 MURRAY ST HEADFORD TO OSBOURNE	24,000
1917-0667 LAWSON DR BGA	40,000
1917-0668 NANGUNIA ST BGA	5,000
1917-0676 TONGS WALKING TRACK - FIN	9,000
1917-0678 RACECOURSE RD BGN WALKING TRAC	49,603
1917-0679 DAWE AVE FINLEY	40,000
1917-0680 DONALDSON ST FIN - DAWE/SCHOUL	13,000
1917-0681 SCHOULLAR ST FIN	7,000
1917-0682 FINLEY ST BGN DETENTION BASIN	20,000
1917-0683 COREE STREET MCNAMARA-TONGS	48,000
1917-0684 TONGS ST WALKING TRACK	20,000
1917-0685 JERILDERIE STREET NORTH	60,000
1917-0932 JERSEY ST PRECINCT - Footpath BBRF3	5,987



1918-0515 STREET LIGHTING IN TOWNS	10,171
1920-0184 TOC AERO RUNWAY 18-36 HEAVY PA	40,000
1924-0500 BGN APEX PARK CARPARK LRCIP2	200,000
1924-0511 TOC CAR PARK DEMOLITION WORKS	59,918
2011-0502 TOC CARAVAN PARK IRRIGATION	15,000
2014-0500 SALEYARDS FACILITY UPGRADE	981,268
4110-2026 WATER TRANSFER TO RESERVE	2,822,883

Council Meeting

18 August 2021

7.18 Bequest for Memorial Garden at Tocumwal Aviation Museum

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 endorse the bequest from Elizabeth Gower to establish a memorial garden, in memory of Roger Miller at the Tocumwal Aviation Museum subject to compliance with any planning requirements.

Report:

On 10 August, 2021 a letter was received from Elizabeth Gower with a bequest to establish a memorial garden at the Tocumwal Aviation Museum in memory of Roger Miller.

Elizabeth, was approached by friend Patricia Ward, Roger's widow to manage a bequest left by Roger to enhance the new aviation museum at Tocumwal.

There have been discussions with the operators of the museum who support this request and should be noted that this is a stand-alone project, funded by the Miller Bequest at no cost to Council with consultation of the operators of the aviation museums.

As the proposed garden would be established on Council land it would need the approval from the Council to do so.

I don't see any reason not to support this request and will seek advice from Council's planning department to ensure compliance with any planning requirements are met and this advice is forwarded to Ms Gower for her consideration.

8. ITEMS FOR NOTING

Recommendation: that Items for Noting numbered 8.1 to 8.3 inclusive be received and noted.

8.1 Development Determinations for Month of July 2021

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

Report:

APPLICATIONS DETERMINED FOR JULY 2021

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken	
167/21/DA/D7	INGROUND FIBREGLASS SWIMMING POOL	53 COLLIE STREET, BAROOGA NSW 3644 (Lot1//DP509326)	JUSTIN GREATOREX	MR J N GREATOREX	Approved 22-07-2021	\$ 27000.00	Active 30	Total 77
203/21/DA/DO	RURAL SHED	19-20 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot32//DP118257)	JOEL HORE	MR J W HORE	Approved 26-07-2021	\$ 70000.00	Active 48	Total 48
204/21/DA/D3	AIRCRAFT HANGAR	4 LIBERATOR PLACE, TOCUMWAL NSW 2712 (Lot27//DP1190777)	CPE CONSTRUCTION	MR E GIJSEN	Approved 01-07-2021	\$ 461890.00	Active 30	Total 30
211/21/DA/D5	CARPORT	22 CALAWAY STREET, TOCUMWAL NSW 2714 (Lot8/16//DP758981)	JOANNE DAVIS	MR J G DAVIS AND MRS J DAVIS	Approved 14-07-2021	\$ 4000.00	Active 30	Total 30
212/21/DA/D5	RESIDENTIAL STORAGE SHED & HOME OFFICE	46 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot91//DP1162412)	ROSS & GLENDA BODEY	MR RW BODEY AND MRS GR BODEY	Approved 16-07-2021	\$ 19000.00	Active 31	Total 31
213/21/DA/DM	TREE REMOVAL	4 BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot541//DP1107605)	JENNA & CASEY ROSS	MR C L ROSS AND MS J L BALDWIN	Approved 20-07-2021	\$ 880.00	Active 29	Total 29
214/21/DA/D2	CARPORT	10 VERMONT STREET, BAROOGA NSW 3644 (LotA//DP401647)	D & M BOWDEN CONSTRUCTION	MR CJ DICKINS	Approved 23-07-2021	\$ 20000.00	Active 27	Total 27
215/21/DA/D5	RESIDENTIAL STORAGE SHED AND ADDITIONAL PLUMBING TO SHED	31 SNELL ROAD, BAROOGA NSW 3644 (Lot492//DP1240390)	DAVID HOLT	MR DJ HOLT AND MRS MA HOLT	Approved 14-07-2021	\$ 35000.00	Active 14	Total 14
219/21/DA/D5	RESIDENTIAL STORAGE SHED	27 HADLEY STREET, TOCUMWAL 2714 (Lot15//DP1250358)	BRADLEY NEWNHAM	MR BA NEWNHAM AND MRS DJ NEWNHAM	Approved 13-07-2021	\$ 9500.00	Active 11	Total 11

