



Council Chambers,  
BERRIGAN. 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 16<sup>th</sup> November, 2016**, when the following business will be submitted:-

**9.00AM**

**Public Question Time**

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11.	CLOSE OF MEETING	

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

ROWAN PERKINS  
GENERAL MANAGER

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## **Council Meeting**

Wednesday, 16<sup>th</sup> November, 2016

### **BUSINESS PAPER**

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- 1. APOLOGIES**
- 2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST**
- 3. VISITORS ATTENDING MEETING**

10.15 am Chris Donovan from the PGA - Tocumwal  
PGA Trainees Golf Tournament

- 4. CONFIRMATION OF MINUTES**  
**RECOMMENDATION – that the Minutes of the meeting held in the Council Chambers on Wednesday 12<sup>th</sup> October, 2016 and Extraordinary meeting held in the Council Chambers on Wednesday 2<sup>nd</sup> November, 2016, be confirmed.**

#### **5.1 FINANCE – ACCOUNTS**

**AUTHOR:** Finance Manager

**STRATEGIC OUTCOME:** Good government

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

**RECOMMENDATION – that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 October 2016, be received and that the accounts paid as per Warrant No. 10/16 totalling \$1,248,826.17 be confirmed.**

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#### **REPORT**

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 October 2016 is certified by the Finance Manager.

Items requiring Council Resolution

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- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 October 2016.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 October 2016, totalling \$1,248,826.17 and will be submitted for confirmation of payment as per Warrant No. 10/16
- 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) October has seen a slight decrease in total funds held at the end of August. The decrease is roughly comparable with the same period last year and represents the general pattern in cash holdings over a year. Total funds held are expected to increase over the October period as as the second quarterly FAG instalment and rates instalments become due.
- Council currently has an additional \$2.0 million more in cash and investments than the same time last year, although most is already either committed or restricted. This cash balance is expected to reduce as current large capital works are completed over the next 12 months.

# Berrigan Shire Council Business Paper, 16<sup>th</sup> November, 2016

## Items requiring Council Resolution

### Statement of Bank Balances as at 31 October 2016

#### Bank Account Reconciliation

Cash book balance as at 1 October 2016	\$ 875,159.24
Receipts for October 2016	\$ 1,033,904.22
Term Deposits Credited Back	\$ 1,630,000.00
	<b><u>\$ 3,539,063.46</u></b>

#### *Less Payments Statement No 10/16*

Cheque Payments V075691 - V075696	\$ 7,737.26
Electronic Funds Transfer (EFT) payroll	\$ 494,107.51
Electronic Funds Transfer (EFT) Creditors E024948 - E025112	\$ 714,662.97
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 32,318.43
Total Payments for October 2016	<u>\$ 1,248,826.17</u>
<b>Cash Book Balance as at 31 October 2016</b>	<b><u>\$ 2,290,237.29</u></b>

#### *Bank Statements as at 31 October 2016*

Bank Statements as at 31 October 2016	\$ 2,290,385.29
Plus Outstanding Deposits	
Less Outstanding Cheques/Payments	\$ 148.00
<b>Reconciliation Balance as at 31 October 2016</b>	<b><u>\$ 2,290,237.29</u></b>

#### **INVESTMENT REGISTER**

INSTITUTION	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL
AMP	117/15	210	3.00%	22/03/2017	\$ 2,000,000.00
AMP	125/16	209	2.95%	7/03/2017	\$ 2,000,000.00
Goulburn Murray Credit Union	124/16	270	2.95%	13/04/2017	\$ 2,000,000.00
Bank of Queensland	119/15	180	3.05%	11/03/2017	\$ 2,000,000.00
Bank of Queensland	123/16	180	2.98%	29/11/2016	\$ 2,000,000.00
Bendigo Bank	122/16	365	3.00%	26/05/2017	\$ 2,000,000.00
Central Murray Credit Union	104/14	90	2.80%	15/12/2016	\$ 2,000,000.00
Central Murray Credit Union	126/16	365	3.05%	30/08/2017	\$ 2,000,000.00
Defence Bank Limited	102/14	270	2.95%	4/04/2017	\$ 2,000,000.00
Defence Bank Limited	106/14	180	3.00%	2/10/2016	\$ 1,000,000.00
ME Bank	127/16	90	2.65%	1/12/2016	\$ 2,000,000.00
T-CORP HOURGLASS AT CALL		AT CALL			\$ 2,500,000.00
					<b><u>\$ 23,500,000.00</u></b>

#### **Total Funds Held at 31 October 2016**

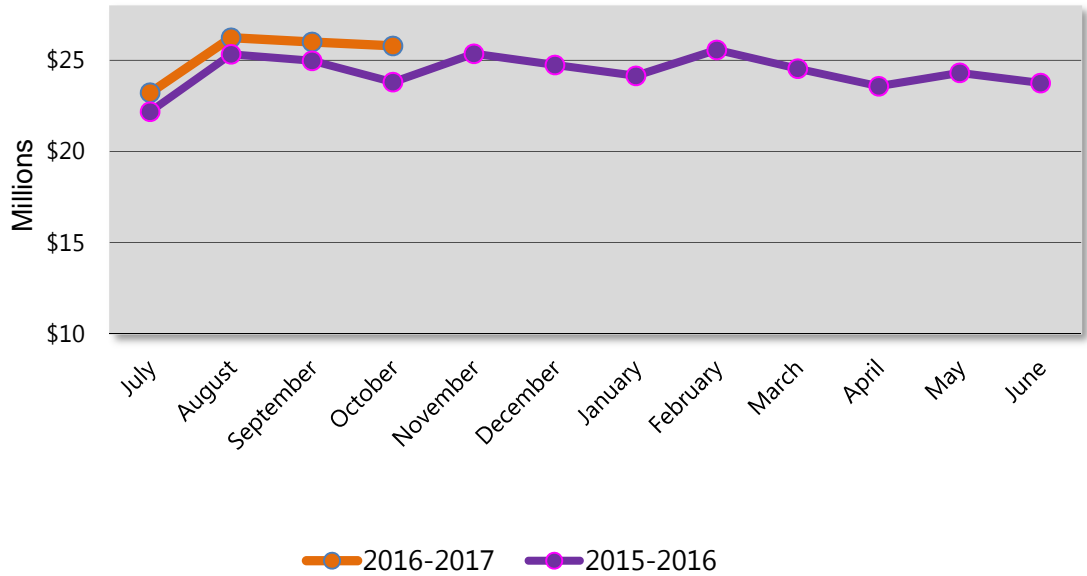
**\$25,790,237.29**

Carla von Brockhusen - Finance Manager

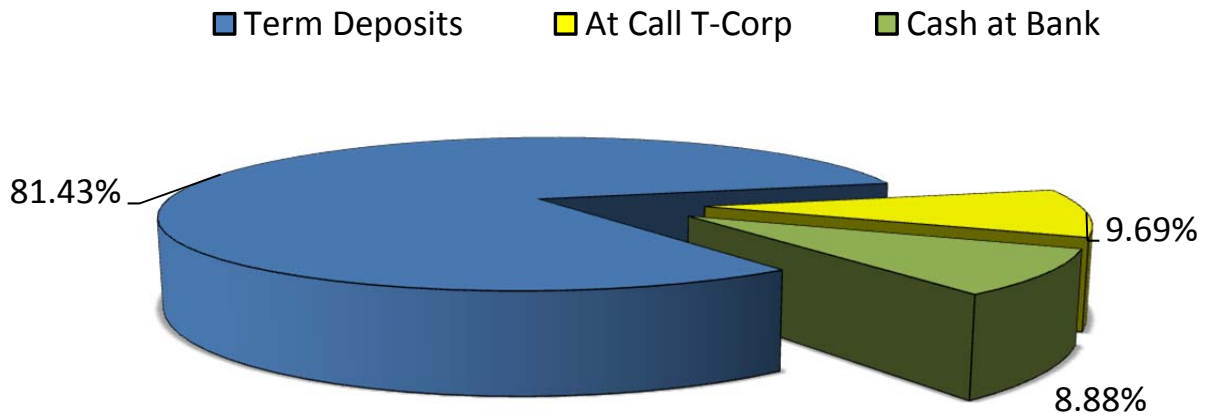
RESOLUTION

Items requiring Council Resolution

Total Funds Held



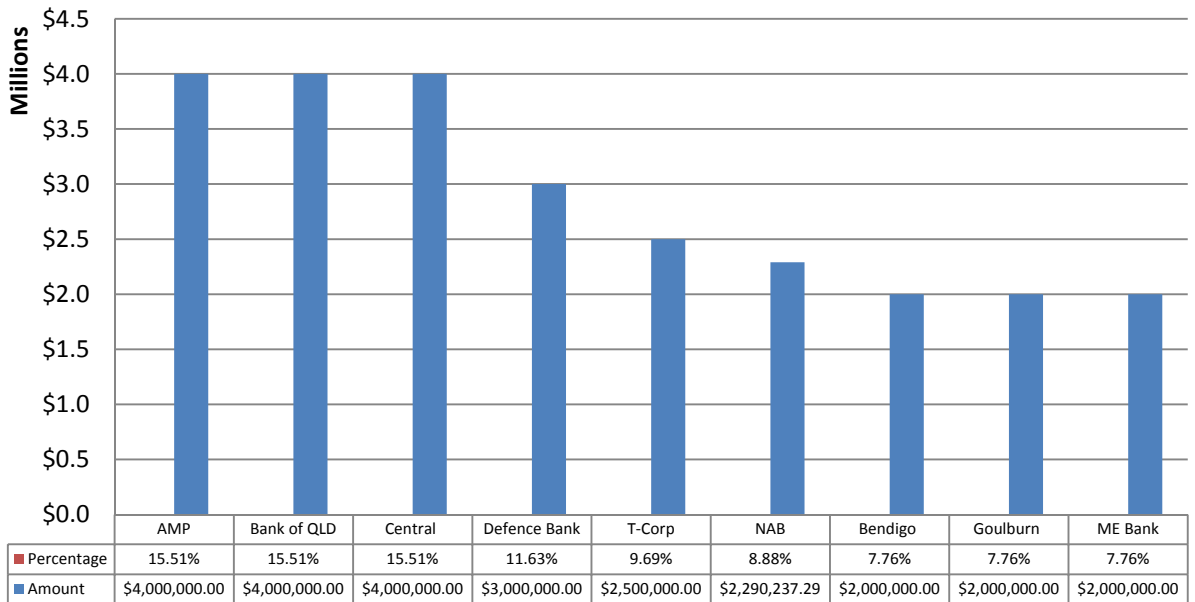
Funds Held By Type



RESOLUTION

Items requiring Council Resolution

Funds Held by Institution



Changes in Investment Portfolio for October 2016

Prior Financial Institution	Previous Investment		Current Financial Institution	New Investment	
	Amount	Interest Rate		Amount	Interest Rate
Defence Bank	\$1,000,000.00	3.00%	Defence Bank	\$1,000,000.00	2.35%
NAB (LIRS Loan)	\$1,630,000.00	3.05%			

Items requiring Council Resolution

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**5.2 BAROOGA ADVANCEMENT GROUP  
COMMITTEE OF MANAGEMENT**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 02.036.1

**RECOMMENDATION:** - that the Council:

- A) Revoke existing members of the Barooga Advancement Group Committee of Management.
- B) pursuant to Section 355 of the Local Government Act, 1993, appoint the following persons to the Barooga Advancement Group Committee of Management:

President	Trevor Ellison
Secretary	Neil Duffield
Treasurer	Nicole Foster
Committee	Simon Klaver, Jacky Klaver, Darrell Bowden, Natasha Bignell, Barry Kennedy, Sue Kennedy, Tom Saggars, Bob Davis, Lyn Thatcher, Denis Thatcher, Lyn Mountney, Mel Bowden, Leanne May, Ian Yeaman, Sheila Duffield, Lyn Woodhead, Val Toohey.

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**REPORT:**

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



Items requiring Council Resolution

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**5.3 FINANCIAL STATEMENTS 2015/16**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 12.019.1

**RECOMMENDATION:** - that the Council, not having received any submissions in relation to its 2015/16 Annual Statements and having considered the reports presented by its Auditors, RSD Chartered Accountants, adopt the 2015/16 Annual Statements and the Report on the conduct of the Audit.

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**REPORT:**

The Council adopted the draft Financial Statements for public exhibition and referred them to the Auditors for report, at its ordinary meeting held on Wednesday 12 October 2016.

RSD Chartered Accountants, the Council's appointed Auditor, has provided a report on the conduct of the audit.

The report on the conduct of the audit summarises the Council's financial results, makes comparisons to previous years and identifies and explains variations. It also comments on the Council's financial performance and key balance sheet items.

In the opinion of the Auditors, all ratios remain satisfactory. The Auditors remarked that the Council continues to maintain a sustainable level of unrestricted working capital.

In particular the report on the conduct of the audit also contains General Purpose Audit Report and the Special Purpose Audit report. These are statutory reports and importantly both have been issued without any qualification. The General Purpose report relates to the consolidated financial accounts while the Special Purpose report relates to the Council's designated business units being water supplies and sewerage services.

Mr. Phil Delahunty, Audit Principal for RSD Chartered Accountants attended the Council's October meeting and answered questions raised by Councillors.

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**Items requiring Council Resolution**

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At this meeting he reiterated that the Council was in a strong financial position and that he had no concerns regarding the state of the accounts.

The public exhibition period closed at 5pm Friday 4 November 2016 and no submissions were received. The Council can now complete the statutory process for finalising the accounts by adopting the above recommendation.

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Items requiring Council Resolution

**5.4 FINANCIAL REVIEW**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 12.019.1

**RECOMMENDATION:** - that the Council:

1. Note the first quarterly review of the 2016/17 budget and vote the funds contained therein as shown in Appendix "A".
2. Note the Quarterly Budget Review Statement attached as "Appendix "B".

**REPORT:**

Circulated with the Agenda as Appendix "A" is the Quarterly Financial Review for the period 1 July 2016 to 30 September 2016. This report takes into account all known factors and work variations until 30 September 2016 and later where possible, including budget allocations for the 2016/17 financial year.

The report shows distribution of funds allocated to capital works in the original 2016/17 budget allocated to the specific jobs identified in the capital works program.

It also shows any brought-forward amounts as approved in the final review of the 2015/16 budget. The variations showed in the far-right column of the report shows changes to line budgets after the effect of any brought-forward amount has been considered.

The summarised results for the period are as follows:

	<b>\$</b>
Revised budget surplus 2015/16	308,500
Less Projected budget surplus 2015/16	<u>29,731</u>
Increased surplus from 2015/16	278,769
Original budget surplus 16/17	74,081
Increased expenditure as per this report	(111,251)
Increased revenue as per this report	183,927
Revised budget surplus	<b>\$426,246</b>

RESOLUTION

### Items requiring Council Resolution

The majority of this budget surplus is brought forward from 2015/16 (\$308,500) with minimal changes in the 2016/17 to date. In previous years, the Council has tended to wait until the second quarterly review to allocate any additional cash brought forward from the previous year – to allow for any potential unexpected budget items to arise.

A prudent attitude to the use of this additional cash would seem appropriate given the impact of the recent wet weather and upcoming harvest is likely to have on the Council's road network.

Other key budget variations are discussed below.

#### Unfavourable

- Funds required for street lighting works were not carried forward from 2015/16 but have been re-included in the 2016/17 budget at a cost of \$42,000.

#### Favourable

- Additional grants totalling \$113,000 were received for works at Finley Recreation Reserve, Berrigan Sportsground and Berrigan War Memorial Swimming Pool. The offsetting expenditure is also shown in this report.

Not included in this report is any proposed change to funding of the Finley School of Arts redevelopment, to be considered separately by the Council. Significant variations are detailed below. Variances which are unfavourable to the Council's result are shown with a (u) next to them and variances which are favourable are denoted with a (f).

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT		COMMENT
1010-0199	ADMIN RISK MANAGEMENT	15,930	F	ALLOCATION TO PURCHASE PLANT – LIFTER RANGER VEHICLE
1011-0515	MOTOR VEHICLE PURCHASES	(15,930)	U	PURCHASE LIFTER RANGER VEHICLE
1110-0110	CONTRIBUTION RURAL FIRE FUND	41,500	U	REFLECT NEW RFS FUNDING MODEL
2120-1950	RFS OPERATIONAL GRANT (B&C)	(41,500)	U	REFLECT NEW RFS FUNDING MODEL

## Items requiring Council Resolution

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT		COMMENT
1200-1954	OLG GRANT - ESPL FUNDING	12,416	F	FUNDS RECEIVED FOR PREPARATORY WORK ON THE PROPOSED EMERGENCY SERVICES FIRE LEVY
1314-0140	EARLY INT - THERAPY SUPPORT	(14,532)	U	SERVICE EXPENDITURE FUNDED FROM INSIDE SERVICE
1314-0225	EARLY INT - TRAVEL ALLOWANCE	(14,091)	U	SERVICE EXPENDITURE FUNDED FROM INSIDE SERVICE
3200-1926	EARLY INT TRANSFER FROM RESERVE	31,432	F	TRANSFER UNSPENT FUNDS INTO OPERATIONAL
3200-1950	DADHC GRANT (INC GST)	31,000	F	NEW FUNDING RECEIVED
1417-0846	JERSEY ST - CHANTER TO TUPPAL	(48,000)	U	NEW JOB – K&G AND FOOTPATH – FUNDED FROM MCALLISTER ST BUDGET REDUCTION – ALSO HALF COST INCOME INCREASE
1510-0668	FIN - CLARIFIER REPLACE PONDS	25,000	F	Reallocated to 1510-0880
1510-0880	CHEMICAL PUMP REPLACEMENT	(25,000)	U	Reallocation from 1510-0668
4110-1926	WATER TRANSFER FROM RESERVE	440,438	F	TRANSFER TO MATCH CARRIED FORWARDS
1610-0550	BGN – SEWER TREATMENT POND FENCE	(15,000)	U	Reallocated from 1610-0898
1610-0898	BGN - POND FENCING	15,000	F	Reallocated to 1610-0550
5110-2026	SEWER SERVICES TRANSFER TO RESERVE	96,892	F	TRANSFER TO MATCH CARRIED FORWARDS
1714-0501	BGN MEMORIAL HALL – CEILING	10,000	F	EXPENDED IN 2015/16
1716-0520	BGN POOL - PRMF GRANT EXPENDITURE	(12,865)	U	NEW PROJECT FUNDED FROM GRANT
1717-0230	BGN SPORTSGROUND POWER UPGRADE PRMF	(80,625)	U	NEW PROJECT FUNDED FROM GRANT
1717-0231	FINLEY REC RES PRMF	(19,630)	U	NEW PROJECT FUNDED FROM GRANT
6400-1951	BGN POOL PRMF GRANT	12,865	F	GRANT RECEIVED

RESOLUTION

## Items requiring Council Resolution

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT		COMMENT
6500-1966	BGN SPORTSGROUND PRMF GRANT	80,625	F	GRANT RECEIVED
6500-1967	FIN RECREATION RESERVE PRMF GRANT	19,630	F	GRANT RECEIVED
6600-1560	CLUB GRANTS CAT-3 TOC SKATE PARK	70,000	F	GRANT FUNDS RECEIVED – NOT CARRIED FORWARD FROM 2015/16
0015-0356	MR363 BERRIGAN - OAKLANDS RD	(12,000)	U	ALLOCATED TO SPECIFIC JOB FROM CENTRAL BUDGET
0015-0363	MR363 BERRIGAN - BAROOGA RD	(44,000)	U	ALLOCATED TO SPECIFIC JOB FROM CENTRAL BUDGET
0015-0550	MR550 TOCUMWAL - MULWALA RD	(70,000)	U	ALLOCATED TO SPECIFIC JOB FROM CENTRAL BUDGET
0015-0564	MR564 BERRIGAN - JERILDERIE RD	(12,000)	U	ALLOCATED TO SPECIFIC JOB FROM CENTRAL BUDGET
0015-0999	RTA MR BLOCK GRANT BUDGET ONLY	143,000	F	CENTRAL BUDGET ALLOCATED TO SPECIFIC JOBS
1912-0086	RESHEET MCDONALDS RD	(12,545)	U	PRIORITY RESHEETING WORK BASED ON INSPECTIONS
1912-0114	RESHEET COULTERS RD	(38,065)	U	PRIORITY RESHEETING WORK BASED ON INSPECTIONS
1912-0138	RESHEET HAYFIELDS RD	50,000	F	POSTPONED TO FUND HIGHER PRIORITY RESHEETING WORKS.
1916-0845	MCALLISTER ST - HEADFORD TO OS	50,000	F	POSTPONED TO FUND PRIORITY WORKS AT JERSEY ST
1916-0932	JERSEY ST CHANTER - TUPPAL	(32,000)	U	NEW PROJECT INCLUDED PER COUNCIL RESOLUTION
1918-0515	STREET LIGHTING IN TOWNS	(42,000)	U	PRIOR YEAR BUDGET NOT CARRIED FORWARD
7500-1854	FOOTPATH TAKARI ST NANGUNIA SNELL RD	19,175	F	Half cost scheme

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### Items requiring Council Resolution

JOB/GL CODE	TITLE / DESCRIPTION	AMOUNT		COMMENT
7500-1857	FOOTPATH BUCHANNAN'S RD HUGHES TO LAWS	11,210	F	Half cost scheme
7500-1861	FOOTPATH HENNESY ST CHARLOTTE TO HAN	10,842	F	Half cost scheme
7500-1862	FOOTPATH JERSEY ST CHANTER TO TUPPAL	19,325	F	Half cost scheme
2020-0000	S/DR TECH SERV (BUDGET)	(17,500)	U	Expected works increase – matched to income

Councillors are invited to make comments or ask questions about any of the variances in this report.

#### **Quarterly Budget Review Statement**

The September Quarterly Budget Review Statement is attached as Appendix "B".

The QBRS is designed to:

- Facilitate progress reporting against the original and revised budgets at the end of the quarter
- Provide explanations for major variations
- Enable the Responsible Accounting Officer (RAO) to indicate if the Council will be in a satisfactory financial position at the end of the financial year.

This QBRS does not make any additional changes to the Council budget over and above the changes identified in the "line-item" report above. The QBRS simply shows the budget changes in another format to arrive at the same result.

The line-item budget report, while prepared on an accrual basis, delivers a "cash" report to the Council – i.e. what is the net cash position of the Council given the budget it has adopted. It gives the Council some comfort that has sufficient cash to undertake the program of works adopted in the budget.

The line-item budget also provides the Council with a complete list of all Council job cost accounts thus ensuring transparency regarding changes to Council programs and /or cost overruns. It is possible however to lose track of the important changes in the large report.

RESOLUTION

## Items requiring Council Resolution

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The QBRS, on the other hand, is prepared strictly on an accrual basis and in a format that is consistent with the Annual Financial Statements. While some of the basic transparency of the line-item budget has been lost, it does allow for tracking of the Council's operating result from quarter to quarter to the end of the financial year.

### Statements

The QBRS consists of six statements:

1. **Responsible Accounting Officer's statement** – This is a statement from the RAO advising the Council of her opinion regarding the Council's financial position.

If the RAO advises the Council that its financial position is not satisfactory, the RAO must provide the reasons for her concern and advice on what is required to remedy the situation.

2. **Income and Expenditure Budget Review Statement** – This is the budget equivalent of the Income Statement in the Annual Financial Statements. This report shows an updated projected operating result for the year and the effect of the proposed budget changes to the operating result.

- The first column shows the Council's original budget as reflected in the Management Plan adopted by the Council in June.
- The next five columns show budget changes previously approved by the Council. In this case, this reflects Council's works brought forward from 2015/16 and other internal adjustments.
- The Revised Budget column shows the Council's budgeted result prior the changes adopted by the Council in the September quarter review.
- The highlighted Variations this Quarter column shows the effect of the changes adopted by the Council at the review; and
- The Projected Year End Result shows the Council's current position.
- Finally, the actual YTD figures show what the Council's actual result for the quarter. As the Council raises much of its rate revenue at the start of the financial year, this will be significantly more than the projected result for the year.