221/21/DA/D1	BV DWELLING & ATTACHED GARAGE	46 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot91//DP1162412)	SOUTHERN VALE HOMES	MR RW BODEY AND MRS GR BODEY	Approved 14-07-2021	\$ 347500.00	Active 10	Total 10
222/21/DA/DO	RURAL SHED	572 WILTONS ROAD, BOOMANOOMANA NSW 3644 (Lot51//DP752276)	JOHN BRUCE	MR J R BRUCE	Approved 14-07-2021	\$ 60000.00	Active 10	Total 10
226/21/DA/DM	SHADE SAILS	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)	BAROOGA SPORTS CLUB	BAROOGA SPORTS CLUB LIMITED	Approved 28-07-2021	\$ 15000.00	Active 20	Total 20
228/21/DA/D5	RESIDENTIAL STORAGE SHED	21 AVA COURT, TOCUMWAL NSW 2714 (Lot25//DP270154)	TIM & MICHELLE HACK	MR TP HACK AND MRS M HACK	Approved 30-07-2021	\$ 16458.00	Active 0	Total 22
1/22/DA/D1	BV DWELLING & ATTACHED GARAGE	25 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot231//DP1135941)	SIMOND HOMES PTY LTD	MS S L CONWAY	Approved 26-07-2021	\$ 296251.00	Active 11	Total 11
1/22/CD/M1	BV DWELLING & ATTACHED GARAGE	13 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot39//DP270154)	SIMOND HOMES PTY LTD	MR SJ SMITH	Approved 27-07-2021	\$ 388741.00	Active 3	Total 3

APPLICATIONS PENDING DETERMINATION AS AT 31/07/2021

Application No.	Date Lodged	Description	Property Location
119/20/DA/DM	21-02-2020	AMPHITHEATRE, FISHING PLATFORM & ACCESS TRACKS	DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7002//DP1019579)
162/21/DA/D9	01-04-2021	17 LOT SUBDIVISION	100 BURMA ROAD, TOCUMWAL NSW 2714 (Lot4//DP802330)
186/21/DA/D3	16-04-2021	MILK PROCESSING FACTORY	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
216/21/DA/D9	25-06-2021	2 LOT SUBDIVISION	118 SILO ROAD, TOCUMWAL NSW 2714 (Lot2502//DP878298)
217/21/DA/D9	25-06-2021	2 LOT SUBDIVISION	1-3 HUGHES STREET, BAROOGA NSW 3644 (Lot3//DP1105784)
218/21/DA/DM	28-06-2021	CARPORT	300-320 MURRAY STREET, FINLEY NSW 2713 (Lot7004//DP1019585)
220/21/DA/D3	28-06-2021	STORAGE FACILITY	5 WISE COURT, TOCUMWAL NSW 2714 (Lot5//DP1036181)
45/21/CD/M5	29-06-2021	ABOVE GROUND SWIMMING POOL	80 BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1250358)
223/21/DA/D3	30-06-2021	STORAGE SHED	JERSEY STREET, TOCUMWAL NSW 2714 (Lot300//DP722009)
224/21/DA/D3	30-06-2021	WATER TREATMENT PLANT	13 TUPPAL STREET, FINLEY NSW 2713 (Lot7008//DP1001696)
225/21/DA/D3	30-06-2021	WATER TREATMENT PLANT - BAROOGA	27-29 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot322//DP626847)
227/21/DA/D9	30-06-2021	2 LOT SUBDIVISION	137 CHANTER STREET, BERRIGAN NSW 2712 (Lot56/B//DP2425)
229/21/DA/DM	30-06-2021	ADDITIONAL USE - MICRO BAKERY	16 VERMONT STREET, BAROOGA NSW 3644