## Items requiring Council Resolution

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The September QBRS shows the Council is estimating to return an operating **surplus** for the 2016/17 year of \$1.712m; a decrease from the initial estimate of \$ 2.356m – this difference is a result of carried forward expenses from 2015/16 offset somewhat by additional revenue from grants and user charges.

3. **Capital Budget Review Statement** – This statement presents the Council's budgeted capital works program.

The first half of the table shows how much the Council is proposing to spend on capital projects while the second half demonstrates how the Council is preparing to pay for them. The statement also splits Council's expenditure into sub-categories of New Assets, Renewal Assets and Loan Repayments.

As per the Income and Expenditure Budget Review Statement, the Capital Budget Review Statement works from left to right from the original budget through the previously adopted changes through to the proposed changes and followed by the revised budget.

Since all expenditure should be funded in some manner, the Capital Expenditure and Capital Funding sections of this report should balance.

4. **Cash & Investments Budget Review Statement** – This statement attempts to show the movements in the Council's cash position and cash reserves as well as duplicating some of the investment and bank reconciliation detail provided in the monthly warrant report to the Council.

Again the columns in this statement track the changes made as the year progress in the same manner as the previous two columns.

This report is in my opinion a very useful one for the Council as it allows the Council to track changes in its commitments and unrestricted cash.

The changes in this statement largely reflect the additional brought forward surplus

5. **Key Performance Indicators Budget Review Statement** – This statement is designed to provide some simple financial indicators to give the Council a snapshot of how it is performing financially.

Unlike the earlier reports there is some freedom here for the Council to choose what indicators it would like to see included in the report. The

### Items requiring Council Resolution

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finance team has chosen three that seem reasonably useful for the Council to track.

- Debt Service Ratio – an indicator of how much of the Council's income is used to service its debt
- Rates & Annual Charges Coverage Ratio – an indicator of how reliant the Council is on its rates revenue
- Building and Infrastructure Renewal Ratio – an indicator of the Council's effort in renewing its assets as they deteriorate.

The first two of these indicators are fairly much in line with Council's previous experience.

The third indicator shows that the Council's projected asset renewal ratio is 195.4%. **This is well above the Fit for the Future benchmark of 100% for this ratio.**

**Contracts and Other Expenses Budget Review Statement** – This statement is an attempt to provide the Council with some detail about the Council's new contractual arrangement and expenditure on consultancies and legal expenses

Items requiring Council Resolution

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**5.5 AGENCY INFORMATION GUIDE**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 16.002.1

**RECOMMENDATION:** - that, pursuant to section 21 of the *Government Information (Public Access) Act 2009* the Council adopt the Agency Information Guide below:

Berrigan Shire Council's agency information guide describes who we are and what we do.

It also describes how members of the public, community organisations, the media and government agencies can interact with us, access information held by us and change information you believe to be incorrect.

**THE COUNCIL, ITS STRUCTURE AND FUNCTIONS**

**Legal identity**

Berrigan Shire Council is constituted and operates under the provisions of the *Local Government Act 1993*. The Council is responsible for providing local government representation and services for the residents of Berrigan Shire.

Berrigan Shire was proclaimed by the New South Wales State Government on 15 May 1906 and has existed within substantially the same boundaries since that date. Located on the Murray River in the Southern Riverina, the Shire area covers approximately 2,100 square kilometres and is home to more than 8,400 residents.

**Integrated Planning and Reporting**

Berrigan Shire's preferred future is established in *Berrigan Shire 2023*, the Shire's Community Strategic Plan. This plan was developed in conjunction with our community under the Integrated Planning and Reporting (IP&R) framework established by the Office of Local Government.

In Berrigan Shire 2023, the community set out its vision for the future

*In 2023 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.*

### Items requiring Council Resolution

As well as *Berrigan Shire 2023*, the IP&R framework includes a suite of other plans, strategies and reports that are used by the Council to support the provision of a range of services, programs and initiatives on behalf of residents and others and advances Berrigan Shire as a lifestyle and investment destination of choice.

You can view the Council's suite of plans and strategies under the IP&R framework at the Council Administration Office and on the Council website at <http://www.berriganshire.nsw.gov.au/Council/Documents/ManagementPlansCodesReports.aspx>

#### Corporate Structure and functions

Berrigan Shire Council is led by a General Manager who is responsible for the efficient operation of the Council and for ensuring implementation of the Council's decisions. The General Manager is appointed by the Council under a standard contract.

The Council is made up two major divisions, each managed by a Director.

- Technical Services
- Corporate Services

Each department is responsible for the services as shown below:

Technical Services	Corporate Services
Roads, Bridges and Footpaths	Administration, HR and finance
Depot	Rates and charges
Animal control	Saleyards
Stormwater drainage	Home and community care
Parks and Gardens	Early intervention service
Water and Sewerage	Recreation reserves
Environmental Health	Libraries
Building control	Public swimming pools
Waste control	Rural Fire Service
Town planning	Tourism
Council buildings	Cemeteries
Development	Caravan parks
Aerodrome	Social and cultural planning

Outside this structure the Council has a series of Committees of Management that operate under section 355 of the *Local Government Act 1993*. You can

## Items requiring Council Resolution

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find a complete list of these committees on the Council website at <http://www.berriganshire.nsw.gov.au/Council/CommitteesofCouncil.aspx>

### LOCAL GOVERNMENT AND THE PUBLIC

As a service organisation, the majority of the activities of Berrigan Shire Council may have an impact on you. The following is an outline of how the broad functions of the Council may affect you and others.

- **Service functions** involve the Council providing services and facilities to the public. This includes the provision of public infrastructure such as roads, water supply and sewerage systems, waste collection and recycling services, community infrastructure such as libraries, halls and recreation reserves and human services such as Home and Community Care.
- **Regulatory functions** place restrictions on the use of land and on some other activities in order to mitigate any adverse effect on community amenity and the environment and to protect the life and safety of the public. Members of the public must be aware of, and comply with, such functions.
- **Ancillary functions** include, for example, the resumption of private land and the power for the Council to enter onto a person's land. In general, these activities will only affect the owners of the property.
- **Revenue functions** have a direct effect on the public in that the Council can compel landholders in the Shire to pay rates and charges lawfully made by the Council. The Council's revenue functions have an indirect effect on the public in that revenue raised by the Council is used to fund the services and facilities provided to the community.
- **Administrative functions** do not affect the public directly but the impact of these functions on the efficient and effective provision of services by the Council may affect the public.
- **Enforcement functions** such as impoundment of wandering stock directly affects those members of the public who are in breach of certain legislation. It has an indirect effect on the wider community through the maintenance of community amenity.
- **Community support functions** include such matters such as facilitation of community and business activity within the Shire and advocating for the needs of the community with other levels of government.

The Council exercises its functions under the *Local Government Act 1993*. As well as the *Local Government Act*, the Council has powers under a number of other Acts including:

### Items requiring Council Resolution

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<i>Coastal Protection Act 1979</i>	<i>Privacy and Personal Information Protection Act 1998</i>
<i>Community Land Development Act 1989</i>	<i>Protection of the Environment Operations Act 1997</i>
<i>Companion Animals Act 1998</i>	<i>Public Health Act 1991</i>
<i>Contaminated Land Management Act 1997</i>	<i>Recreation Vehicles Act 1983</i>
<i>Conveyancing Act 1919</i>	<i>Roads Act 1993</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>State Emergency &amp; Rescue Management Act 1989</i>
<i>Fire Brigades Act 1989</i>	<i>State Emergency Service Act 1989</i>
<i>Fluoridation of Public Water Supplies Act 1957</i>	<i>Strata Schemes (Freehold Development) Act 1973</i>
<i>Food Act 1989</i>	<i>Strata Schemes (Leasehold Development) Act 1986</i>
<i>Graffiti Control Act 2008</i>	<i>Strata Schemes Management Act 1996</i>
<i>Government Information (Public Access) Act 2009</i>	<i>Swimming Pools Act 1992</i>
<i>Heritage Act 1977</i>	<i>Unclaimed Money Act 1995</i>
<i>Impounding Act 1993</i>	<i>Water Act 1912</i>
<i>Library Act 1939</i>	<i>Water Management Act 2000</i>
<i>Noxious Weeds Act 1993</i>	<i>Work Health and Safety Act 2011</i>

### **PARTICIPATION IN LOCAL GOVERNMENT**

#### **Representation**

Local government in New South Wales is based on the principle of representative democracy. This means that eligible voters elect representatives to their local Council to make decisions on their behalf. In New South Wales, elections are held every four years.

Berrigan Shire Council is represented by a publicly elected Council that is responsible for providing leadership in the development and implementation of a program of actions that contribute to the Shire community's vision.

Berrigan Shire Council is represented by eight councillors, headed by a Mayor.

## Items requiring Council Resolution

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Councillors serve a four year term; the current Council was elected in September 2016. Berrigan Shire is not divided into wards and councillors are elected at large.

The Mayor is elected by the Councillors from among their number and serves for a 12 month term. The current Mayor was elected in September 2016.

The role of the Council is to:

1. Represent the community and advocate its viewpoint
2. Formulate policy and strategic direction and make decisions that will benefit the community as a whole
3. Oversee the implementation of policy and key strategic plans and review the performance of the organisation
4. Set and approve the Council budget

### Meetings

Berrigan Shire Council holds an ordinary meeting of the Council on a monthly basis. This is ordinarily scheduled for the third Wednesday of the month, commencing at 9.15am. The venue for the meeting is the Berrigan Shire Council Chambers, 56 Chanter St Berrigan. The Council may choose to vary the time, date or venue of meetings or hold an extraordinary meeting.

The Council also holds meetings of various committees of the Council on the Wednesday two weeks before the third Wednesday of the month.

You can find Council and committee meeting times on the Council website (<http://www.berriganshire.nsw.gov.au>) and they are also advertised in the Southern Riverina News and the Cobram Courier. Ordinary meetings of the Council are open to the public, except as allowed for in the *Local Government Act 1993*.

### Public participation

Council's Community Engagement Framework (2016) strengthens Council's commitment to supporting the participation of individuals, groups and communities in Council planning and decision making. It guides the development of Council's Community Strategic Planning engagement strategies and consultation on local issues.

Opportunities exist for you and other members of the community to participate in all facets of the governance of the Council. There is participation through the formal decision-making structures and through the many support units and groups that contribute to the Council's affairs.

Outside the formal structures of decision-making the Council has a procedure for receiving and responding to complaints and suggestions from the public about the Council and its functions. You are also encouraged to contact

## Items requiring Council Resolution

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Councillors to put forward your views regarding issues relating to the Council. You can find contact details for the Councillors on the Council website at <http://www.berriganshire.nsw.gov.au/Council/YourCouncillors.aspx>

Many Council plans, codes and policies are placed on display for public comment before final adoption by the Council. Notification of requests for public comment is made on the Council website (<http://www.berriganshire.nsw.gov.au>) and in the Southern Riverina News and the Cobram Courier.

These draft plans and codes also available on the Council website and also are available for perusal at the Council administration office and the Barooga, Berrigan, Finley and Tocumwal branches of the Berrigan Shire Library Service.

You and other members of the public are invited to join the various committees of management that operate facilities such as recreation reserves, public halls and parks and gardens. Other committees open to the public include various advisory and support groups on issues such as youth, public libraries and community assistance.

### **COUNCIL INFORMATION AND ACCESS TO INFORMATION**

#### **List of Council documents available to the public**

The *Government Information Public Access Act 2009* (GIPA Act) and associated regulation provides you with a general right of access to information held by the Council as long as it does not infringe privacy or other laws or there are public interest considerations against disclosure

A range of information about the Council and its operations is available on the Council's website and/or the Council administration office in Berrigan

You are entitled to inspect these documents held by the Council on the Council's website – unless there is an unreasonable additional cost to the Council to publish these documents on the website – or at the offices of the Council during ordinary office hours or at any other place as determined by the Council.

Any current or previous document of this type may be inspected by you free of charge. Copies can be supplied for reasonable copying charges.