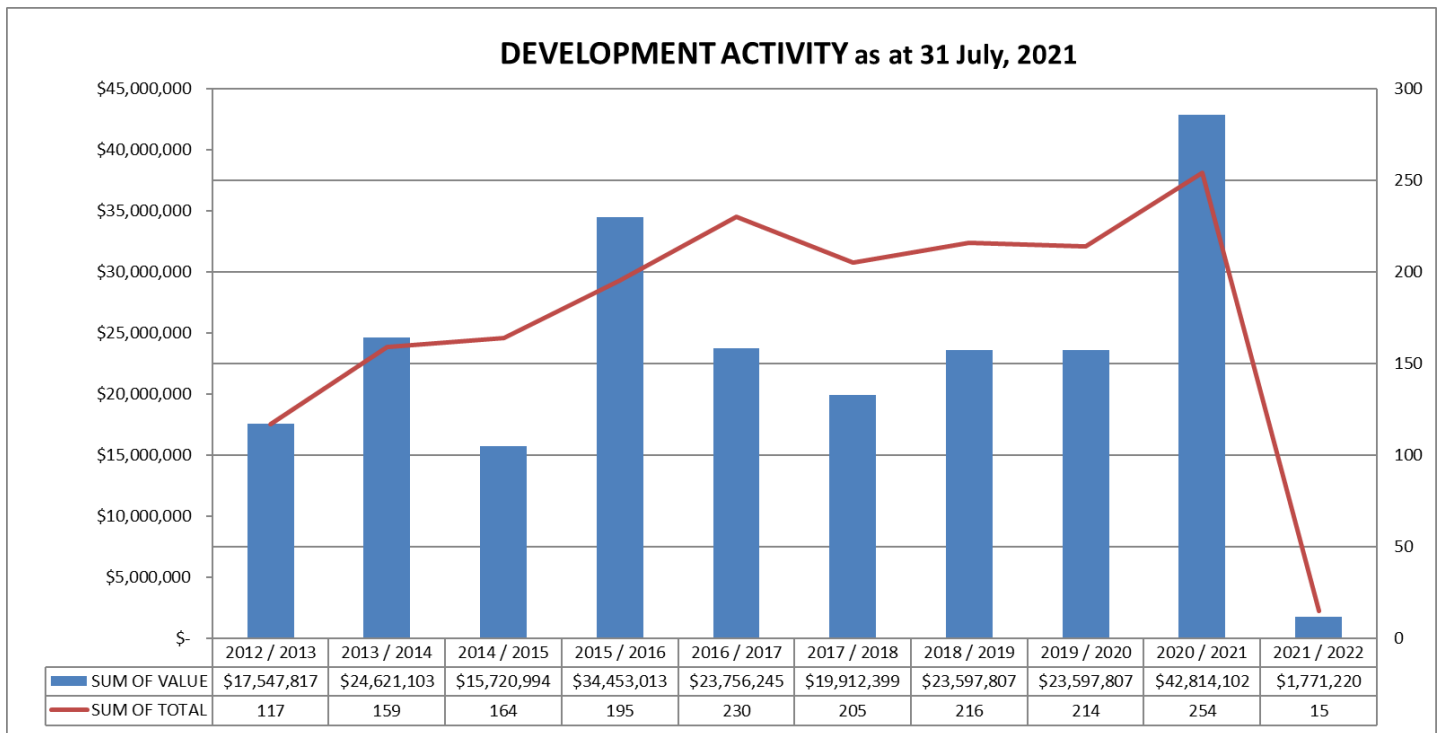
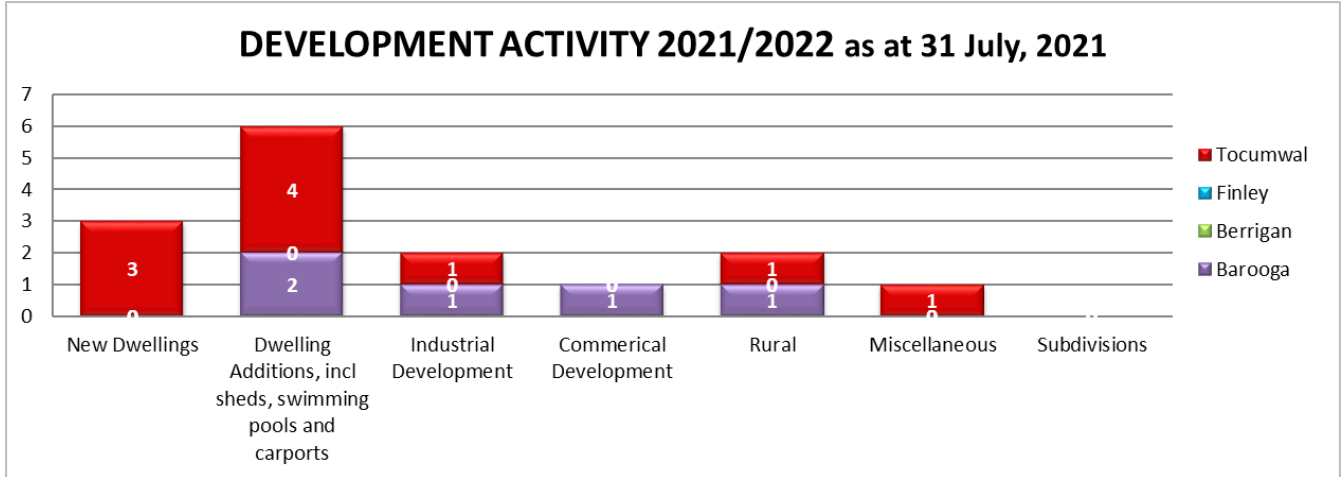
			(Lot2//SP18271)
230/21/DA/D6	30-06-2021	DWELLING ADDITIONS	13 FINLEY STREET, FINLEY NSW 2713 (Lot72//DP865663)
2/22/DA/DM	29-06-2021	TRANSPORTABLE DWELLING	12 WARMATTA STREET, FINLEY NSW 2713 (Lot4//DP25494)
3/22/DA/D2	16-07-2021	HANGAR	19 WIRRAWAY COURT, TOCUMWAL NSW 2712 (Lot41//DP1233177)
4/22/DA/D9	28-07-2021	2 LOT SUBDIVISION	BAROOGA - TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot8//DP1138900)
5/22/DA/D5	29-07-2021	RESIDENTIAL STORAGE SHED	25 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot37//DP270154)
6/22/DA/D6	29-07-2021	DWELLING ADDITIONS	43-49 SNELL ROAD, BAROOGA NSW 3644 (Lot134//DP752274)
7/22/DA/D5	30-07-2021	LEAN TO ON EXISTING SHED	37-47 HAMILTON STREET, FINLEY NSW 2713 (Lot1164//DP875732)
8/22/DA/D1	30-07-2021	BV DWELLING & ATTACHED GARAGE	52 TESSIER DRIVE, TOCUMWAL NSW 2714 (Lot34//DP1250358)

TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (July)	Year to Date	This Month's Value (July)	Year to Date Value
Development Applications (DA)	14	14	\$1,382,479	\$1,382,479
Construction Certificates (CC)	10	10	\$2,393,059	\$2,393,059
Complying Development Certificates (CDC)	1	1	\$388,741	\$388,741
Local Activity (s.68)	4	4	0	0

OTHER CERTIFICATES ISSUED FOR JULY 2021

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate <small>Outstanding Notices or Orders under LG Act 1993</small>		s9.34 Certificate <small>Outstanding Notices or Orders under EP&A Act 1979</small>		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	7	7	1	1	0	0	0	0	0	0	1	1
BERRIGAN	5	5	0	0	0	0	0	0	0	0	0	0
FINLEY	13	13	1	1	1	1	1	1	0	0	0	0
TOCUMWAL	8	8	1	1	1	1	0	0	0	0	0	0
TOTAL	33	33	3	3	2	2	1	1	0	0	1	1



Council Meeting

18 August 2021

8.2 T05-21-22 Supply, Delivery and Spraying of Bulk Cut-Back Bitumen for 2021/2022

Report by: Assets & Operations Manager, Gary George

Strategic Outcome: 1. Sustainable natural and built landscapes

Strategic Objective: 1.3 Connect and protect our communities

Report:

It is anticipated that Berrigan Shire Council will spend more than \$250,000 inclusive of GST on the supply, delivery and spraying of bulk cut-back bitumen for 2021/2022 financial year.

In accordance with Clause 163 of the Local Government (General) Regulation 2005, Berrigan Shire Council has accepted a quotation from DOWNER EDI WORKS PTY LTD for the estimated total amount of \$680,000 through the Local Government Procurement Contract for Bitumen, Emulsions and Asphalt Materials and Services (LGP213).

The Contract for the Supply, Delivery and Spraying of Bulk Cut-Back Bitumen for 2021/2022 financial year is a schedule of rates contract subject to rise and fall based on the price of bitumen supplied by Bitumen Importers Australia (B.I.A).

Submissions were received from:

- STATE ASPHALT SERVICES
- DOWNER EDI WORKS PTY LTD

Council Meeting

18 August 2021

8.3 Chief Executive Officer Performance Review

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

Report:

In accordance with my Contract of Employment and a resolution at the Extraordinary Council Meeting held on 28 April, 2021 the Council are required to sign a performance agreement setting out agreed performance criteria within 3 months after my commencement date in conjunction with Blackadder Associates.

My commencement date of 14 June, 2021 would mean that this due for implementation before 6 September 2021.

After discussions with both the Mayor and Stephen Blackadder of Blackadder Associates, it is anticipated that the performance review workshop will be conducted at the next Council Meeting of 15 September, 2021.

9. CLOSED COUNCIL

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

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

The matters and information are the following:

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

9.1 Deputy Chief Executive Officer Position Considerations

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:

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

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

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

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

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



10. COMMITTEES

11. MAYOR'S REPORT

Recommendation: That the Mayor's Report be received.



12. DELEGATES REPORTS



13. BUSINESS ARISING

14. CLOSE OF MEETING