1. Information about Council and Council meetings
  - a. Code of meeting practice
  - b. Agendas, minutes and business papers for any meeting of the Council or any committee of the Council
  - c. Councillors expenses and facilities policy
2. Council Administration



## Items requiring Council Resolution

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- a. Berrigan Shire Council Code of Conduct
  - b. Annual Report, Financial Statements and Auditor's Report
  - c. Equal Employment Opportunity Management Plan
  - d. Land Register,
  - e. Investment Register,
  - f. Delegations Register
  - g. Register of voting on planning matters
  - h. Register of graffiti removal work
3. Plans and policies,
- a. A range of Council policies are available on the Council's website <http://www.berriganshire.nsw.gov.au/Council/Documents/CouncilPolicies.aspx>
  - b. Other Council plans, strategies and reports can be found at: <http://www.berriganshire.nsw.gov.au/Council/Documents/ManagementPlansCodesReports.aspx>
4. Development and Planning
- a. Environmental planning instruments and development control plans
  - b. Development Applications and associated documents
5. Other documents.
- a. Leases and licences for use of public land classified as community land
  - b. Register of contracts
  - c. Register of gifts
  - d. Returns of the interests of Councillors, designated persons and delegates (Note: only available for viewing at the Council Administration Office)
  - e. Register of current declarations of disclosures of political donations

### How to Access Information the Council holds

Under the GIPA Act the Council has an obligation to provide greater accessibility to government information for the public.

Documents available for free can be found on the Council's website (<http://www.berriganshire.nsw.gov.au>) or picked up in person at the Council's office in Berrigan during office hours.

You may come to the Council's office at 56 Chanter Street, Berrigan, and view the Council's open access information during office hours (8.00am to 5.00pm Monday to Friday excluding public holidays).

Any person can request to view his/her own personal record and can request the alteration of certain information that is held by the Council in connection with its administrative functions and if the information is, in the person's opinion, incomplete, incorrect, out of date or misleading. Any records of a

## Items requiring Council Resolution

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legal or accounting nature cannot be altered without proper approval or advice.

The Director Corporate Services has been appointed as the Council's Public Officer and Right to Information Officer. Among other duties, the Director Corporate Services may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director Corporate Services is also responsible for determining applications for access to documents or for the amendment of records.

The Council will endeavor to make as much information as possible available proactively or upon request, unless there is an overriding public interest against disclosure. In some cases, it may be necessary to lodge a formal access application. Access forms are available on the Council's website or by contacting the Council's Public Officer.

Requests for amendment of a document of the Council which you feel is incorrect will require you to make written application to the Director Corporate Services in the first instance.

Matthew Hansen  
Director Corporate Services  
Berrigan Shire Council  
PO Box 137  
BERRIGAN NSW 2712

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

### Office of the Information and Privacy Commissioner

The Office of the Information and Privacy Commissioner (OIPC) has been established to oversee the GIPA Act. The OIPC provides information about the right to access information held by NSW government agencies, including Councils.

You can contact the OIPC via:

Level 11, 1 Castlereagh St  
SYDNEY NSW 2001  
GPO Box 7011  
SYDNEY NSW 2001  
Telephone: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

## Items requiring Council Resolution

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### REPORT:

The *Government Information (Public Access) Act 2009* (GIPA Act) provides a range of obligations on the Council – and all NSW Government instrumentalities – regarding the provision of information to the public.

One of the obligations the Council is required to meet is to “adopt” an Agency Information Guide. The Agency Information Guide must be published on the Council’s website.

Section 20 of the GIPA Act states:

(1) An [agency](#) (other than a Minister) must have a guide (its “agency information guide”) that:

(a) describes the structure and functions of the [agency](#), and  
(b) describes the ways in which the functions (including, in particular, the decision-making functions) of the [agency](#) affect members of the public, and

(c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the [agency](#)’s policy and the exercise of the [agency](#)’s functions, and

(d) identifies the various kinds of [government information](#) held by the [agency](#), and

(e) identifies the kinds of [government information](#) held by the [agency](#) that the [agency](#) makes (or will make) publicly available, and

(f) specifies the manner in which the [agency](#) makes (or will make) [government information](#) publicly available, and

(g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

(2) An agency must make government information publicly available as provided by its agency information guide.

Section 21 of the Act requires that the Agency Information Guide be adopted at periods of no less than 12 months (i.e. at least annually).

While the Act uses the term “adopt” this does not mean “adopt” in the sense of “pass by voting” as most of the bodies covered under the Act cannot make resolutions. Instead, it means to “take on for use”. However, it would be more straightforward and transparent to demonstrate compliance with the Act by adopting it by resolution of the Council.

The Agency Information Guide was last adopted by the Council in November 2015. The only changes made are updates reflecting the recent elections and adoption of a new Community Engagement Framework.

Items requiring Council Resolution

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**5.6 POLICY FOR RECOGNITION OF SERVICE**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 22.017.1

**RECOMMENDATION:** - that the Council:

- Revoke its Policy for Recognition of Service; and
- Adopt the Policy for Recognition of Service set out below.

**1. POLICY STATEMENT**

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

**2. PURPOSE**

Berrigan Shire Council, as a responsible employer, wishes to publicly recognise the loyal and dedicated service of its employees.

The Council also wishes to honour and acknowledge the service of its Councillors.

**3. SCOPE**

This policy applies to Councillors and Council employees

**4. OBJECTIVE**

This policy is developed to assist the Council with:

Delivery Plan Action 2.2.2.5:

*Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan 2013 – 2017*

and Delivery Plan Objective 2.2.2.1:

*Provide facilities and support including financial to elected Council.*

**5. DEFINITIONS**

**Service** is defined as continuous employment or service with Berrigan Shire Council. Part-time employment is counted equally as full-time service.

**Items requiring Council Resolution**

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Parental leave and leave without pay is not counted in calculating years of service.

**6. POLICY IMPLEMENTATION**

**6.1 Long service awards:**

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

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

Presentation of service acknowledgements will be made at an annual function held by the Council. All Councillors, employees, their spouses and/or partners will be invited to attend.

**6.2 Farewell presentations:**

Long serving Councillors and employees who have left the Council will be recognised as follows:

**6.2.1 Employees:**

Employees with over 25 years of service to the Council will be presented with a suitable gift to the value of \$500

25-29 years – The Council will present the gift at a Council meeting

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

**6.2.2 Councillors:**

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

**7. RELATED POLICIES OR STRATEGIES**

Relevant Legislation, Documents and Policies

- *Local Government Act 1993*
- *Fringe Benefits Tax Assessment Act 1986 (C'wealth)*
- Local Government (State) Award 2010
- Berrigan Shire Council Code of Conduct

RESOLUTION

### Items requiring Council Resolution

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- Payment of expenses and the provision of facilities for Mayors and Councillors
- Berrigan Shire 2023 (Community Strategic Plan)
- Berrigan Shire Council Workforce Development Plan 2013
- Berrigan Shire Council Guidelines of the payment of expenses and provision of facilities to employees

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#### REPORT:

The Council's policy for Recognition of Service is due for review.

From the point of view of Council staff, the policy is still applicable and the only changes proposed are cosmetic.

Note that any changes made to this policy would necessarily apply from 2017, given the 2016 Service Presentation is on 17 November 2016. Council staff have already arranged awards for that date.

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Items requiring Council Resolution

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**5.7 POLICY FOR STREET STALLS**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 28.167.1

**RECOMMENDATION:** - that the Council:

- Revoke its Policy for Street Stalls; and
- Adopt the Policy for Street Stalls set out below.

**1. POLICY STATEMENT**

In order to ensure the orderly and equitable operation of street stalls in each of the towns in Berrigan Shire, the Council allocates available times and dates to various community groups.

The Council has a role in regulating street stalls to ensure:

- Access for pedestrians is not unduly impeded
- Local traders are not unduly inconvenienced
- All groups wishing to hold a street stall are given an opportunity

**2. PURPOSE**

The policy is designed to regulate and equitably share the space made available for local community groups to operate street stalls in each of the towns in Berrigan Shire.

**3. SCOPE**

This policy applies to all organisations wishing to hold a street stall on Council-controlled land

**4. OBJECTIVE**

This policy is developed to assist the Council with Delivery Plan Objective 3.1.3

*Strengthen the inclusiveness and accessibility of our community*

**5. DEFINITIONS**

A **street stall** is a temporary stall or stand operating in the open, generally selling a range of small items and/or raffle tickets. They are generally run for

## Items requiring Council Resolution

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the purpose of raising funds for community activities and other charitable reasons.

### 6. POLICY IMPLEMENTATION

#### 6.1. Eligibility

Only organisations operating for charitable or community purposes will be allocated a street stall date.

The Council will not provide street stall dates to individuals or to private businesses.

No organisation will be allocated more than 3 street stall dates per calendar year.

#### 6.2. Applications

The Council will seek applications for street stall dates annually.

The Council will place a notice in the Council's Bulletin Page in the Cobram Courier and the Southern Riverina News when accepting applications for the coming year. A similar notice will appear on the Council website and social media outlets.

Applications for street stall dates will close on 31 January annually. This allows time for the Council to prepare and distribute advice of approved dates.

Applications received should contain the following information

- **Completed** application form
- Name of the organisation
- Contact name and daytime contact details
- Current Certificate of Currency of the organisation's Public Liability Insurance for \$20 million
- Preferred dates (please provide a range of dates, in order of preference)
- Rough outline of activity planned – e.g. "wood raffle and cake stall"

#### 6.3. Allocation

The Council will allocate dates to eligible organisations on a "first come, first served" basis.

An alternative date will be allocated to any organisation subsequently requesting a date already booked. The Council will attempt to take into account any preferences listed in the application.

Additional stalls for special appeals for disaster relief, e.g. a natural disaster such as a fire, flood etc., will be considered with a completed application form and current Certificate of Currency of the organisation's Public Liability insurance for \$20 million.

#### 6.4. Designated Locations



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The preferred locations for street stalls are as follows:

Barooga	Outside the former IGA on Vermont Street.
Berrigan	Outside the Newsagency on Chanter Street.
Finley	Outside the Newsagency on Murray Street.
Tocumwal	Outside the Supermarket on Deniliquin Street

Alternative locations will be considered by the Council upon request.

### 6.5. Operation

The stall must be conducted at the agreed site.

The organisation must meet the requirements of the Council's Outdoor Dining and Footpath Trading Policy. The Council may, at its discretion, impose further requirements over and above that policy if deemed necessary.

Street stall operators should consider their legal responsibilities to their volunteers and the public while operating their stall.

No more than two street stalls will be allocated for each town per week.

Switching or swapping of dates with other organisations is permitted subject to

- concurrence of both organisations, and
- sufficient notice being given to the Council

## 7. RELATED POLICIES OR STRATEGIES

### 7.1. Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- *Food Act 2003*
- *Environmental Planning and Assessment Act 1979*

### 7.2. Policies and other documents

- Berrigan Shire Council Code of Conduct
- Risk Management Policy and Framework
- Outdoor Dining and Footpath Trading Policy

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### REPORT:

The Council's policy for Street Stalls is due for review.

### Items requiring Council Resolution

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From the point of view of Council staff, the policy is still largely applicable. The proposed changes to the policy reflect current practice:

1. Social media sites will publicise the period for submitting street stall applications
2. Requirement to provide a Certificate of Currency for Public Liability Insurance to the value of \$20 million.
3. Allowance for street stalls to raise funds to support victims of natural disasters can be submitted at any time.
4. Clarification of the site of the street stall in Tocumwal
5. Other cosmetic changes

The Council may adopt, amend or reject this proposed policy as it chooses.

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Items requiring Council Resolution

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**5.8 POLICY FOR SUPERVISION AND HIRING ARRANGEMENTS FOR COMMUNITY SWIMMING POOLS**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 26.160.1, 26.160.2, 26.160.3, 26.160.4

**RECOMMENDATION:** - that the Council:

- Revoke its Policy for Supervision and Hiring Arrangements for Community Swimming Pools; and
- Adopt the Policy for Supervision and Hiring Arrangements for Community Swimming Pools set out below.

**1. POLICY STATEMENT**

Berrigan Shire Council is responsible for three community-run public swimming pools; one each at Berrigan, Finley and Tocumwal. These pools are operated by a volunteer committee of Council established under s355 of the *Local Government Act 1993* on behalf of the local community, with the Council acting as trustee of the land and providing a legal structure to the committee to operate.

These public swimming pools provide an important venue for many forms of water sports, fitness and other recreational activities, and are enjoyed by significant numbers within the community.

However, there are inherent dangers with aquatic locations. Berrigan Shire Council has a responsibility to ensure that adequate safeguards are in place to minimise the risks that can be associated with aquatic locations under its care and control.

**2. PURPOSE**

The purpose of this policy is to set acceptable standards for the use of the community swimming pools, including minimum terms for hire agreements and minimum supervision requirements.

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This is in line with the Council's Risk Management Framework and guidelines set by the Office of Local Government and Royal Life Australia (RLSSA).

### 3. SCOPE

This policy applies to the use of Council-controlled community-run swimming pools at Berrigan, Finley and Tocumwal.

### 4. OBJECTIVE

This policy is developed to assist the Council with:

Delivery Plan Objective 3.1.2.3:

*Provide recreation facilities which support active lifestyle and ageing in place*

and Delivery Plan Objective 2.2.2:

*Council operations support ethical, transparent and accountable corporate governance*

### 5. DEFINITIONS

**Active Supervision** – is defined by the RLSSA as

*Active supervision at public pools consists of four key elements:*

***Be Prepared:*** *Ensure you have everything you need before getting into the water, such as towels and dry clothes.*

***Be Close:*** *Always be within arms' reach of your child.*

***All of Your Attention:*** *Focus all of your attention on your child and get into the pool and talk and play with them.*

***All of the Time:*** *You should never leave your child alone in the water, nor should they be left in the care of an older child or with the assumption that your responsibility diminishes due to the presence of lifeguards.*

**Committee of Management** – A committee established under s355 of the Local Government Act 1993 to exercise a function of the Council. In this case, the volunteer committees of the Council delegated care, control and management of Council's community swimming pools.

## Items requiring Council Resolution

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### 6. POLICY IMPLEMENTATION

#### 6.1 Delegation

The Council has delegated care, control and management of the swimming pools in its control to a volunteer Committee of Management. These committees are responsible for the day-to-day operations of these facilities.

#### 6.2 Specific requirements

The configuration of all of the Council's public swimming pools would see them classified as "Category 5" pools under Practice Note 15 released by the Office of Local Government. Given the use patterns and patronage of its public pools, the Council has taken a position that meeting the recommendations of Practice Note 15 would be cost-prohibitive and excessive.

Berrigan Shire Council has taken a risk-management approach to supervision at its public pools. As such, the Council has made a decision to vary from the recommendations of Practice Note 15 in some cases. In each case, a specific risk assessment has been undertaken to justify the variation in question.

#### 6.3 Hire arrangements

Practice Note 15 states:

*It is also a recommended practice that councils/delegated aquatic facility managers enter into formal agreements with user groups such as schools, swimming instructors, clubs and community organisations using the facilities.*

*The agreement should identify key responsibilities of both the council/delegated aquatic facility manager and the hirer, for example, in relation to supervision, emergencies and first aid. This ensures that all parties are aware of their roles and reinforces appropriate stakeholder responsibilities and general behaviours*

Third-party users of the public swimming pools will be required to enter into a formal hire agreement with the Council.

For schools and swimming clubs, this will be entered into annually prior to the start of each swimming season. Casual hirers will enter into a single-use agreement.

The hire agreement will include specifics about:

- Dates and times of use
- Supervision requirements, etc.

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- Insurances and indemnities
- User obligations

Schools and swimming clubs will also be required to advise the lifeguard and the Council about the activities to be undertaken at each session, the supervision arrangements in place and any details about users with special needs or requirements. For school groups, this may take the form of an in-house risk assessment

Schools hiring a Council public swimming pool must have in place a coloured tag system to identify non-swimmers and weak swimmers in line with the Water Safety Guidelines for Unstructured Aquatic Activity issued by the NSW Department of Education and Communities.

Hirers will be expected to have Public Liability Insurance to the value of \$20 million and to produce a Certificate of Currency upon request.

### 6.4 Supervision

While open to the public, the minimum supervision requirements are:

- A lifeguard meeting the minimum qualification requirements of this policy
- While the pool is open to the public, the lifeguard's sole responsibility is active supervision of the water.
- There must be a minimum of one (1) qualified lifeguard per 100 patrons.
- Use of a diving board or other devices such as inflatable structures will require an additional qualified lifeguard whose sole role will be to supervise the use of the device.

The Committees of Management will also endeavour to have another person in the pool area with NSW WorkCover approved Senior First Aid, including CPR, Schools Emergency Care and CPR or an equivalent qualification that is acceptable to the Council.

A third-party hirer of the pool must meet the following supervision requirements:

- A minimum of two (2) people on supervision duty at any one time
- At least one of the supervisors must be a qualified lifeguard under this policy, inducted into the specific pool in question and be capable of supervising the water
- The sole role of the qualified lifeguard must be to provide active supervision of swimmers in the water and no other task. The lifeguard must not be coaching swimmers in the pool or supervising patrons out of the pool.
- There must be a minimum of one (1) qualified lifeguard per 100 patrons.

## Items requiring Council Resolution

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- Another person in the pool area with NSW WorkCover approved Senior First Aid, including CPR, Schools Emergency Care and CPR or an equivalent qualification that is acceptable to the Council
- Use of a diving board or other devices such as inflatable structures will require an additional qualified lifeguard whose sole role will be to supervise the use of the device.

### 6.5 Supervision of children

Berrigan Shire Council is committed to the safety of children at its public pools and as such its supervision requirements are in line with the RLSSA Keep Safe @ Public Pools program.

- Children under the age of 10 will not be permitted to use the pool unless they are accompanied by a person responsible for their supervision. This person must be aged over 18 and be actively supervising the child at all times.
- Parents and guardians should actively supervise their children at all times and be dressed ready to enter a pool. For 0–5 year olds and non-swimmers, a parent or guardian needs to be in the water at all times and within arms' reach of the child.
- Constant active supervision is required for children aged 6–10 years old. Parents and carers must be prepared to enter the water with this age group.

The lifeguard on duty has an obligation to ensure that children are being adequately supervised and is authorised to take action where supervision is inadequate, including asking the patron to exit the water and/or leave the pool grounds.

The Council acknowledges that these requirements may contravene the strict requirements of the *Anti-Discrimination Act 1977* but it has taken the position that any contravention is justified in order to protect the life and safety of its pool patrons, following an assessment of the risks involved.

### 6.6 Equipment

While open, each public pool will have the following equipment available for use:

Lifesaving equipment

- Spinal board
- Neck collar
- Board straps

### Items requiring Council Resolution

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- Reach pole
- Kick board

#### Resuscitation equipment

- Oxygen unit
- Pocket mask and latex gloves

#### Other equipment

- Mobile telephone (at the pool deck)
- First aid kits x 3
  - First aid room (Type A)
  - Pool deck (Type B)
  - Bum bag carried by the pool lifeguard (Type C)

#### **6.7 Qualifications**

A person acting as a lifeguard at a public pool must at a minimum have a RLSSA NSW Pool Lifeguard Licence (updated annually) including:

- RLSSA Bronze Medallion,
- NSW Workcover approved Senior First Aid (updated every 3 years) and
- RLSSA Oxygen Equipment;

The lifeguard must also be specifically inducted into each pool that he or she will supervise.

Lifeguards must also have a current “Working with children” check meeting the requirements of the *Commission for Children and Young People Act 1998*

The Council will not employ lifeguards aged under 16. Lifeguards aged between 16 and 18 will not be rostered to work alone; they must be under the supervision of another lifeguard on duty aged over 18.

#### **6.8 Volunteer lifeguards**

The use of lifeguards not employed by the Council on a volunteer basis is permitted.

Volunteer lifeguards, including lifeguards on duty when the pool is being used by a third-party hirer, must have the same qualifications and undertake the same inductions as a Council-employed lifeguard.

In addition to these requirements, the Pool Supervisor must assess each volunteer lifeguard and explicitly approve the use of that lifeguard at each



## Items requiring Council Resolution

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event. The Pool Supervisor will keep adequate records of the qualifications of each volunteer lifeguard.

Volunteer lifeguards are to act within the requirements of this policy and other Council requirements and under the direction of the Pool Supervisor.

Volunteer lifeguards must be aged over 16. Volunteer lifeguards aged between 16 and 18 may be used, but only under the supervision of another qualified lifeguard on duty aged over 18.

### **6.9 Inspections**

Formal inspections of the pool will be conducted on a regular basis in line with the Pool Operating Manuals. These include pre-season, weekly and daily checks

Third-party hirers will also inspect the pool area on each occasion before taking control of the pool facility.

### **6.10 RELATED LEGISLATION, POLICIES AND STRATEGIES**

#### **6.11 Legislation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Work Health and Safety Act 2011*
- *Anti-Discrimination Act 1977*
- *Commission for Children and Young People Act 1998*

#### **6.12 Other documents**

- Office of Local Government Practice Note 15 – Water Safety
- RLSSA Guidelines for Safe Pool Operation
- RLSSA Keep Safe @ Public School program
- Office of the State Coroner NSW – Inquest into the death of Armani Dirani
- New South Wales Department of Education and Communities - Water Safety Guidelines for Unstructured Aquatic Activity

#### **6.13 Council policies**

- Berrigan Shire Council Risk Management Framework
- Risk Management Policy
- Pool Operation Manuals

Items requiring Council Resolution

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**REPORT:**

In 2014, the Council adopted a policy to formalise its arrangements for supervision at its public pools, including the expectations of hirers of the pool, such as schools, swimming clubs and other groups. This policy is now due for review.

The policy was informed by the experience of a near-drowning during a school swimming session at one of the Council's public pools in February 2014.

When developing the policy, the Council sought advice from its insurers and from Royal Life Australia. It also consulted with school groups, swimming clubs and its own volunteer committees of management.

The resulting policy is therefore a balance between minimising risk while still allowing the pools to operate sustainably, now and into the future.

From the point of view of Council staff, the existing policy can be re-adopted with only minor, grammatical changes. However, the Council may wish to seek the views of other stakeholders before formal adoption.

When the Council adopted the previous policy, it modified an initial requirement for the Committees to have a second CPR trained person on site while the pool is open – making this an aspiration rather than a requirement. The Council may also wish to reconsider that matter

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Items requiring Council Resolution

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**5.9 COUNCILLOR EXPENSES AND FACILITIES POLICY**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 13.045.1

**RECOMMENDATION:** - that the Council

1. adopt the “Payment of Expenses and Provision of Facilities For Mayors and Councillors” draft policy, as set out below, and
2. place the draft on public exhibition for a period of 28 days with any public submissions received to be considered at the ordinary Council meeting to be held on 18 January 2017.

**PART 1 INTRODUCTION**

This policy for the payment of expenses and the provision of facilities for Mayors and Councillors is effective from 18<sup>th</sup> January, 2017, being the date it was adopted by the Council.

The policy comprises four parts, being:

1. Part I Introduction – defines key terms and describes the legislative and reporting requirements that prescribe the policy’s purpose, objectives and scope;
2. Part II Payment of Expenses – describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses;
3. Part III Provision of Facilities – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources; and
4. Part IV Other Matters – provides guidance on issues related to Councillor acquisition and return of facilities and superannuation

This policy is made under Sections 252-254 of the *Local Government Act* 1993 (the Act), Section 403 of the *Local Government (General) Regulation* and in accordance with the Guidelines issued by the Office of Local Government (October 2009) in accordance with Section 23A of the Act.

RESOLUTION

## Items requiring Council Resolution

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Broadly, the Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and the other Councillors in relation to discharging the functions of civic office.

This Policy must comply with the provisions of the Act, the Regulation and the Guidelines.

### 7.3. Purpose

The purpose of the Policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

### 7.4. Objectives and scope

#### 7.4.1. Objectives

Berrigan Shire Council is committed to the following *Berrigan Shire 2023* strategic outcomes and objectives:

*Good Government*

*2.2 Ensure effective governance by Council of Council operations and reporting;*

The objectives of this policy are:

1. To outline the details and range of benefits provided to Councillors by the Council in a transparent manner.
2. To ensure that Councillors are reimbursed for expenses reasonably incurred in their performance of their role as a Councillor in a manner that is acceptable to the community.
3. To encourage members of the community to seek election to the Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a Councillor.
4. To ensure that Councillor use of Council facilities and resources is effective, efficient, appropriate, lawful and ethical.

#### 7.4.2. Scope

The policy applies to all Councillors and if appropriate any Councillor administrators as well.

The policy does not apply to the receipt or expenditure of Councillors or Mayoral annual allowances.

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

### 7.5. Making and adoption

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Berrigan Shire Council is required on an annual basis to review and submit its policy to the Chief Executive of the Office of Local Government within 28 days of adoption by the Council, even if it is proposed to adopt an unchanged policy. Current policies must be submitted by 30 November each year.

Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.

Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.

At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term “not substantial” should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

### **7.6. Legislative and other provisions**

#### **7.6.1. Legislative provisions**

- Sections 252-254 of the *Local Government Act* 1993 – Payment of expenses and provisions of facilities.
- Section 428 of the *Local Government Act* 1993 – Annual reports
- Clause 217 of the *Local Government (General) Regulation* 2005 – Additional information for inclusion in annual reports.
- Clause 403 of the *Local Government (General) Regulation* 2005 – Payment of expenses and provision of facilities.
- Local Government (State) Award 2014.

#### **7.6.2. Other Government Policy Provisions**

- Office of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act* 1993.
- Office of Local Government Circulars to Councils
  - Circular 05/08 Legal assistance for Councillors and council employees
  - Circular 08/24 Misuse of council resources
  - Circular 08/37 Council decision making prior to elections

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- Circular 11/27 Findings from review of Councillor expenses and facilities policies
- Model Code of Conduct for Local Councils in NSW, particularly Use of Council Resources.
- ICAC Publication – *No Excuse for Misuse*, preventing the misuse of council resources.

#### 7.6.3. Other relevant Council documents and policies

- Private Use of Council Vehicles
- Communication Devices Policy
- Annual Schedule of Fees and Charges
- Berrigan Shire Council Code of Conduct
- Berrigan Shire 2023 (Community Strategic Plan)
- Berrigan Shire Council Delivery Plan 2013-2017
- Berrigan Shire Council Operational Plan 2014-15

#### 7.7. Reporting

Section 428 of the Act requires councils to include in their Annual Report:

- The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors.
- The total amount of money expended during the year on providing those facilities and paying those expenses.
- Additional information as required by the *Local Government (General) Regulation 2005*.

#### 7.8. Definitions

##### **Expenses:**

Payments made by the council to reimburse councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions.

Expenses must be outlined in a council's policy and may be either reimbursed to a councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

##### **Facilities:**

Equipment and services that are provided by councils to councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as councillors.

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### Functions of civic office / civic functions:

Functions that councillors are required to undertake to fulfil their legislated role and responsibilities for the council that should result in a direct benefit for the council and/or for the local government area.

### Reasonable costs / expenses

A cost and expense that, in its amount and nature is consistent with what a reasonable person would incur, in the conduct of the same activity in the same or similar circumstance

## **PART 2 PAYMENT OF EXPENSES**

### **8.1. General provisions**

#### 8.1.1. Payment of Expenses generally

Berrigan Shire Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.

To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.

Reimbursement of costs and expenses to Councillors will be processed following the submission of appropriate receipts and tax invoices, and the completion of the required claim forms.

A claim form must include an itemized account of expenditure and should not be general in nature. Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred, it was not general in nature, and that the Councillor certifies that the expense was for the purpose intended. Generally, this will only be acceptable when it was not possible to obtain a tax invoice or receipt, or proof of purchase was lost during the payment process (i.e. ticket taken and not returned by an automatic machine).

Where possible, expenses should be claimed as part of the Councillor monthly return. If waiting until the time of the monthly return would cause undue hardship, arrangements can be made to submit an earlier claim. All expenses must be claimed within 12 weeks of being incurred.

Berrigan Shire Council operates an internal requisition process that will enable most expenses associated with attendance at conferences, seminars and training courses to be directly invoiced to the council. This system can be used to cover expenses relating to registration fees, travel and accommodation.

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Where possible, provision will also be made for the cost of meals and incidentals not covered by registration fees to be charged back to the Council. This system will help minimize out-of-pocket expenditures to Councillors.

In certain circumstances Councillors attending conferences, seminars and training away from home may request payment in advance, in anticipation of any additional expenses that may be incurred (i.e. meals not covered by registration fees, taxi fares etc.). In most cases the advance will be in the form of petty cash and will need to be pre-arranged with the Council's Finance Section. On their return, Councillors must fully reconcile all expenses against the cost of the advance within 14 days.

A general expense allowance will not be available under any circumstance.

All expense provisions have a monetary cap. This cap is to ensure that Councillors and the community can have a reasonable expectation as to what the scope of expected expenses may be and also to serve as a guide to Councillors.

Councillors should not obtain private benefit from the provision of equipment and facilities, nor from travel bonuses such as "Frequent Flyer" schemes or any other such loyalty programs while on Council business. However, it is acknowledged that incidental use of Council equipment or facilities may occur from time to time. Such incidental use is not subject to compensatory payment back to the Council.

Where more substantial private use does occur the Act provides that a payment may be made to cover the level of private use. Where this is expected or is likely to occur, specific expense and facility provisions reflect appropriate mechanisms to compensate the Council for such use.

Participation in Council elections is a private matter and Councillors must not use Council resources in the course of this participation.

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business trip or when receiving visitors, these gifts should be of token value and in accordance with any policy developed by the Council. Clarification of what token gifts and benefits are can be obtained from the Council's Code of Conduct, clause 5.3.

While this policy attempts to clearly articulate circumstances concerning the payment of expenses and provision of facilities it is possible that a dispute may arise regarding these.

In circumstances where such a dispute does arise the dispute will initially be referred to the Council by the General Manager for the determination. In making its determination the Council may use the services of one of its appointed Conduct Reviewers, its Solicitor or other appropriate external resource to assist with that determination.

### 8.1.2. Spouse and partner expenses



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On occasions, it will be appropriate, and in some cases a requirement, that Councillors will be accompanied by their spouse, partner or accompanying person<sup>1</sup> to official functions and activities. In these instances, certain costs incurred by the Councillor on behalf of their partner (meaning spouse, partner or accompanying person), are properly those of the Councillor in the performance of his or her functions and are thus reimbursable.

Berrigan Shire Council will meet the reasonable costs of a partner attending official council functions within the local government area where it could be reasonably expected that the partner would attend.

The Council will also meet the expenses for the partner of the Mayor (or a Councillor when they are representing the Mayor), when they are called on to attend an official function of council or carry out an official ceremonial duty outside of the council area.

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

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

### 8.2. Specific expenses

#### 8.2.1. Travel

All travel by Councillors should use the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

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

Where possible, a Council fleet vehicle will be made available to Councillors traveling outside of the local government area. These vehicles will need to be booked with the General Manager.

On occasions, it may be appropriate for Councillors using council vehicles to leave from home or another pre-arranged location due to the departure time. In these circumstances it may be reasonable for the Councillor borrowing the council vehicle to obtain the vehicle the night before. Likewise Councillors

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<sup>1</sup> An accompanying person is a person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

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returning to Berrigan after 5pm may arrange to return the vehicle the following morning.

#### 8.2.2. Local travel arrangements and expenses

As a rural council it should be recognized that Councillors will need to travel in order to carry out their civic duties.

In addition to travel within the local government area, it may be necessary for Councillors to travel outside of the local government area in order to represent the Council at meetings or events, or to take part in conferences and training activities. In most cases transportation options are limited, and with little or no public transportation the majority of travel will be by private or council provided motor vehicle.

While the Council is committed to meeting the special needs of Councillors in order to maximize participation in civic duties, the inherent nature of local government in a rural setting makes it necessary for Councillors to provide their own transport for activities within the LGA.

Where Councillors use their private vehicle for attendance at local events as part of their official duties they will be reimbursed at a rate determined by the relevant State Industrial Agreement for vehicle expenses, and should claim reimbursement as part of their usual monthly return.

#### 8.2.3. Travel outside the LGA including interstate travel

It is acknowledged that Berrigan Shire Council is a border community and that interstate travel to Victoria and the ACT will be essential in the carrying out of the council's official duties. As such, travel to official events and activities in Victoria will be regarded in the same way as travel to locations in NSW.

As a rural LGA it is often necessary for Councillors to travel outside of the Shire in the conduct of their official duties. Councillors traveling to meetings and events within 200km of Berrigan Shire do not require the specific approval of the Council or General Manager.

Where possible, a council vehicle will be made available to Councillors traveling to events within 200km of the Shire. Where this is not possible Councillors will be reimbursed for the private use of their vehicle at the rate determined by the relevant Industrial Agreement for vehicle expenses and claimed as part of their monthly return.

Travel to meetings and events that are more than 200km from Berrigan Shire should be undertaken with the Council's or with the Mayor and the General Manager's consent. In these circumstances travel arrangements should be organized in consultation with the General Manager. If travel by motor vehicle is the most suitable method of transportation, the Council will endeavour to

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provide a council vehicle. If it is not possible to use a council vehicle, the Council may agree to the Councillor using his/her own vehicle.

Where the Council agrees for a Councillor to supply their own vehicle, the Councillor may claim a reimbursement for the use of their vehicle for the distance travelled at the rate specified in the Local Government (State) Award 2014. Alternatively, where a Councillor chooses to use their own vehicle, and the Council related travel only forms part of the overall travel, the Councillor may claim for reimbursement of travel costs only calculated on the basis of the average fuel consumption of the vehicle and the distance travelled that relates to the Council purpose.

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

Approval to travel to destinations in states other than NSW, the ACT or Victoria for the conduct of council business requires the prior approval of the Council. The application for approval should include full details of the trip, including itinerary, costs and reasons for travel. Travel arrangements for interstate travel will be coordinated by the Council on behalf of the Councillor.

### 8.2.4. Overseas travel

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

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

Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillors undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of a council business paper.

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

### 8.2.5. Reimbursement of motor vehicle expenses

Fuel costs associated with travel in a private motor vehicle will be reimbursed based on distance travelled at the rate specified in the relevant State Industrial Agreement, and not the cost of fuel.

Where travel is undertaken in a council fleet vehicle the vehicle should be refueled with the fuel card supplied. If this option is not feasible, Councillors

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may use an alternative fuel distributor and claim reimbursement for the actual cost of fuel.

Fuel cards may be used for fuel and oil only and Councillors will need the password to use the fuel card. Receipts for all transactions are required.

See also Section 2.2.3

#### 8.2.6. Infringement notices

Councillors are personally responsible for all traffic or parking fines incurred while traveling in private or council vehicles on council business.

#### 8.2.7. Vehicle security

Where travel overnight is required, and it is necessary to leave either a council or private vehicle being used with council approval in a public place such as an airport, the staff member should, where possible, use a secure parking area and claim a reimbursement for the relevant parking fee on their return.

#### 8.2.8. Travel using other forms of transport

Where a Councillor is traveling by transport other than a private motor vehicle, the Council will meet the full actual cost of travel to and from events, including any associated costs such as parking and road tolls. These arrangements cover travel by air, public transport, taxis, hire cars etc. and should be arranged in consultation with the General Manager.

#### 8.2.9. Extending travel arrangements

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

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

#### 8.2.10. Accommodation

In carrying out their civic duties, Councillors will sometimes need to stay away from home. In these circumstances the Council will meet all reasonable accommodation expenses including breakfast and incidentals associated with attendance at events, save that partners shall be responsible for any additional accommodation, meals and incidental expenses incurred on their behalf.

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The wide range of events and conferences that Councillors attend often means that there is a diverse range of prices and standards for accommodation. For example the costs of staying in accommodation of a similar standard can be considerably different from regional to urban areas. Similarly, it may sometimes be necessary for a Councillor to stay in cabin accommodation at a conference in a regional area, or at a 4½ or 5 star venue in the city if this is the venue for a conference or event.

The Council will not reimburse more than \$400 per night for accommodation, although Councillors are expected to select accommodation in conjunction with the General Manager and at a standard that is appropriate to the location and event.

Reasonableness will be determined by the Mayor and the General Manager and will depend on the location of the event and the standards of accommodation available. In considering which events it may be appropriate for Councillors to attend, the potential cost of accommodation will be taken into consideration before a decision to participate is made.

Where a Councillor attends events that require travel outside of Berrigan Shire that would necessitate leaving home before 6am, returning home after 10pm or an overall working day exceeding 10 hours, then the Councillor may include accommodation after the event in travel arrangements. This should be done in consultation with the General Manager.

Where the Council conducts Corporate Planning events at a location more than 200km from Berrigan Shire, it shall provide accommodation on the evening before and each day of attendance, or as appropriate within these guidelines.

### 8.2.11. Incidental expenses

Reasonable out of pocket or incidental expenses associated with attending official functions, conferences, seminars or training courses that Councillors incur may be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms.

The Council will reimburse the actual cost of transport related expenses such as taxi fares, parking fees and road tolls. Other incidental expenses such as telephone or facsimile calls will be limited to \$20 per day, or such amount as may be negotiated with the Mayor and the General Manager in exceptional circumstances.

Where Councillors are required to carry out official duties outside of the LGA or sleep away from home, each Councillor may claim reimbursement for the actual cost of sustenance (food and beverages) to a maximum of \$200 per day.

The cost of meals not included in registration fees for conferences or similar functions may be reimbursed after reconciliation. Councillors who choose not

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to eat a meal provided as part of a conference registration or accommodation package or the like will not be reimbursed for any additional food costs incurred.

Councillors may also claim reimbursement for meal or refreshments expenses incurred while attending business functions or meetings. In some circumstances it may be appropriate to offer an appropriate level of hospitality to non-council employees attending the meeting/function at the Council's request.

Meals or refreshments of this nature should be modest and the costs of meals limited to those outlined above, unless prior approval has been received from the Mayor and the General Manager. In order for these expenses to be reimbursed, it is important that the Councillor involved organizes pre-approval of these expenses with the Council or the Mayor and the General Manager.

#### 8.2.12. Attendance at conferences and seminars

The Council is to be represented at Annual Conferences as under:

Local Government New South Wales

- MAYOR
- Deputy MAYOR
- General Manager
- One other Councillor

National Roads Congress

- Director of Technical Services
- One Councillor

The Council may nominate and authorise elected members whilst the General Manager may authorize employees to attend the above conferences, as may be required.

Attendance of Councillors at seminars and conferences must be authorized by the Council.

Requests to attend seminars and conferences not specified above should generally be made to the Council or, if urgent, the Mayor and the General Manager, outlining the benefits to the Council of attending the event.

Approval for discretionary trips and attendance at conferences and the like should, where possible be approved by a full meeting of the Council. If this is not possible then the approval should be given jointly by the Mayor and the General Manager. If the Mayor requires approval to attend seminars or conferences outside of council meetings it should be given jointly by the Deputy Mayor and the General Manager.

Where attendance at a conference or seminar has been approved, the Council will cover the actual cost of registration fees including costs of related

## Items requiring Council Resolution

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official lunches and dinners, and associated tours where they are relevant to the business and interests of the Council. The reasonable cost of transportation and accommodation associated with attendance at the seminar or conference, and meals when they are not included in the registration fee, will also be met and as discussed elsewhere in this Policy.

### 8.2.13. Training and education expenses

Berrigan Shire Council encourages its Councillors to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible. Where possible, the General Manager will make Councillors aware of training and educational opportunities.

Attendance at training activities will be by request to the Council or the General Manager who will determine the appropriateness of the request relative to the overall training requirements of all Councillors and budgetary levels established by the Council to provide Councillor training and development.

Where the Council is paying these expenses it is essential that the training or educational course is directly related to the Councillor's civic functions and responsibilities.

### 8.2.14. Attendance at dinners and other non-Council functions

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

1. The function is relevant to the council's interests; or
2. The Councillor receives an official invitation to attend a function organized by a community or business group operating within Berrigan Shire; or
3. The event will provide Councillors with a briefing on issues facing the local community.

The direct cost of attending such functions can be reimbursed as part of the Councillors normal monthly return. No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit.

## 8.3. Communication costs

### 8.3.1. Communication devices installed in Councillors' residences

The Council will make available to each Councillor a mobile telephone and a tablet computer ("tablet") for use on official council business. The type of mobile telephone and table provided will be chosen by the General Manager. Councillors may choose to use the machines provided or, alternatively, use their own privately owned phone and tablet.

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Use of these devices is to be in line with Council Policy on Communication Devices. Councillors are responsible for any use or misuse of these devices at any time.

The Council will meet all costs associated with the use of these machines to a maximum value of \$100 per Councillor per month. This amount includes telephone rental, other service charges, use of data services and the making of telephone calls related to official council business.

Where Councillors choose not to have a mobile telephone and/or a tablet provided, the Council will meet direct expenses associated with the use of mobile telephone services for official duties to a maximum of \$100 per Councillor per month.

### 8.3.2. Communication expenses while travelling

The Council will reimburse Councillors for all reasonable council business related communication costs incurred while traveling on council business. Councillors are encouraged to use their Council-provided mobile telephone to make any calls relating to Council business.

In certain circumstances it may be appropriate for Councillors to use communication devices provided by accommodation providers. Councillors are however reminded that communication charges charged by accommodation providers are often inflated and should therefore be used only when absolutely necessary.

Other than the use of a Council-provided mobile telephone, the total of communication related expenses whilst traveling will be included in the Councillors \$20 daily limit for incidentals. Should the Councillor anticipate that this limit will be exceeded, they should contact the General Manager to make alternative arrangements.

The Council acknowledges that family responsibilities may sometimes impact on the Councillor's ability to undertake their civic duties and therefore accepts that Councillors traveling away from home may need to maintain contact with family members while they are away. Where a Councillor incurs private call costs (including calls made on council provided mobile telephones) these should be limited to a maximum of 5 minutes and will be included in the maximum total for daily allowable incidental expenses.

### 8.3.3. Billing anomalies

Where anomalies in billing amounts become apparent, call costs may be audited and the Councillor asked to reconcile calls made with the account statement.

### 8.4. Care and other related expenses



## Items requiring Council Resolution

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To allow Councillors to undertake their council business obligations, Councillors are able to claim for the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members.

These provisions only apply to council endorsed meetings (including working parties and committee meetings) and cover the period commencing 45 minutes prior to the meeting start and ending one hour after the completion of the meeting to an upper limit of \$20 an hour. All reimbursements are subject to the provision of an invoice and are paid on a “per Councillor” not “per care recipient” basis.

Councillors with a disability or special access needs will be provided with additional support to allow them to perform their normal civic duties and responsibilities. The level of support will be to a level comparable to that offered to staff members and reasonableness will be based on practicality and cost.

### **8.5. Insurance expenses and obligations**

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

All insurances are to be subject to any limitations or conditions set out in the Council’s policy of insurance.

#### **8.5.1. Public Liability/Professional Indemnity**

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

#### **8.5.2. Councillors’ and Officers’ Liability**

This policy covers Councillors against claims made against them for any alleged wrongful acts in the course of their duties.

Wrongful Act is taken to mean any act, error, misstatement, misleading statement, misleading conduct, omission, neglect or breach of duty made, committed, attempted or allegedly made, committed or attempted by the insured person.

#### **8.5.3. Personal Accident**

### Items requiring Council Resolution

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Councillors are covered, within specified limits, for any personal injury obtained while engaged in or on any activity related to their official council duties including travel to and from these activities.

Full details of the insurance cover are available from the Council's Insurance Officer.

#### 8.5.4. Motor Vehicle

Berrigan Shire Council has an insurance policy to cover loss or damage to council fleet vehicles. Councillors using these vehicles are covered by the policy.

#### 8.6. Legal expenses and obligations

The Council will reimburse the reasonable legal expenses of:

1. A Councillor defending an action arising from the performance in good faith of a function under Section 731 of the *Local Government Act 1993*; or
2. A Councillor defending an action in defamation provided that the outcome of the legal proceedings is favourable to the Councillor

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:

- i) Local Government Pecuniary Interest and Disciplinary Tribunal
- ii) Independent Commission Against Corruption
- iii) Office of the NSW Ombudsman
- iv) Division of Local Government, Department of Premier and Cabinet
- v) NSW Police Force
- vi) Director of Public Prosecutions
- vii) Council's conduct Review Committee/Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a general manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Model code of conduct.

## Items requiring Council Resolution

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In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

The Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

The Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

No legal expense may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

### **8.7. Additional expenses for mayors**

#### **8.7.1. Communication costs – Mobile telephone**

The Council will provide the Mayor with an additional \$150 business cost allowance for a mobile telephone - a maximum value of \$250 per month.

## **PART 3 PROVISION OF FACILITIES**

### **9.1. General provisions**

#### **9.1.1. Provision of facilities generally**

Berrigan Shire Council will provide Councillors with facilities equipment and services so that they can undertake their role as elected members of the Council.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.

#### **9.1.2. Private use of equipment and facilities**

It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

## Items requiring Council Resolution

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Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use.

This payment will be made on a full cost recovery basis and where appropriate charged in accordance with the Council's adopted Annual Schedule of Fees and Charges (i.e. for photocopying, facsimile transmission etc.).

### 9.2. Specific facilities

#### 9.2.1. Office equipment and supplies

The Council will make available for each Councillor a mobile telephone and tablet computer for use on official Council business. The Council will also provide associated hardware and software to facilitate electronic communication and storage of relevant Council documents.

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

Each Councillor will be provided with a diary of a type and standard prescribed by the General Manager. The standard will be equivalent to diaries supplied to council staff members.

#### 9.2.2. Office space

Councillors wishing to conduct formal meetings have access to meeting rooms at the Council office in Berrigan. These rooms must be booked through reception. See also the Councils policy on the use of the Council Chambers.

#### 9.2.3. Secretarial support

All Councillors will be provided with adequate secretarial support so that the Council's official duties may be pursued in a professional manner.

#### 9.2.4. Councillor name badges

All Councillors will be issued with a council name badge. Retiring Councillors will be permitted to retain their badges as a token of service to the Council.

#### 9.2.5. Business cards

All Councillors will be issued with business cards to use during the performance of their official duties.

## Items requiring Council Resolution

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### 9.2.6. Meals and refreshments

Where Councillors attend meetings convened by the Council, minor refreshments may be provided in addition to any appropriate meals as determined by the General Manager.

### 9.2.7. Council vehicles

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

## 9.3. Additional Mayoral facilities

### 9.3.1. Mayoral vehicle

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

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

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

## **PART 4 OTHER MATTERS**

### 10.1. Acquisition and returning of facilities and equipment

On the completion of their term of office, extended leave of absence or at the cessation of their civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes mobile telephones and tablet computers provided to Councillors and associated peripherals, and the mayoral vehicle.

Dedicated mobile phone accounts provided by the Council for official purposes will be disconnected within 28 days of the cessation of duties.

Under certain circumstances the Councillor may be given the option to purchase the equipment previously allocated to them at an agreed fair market price.

### 10.2. Superannuation

#### 10.2.1. Councillor contributions to superannuation

In accordance with the Australian Tax Office Interpretative Decision 2007/205, the Council may enter into an arrangement with a Councillor under which the

### Items requiring Council Resolution

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Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

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

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#### **REPORT:**

Pursuant to s252(1) of the *Local Government Act* 1993, within the first twelve months of each term of Council, the Council must adopt a Policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors in relation to discharging the functions of civic office.

Additionally, s252 provides that:

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

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

- 1) *A Council must give public notice of its intention to adopt or amend a Policy for the payment of expenses or provision of facilities allowing 28 days for the making of public submissions.*
- 2) *Before adopting or amending the Policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft Policy or amendment.*
- 3) *Despite subsections (1) and (2), a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.*
- 4) *(Repealed)*
- 5) *A Council must comply with this section when proposing to adopt a Policy each year in accordance with section 252 (1) even if the Council proposes to adopt a Policy that is the same as its existing Policy.*

From an officer's perspective the Council's Policy is still relevant and does not require amendment. However, as is the first adoption of this policy for this term of the Council, the Council must give public notice of its intention to adopt the policy and consider any submissions received.

As the Council proposes to bring forward its December Council meeting, the policy will need to be considered again at its ordinary meeting proposed to be held on 18 January 2017 to allow 28 days for public submissions to be made.

Items requiring Council Resolution

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RESOLUTION

Items requiring Council Resolution

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**5.10 REQUESTS FOR DONATIONS AND FINANCIAL ASSISTANCE POLICY**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:**

**RECOMMENDATION:** - That the Council:

- Revoke its Policy for Requests for Donations and Financial Assistance; and
- Adopt the Policy for Requests for Donations and Financial Assistance set out below.

**11. POLICY STATEMENT**

As the representative body for the community of Berrigan Shire, Berrigan Shire Council receives many requests from various bodies for donations and other forms of financial assistance.

Section 356 of the *Local Government Act 1993* allows the Council to contribute money or otherwise grant financial assistance to persons or organisations for the purpose of exercising its functions.

This Policy provides a framework for assessing requests for donations and financial assistance from the Council

**12. PURPOSE**

The purpose of the policy is to:

1. Provide the community and other bodies with guidance in relation to the types of financial support that the Council may provide
2. Provide Councillors and Council staff with clear guidelines in relation to assessing requests for donations and financial support

RESOLUTION



## Items requiring Council Resolution

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### 13. SCOPE

- Individuals and organisations seeking donations and financial assistance from the Council.
- Council staff assessing applications for donations and financial assistance from the Council.

### 14. OBJECTIVE

This policy is developed to assist the Council with *Berrigan Shire 2023* Strategic Objective 3.2:

*Support community engagement through life-long learning, culture and recreation.*

### 15. DEFINITIONS

A **Council volunteer Committee of Management** is a committee established under Section 355 of the Local Government Act and delegated care, control and management of a Council facility.

A **commercial organisation** is any individual or organisation that is operating a business on a commercial basis. This includes businesses operating on a not-for-profit basis.

### 16. POLICY IMPLEMENTATION

While the Council may consider requests for donations and funding assistance at any time, the Council has more capacity to respond to requests that are made in time for inclusion in its annual Operational Plan. In general, this requires organisations to submit a request to the Council by March for inclusion in the Operational Plan and budget for the following financial year.

Any application for financial assistance must be made in writing. Applicants are encouraged to make contact with the Council to discuss their proposal. Depending on the size and nature of the request, the Council may consider making any assistance contingent on meeting certain criteria.

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

## Items requiring Council Resolution

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The Council is obliged to ensure any funding provided is consistent with the requirements of s356 of the *Local Government Act 1993*.

### 16.1. Specific requests for assistance

The Council provides Council staff with some discretion to make decisions regarding donations and funding assistance in certain specific cases. These include:

- Refund of Development Consent and other Application Fees
- Assistance to attend sporting and other events
- Capital grants and assistance to Council volunteer committees.
- Scholarships
- Assistance to fund events and tourism initiatives

Requests outside these specific cases will require the Council to specifically approve any assistance by resolution or by inclusion the Council's Operational Plan.

### 16.2. Refund of Development Consent and other Application Fees

Organisations and individuals may request the Council waive development application or other fees in lieu of direct support. While this is not a direct donation from the Council, the Council will recognise the value of this support in its operational budget.

To this end:

- The Council will pay the application and inspection fees for non-commercial activities of community and charitable organisations upon request and acceptance by the Director Corporate Services. Funds for this purpose will be allocated in the Community Works budget,
- Where the activities contain a commercial component, the request is to be referred to Council for decision.
- Where a request is made by a commercial organisation, the Director of Corporate Services will assess the request against the general guidelines of this policy.

## Items requiring Council Resolution

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If, in the opinion of the Director Corporate Services, the request has some merit, the request will be referred to the Council for consideration. Otherwise it will be refused.

Organisations requesting the Council waive any development application fees are encouraged to pay the fees up-front when their application is lodged. If the Council approves the request for waive fees, then the Council will refund those fees to the applicant.

Otherwise, the application will not be formally accepted by the Council until the Council considers the request for the waiving of fees and makes payment on behalf of the applicant.

The Council will not waive any fees that it is required to collect on behalf of a third party, such as the Building Industry Long Service Levy.

### **16.3. Requests for assistance to attend sporting and other events**

In recognition of the distances and expense of travelling to state or national competitions, the Council, via the Berrigan Shire Youth Development Committee, provides assistance to individuals selected to represent the region, the state or the nation.

The Council shall reimburse up to \$100 towards the cost attending a sporting or other event provided that:

1. The individual is 18 years of age or under, and
2. The individual is a resident of Berrigan Shire, and
3. The individual has been selected to represent the region, the state or Australia in a State, National or International championship.

This assistance is provided to individuals selected in representative teams only. It is not provided to individuals in local teams where the team as a whole is representing the region.

Applications for assistance under this scheme are to be made directly to the Berrigan Shire Youth Development Committee for assessment and payment in line with their existing procedures.

### **16.4. Requests for Capital Grants and Assistance from Council Volunteer Committees**

## Items requiring Council Resolution

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The Council recognises that its volunteer committees responsible for the operation and maintenance of Council-controlled facilities need assistance with funding significant capital improvements.

Funding assistance to these committees will be provided on the following basis:

- The funds are used for capital improvement of a Council facility
- The relevant volunteer committee of management will retain control of the funds and liability for any loans
- The maximum project value is \$50,000. Projects over this value will be considered independently on their merits as to whether any contribution will be made and if so, upon what terms and conditions
- The Council will maintain an aggregate cap of \$100,000 on loan contributions and commitments under this scheme at any time.

Applicants are strongly encouraged to make requests for funding under this scheme through the Council's annual integrated planning and reporting process. Applications outside this process may be presented to the Council for consideration with the consent of the Mayor or General Manager.

All funding provided under this scheme will be made either through inclusion in the Council's Operational Plan or via a formal resolution of the Council.

If approved by the Council, funding assistance will be provided in the following form:

- A grant of no more than one-third of the total project value, plus
- A loan – at a subsidized interest rate – of no more than one-third of the total project value,

This is subject to

- Confirmation of the committee's willingness and ability to fund the remaining cost of the project.

Any loan under this scheme will be provided on the following terms

- The term of the loan to be:
  - no longer than 3 years for amounts under \$5,000
  - 5 years for larger amounts
- Loan repayments to be no less than semi-annually
- The interest rate charged will be 50% of the interest rate earned by the Council on its most recent term deposit.

Items requiring Council Resolution

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**17. RELATED POLICIES OR STRATEGIES**

- *Local Government Act 1993*
- *Berrigan Shire 2023* and other Council integrated strategic plans
- Berrigan Shire Council Event Management Policy
- Berrigan Shire Council Scholarship Program

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**REPORT:**

The Council's policy for Requests for Donations and Financial Assistance is due for review.

From the point of view of Council staff, the policy is still largely applicable.

The one change proposed is to hand over the assessment process for Requests for assistance to attend sporting and other events to the Berrigan Shire Youth Development Committee. These applications were previously assessed by Council staff and approved by the Director Corporate Services.

This funding stream seems a good fit with the charter of the Youth Development Committee and also removes Council staff from the assessment process, removing any scope for allegations of conflicts of interest to be made against Council staff.

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Items requiring Council Resolution

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**5.11 REVOCATION OF COUNCIL POLICIES**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

**RECOMMENDATION:** - that the Council revoke the following Council polices:

- 5 – Unauthorised Advertising Structure – Removal of
- 9 – Murray River Water Policy Statement on Water Quality

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**REPORT:**

At its ordinary meeting on 21 September 2016, the Council resolved the following:

**RESOLVED** *Crs: Morris and Bodey that the General Manager place before the Council over the next 10 months the following for review:*

1. *Delegations to the General Manager and other organisations, Committees etc.*
2. *Code of Conduct*
3. *Code of Meeting Practice*
4. *Community Strategic Plan and supporting plans*
5. *Strategic and business plans*
6. *Organizational structure*
7. *Council Policies*
8. *Payment of Expenses and provision of Facilities Policy*

As part of that review, Council staff have identified a series of policies that are either redundant to other legislation or policies, outlived their useful lives or superseded by subsequent Council decisions that conflict with the policy.

As such, these policies could be revoked, should the Council choose to do so.

The policies are as follows:

**Items requiring Council Resolution**

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- 1 – **Unauthorised Advertising Structure – Removal of.** Now redundant as power exists inside delegation
- 48 – **Murray River Water Policy Statement on Water Quality.** – Superseded.

If the Council wishes to retain these policies it may re-adopt any or all of them

The Council can also request that staff revise any or all of the policies and return them to a future meeting for consideration.

Copies of these policies are attached as Appendix “C” and “D”.

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Items requiring Council Resolution

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**5.12 ANNUAL REPORT 2015- 2016**

**AUTHOR:** Strategic & Social Planning Coordinator

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 04.145.1

**RECOMMENDATION:** - that the Council adopt the 2015/16 Annual Report attached as Appendix “E” and formally advise the Minister for Local Government that it has been published electronically on the Council’s website.

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**REPORT:**

Each year the Council produces an Annual Report to review its performance and achievements for the past financial year. The document is designed to provide insight into the Council’s operations and financial position and indicate how the Council has performed in achieving the activities it set itself during the year. In this the Annual Report of an outgoing Council the Annual Report 2015 -2016 also includes as an appendix to the Annual Report 2015 – 2016 the following

- The *End of Term Report 2012 -2016* adopted by the outgoing Council at the Ordinary Council Meeting held 17 August 2016; and
- A *State of the Environment Report* reporting on the environmental objectives of the Community Strategic Plan: Berrigan Shire 2023.

A copy of this year’s report is attached as Appendix “E”.

Council’s Annual Report has been prepared per the Department of Local Government’s Integrated Planning and Reporting Framework. The format of the report reflects that this is not a report to the Division of Local Government or the New South Wales Government; it is a report to the community.

As such it can be published and read as one complete document or five separate reports allowing readers the opportunity to focus only on the areas that are of interest to the reader. The Council also publishes and distributes each year, via unaddressed mail to households and businesses, an abridged version of the Annual Report providing a summary of the year’s highlights and financial position.

In six parts the Annual Report attached as an Appendix includes:



## Items requiring Council Resolution

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1. An introduction that provides the reader with brief overview of the Shire, its vision for the future in addition to comments from the Mayor and General Manager. The Shire Profile introduces Councillors, Councillor Management and includes information on Council meeting attendance, organizational structure, payments to Councillors and Senior Staff.
2. The Our Performance section of the draft Annual Report is where readers will find information about the highlights and challenges faced by the Council during the financial year in implementing this the third year of the Council's Delivery Program 2013 – 2017. Summary tables reporting on Council's performance against the objectives set out in the Council's Annual Operational Plan will also be found in this section.
3. Information not contained elsewhere in the report and which must be declared to meet legislated reporting requirements is the section labeled Statutory Requirements. This section is all but complete requiring the collation of companion animal data, in the coming weeks.
4. The State of our Assets Report provides information about capital works program in addition to a snapshot of Councils asset management practices and performance.
5. The section titled Financials contains as in past years a community financial report in addition to the Financial Statements for the 2015/16 Financial Year presented to the Council at its Ordinary Council meeting 12 October 2016.

There are also two Appendices to this year's Annual Report the previously mentioned

- *End of Term Report 2012 -2016* adopted by the outgoing Council at the Ordinary Council Meeting held 17 August 2016; and a
- *State of the Environment Report 2012 – 2016* reporting on the environmental objectives of the Community Strategic Plan: *Berrigan Shire 2023*.

The Annual Report is prepared in accordance with the statutory requirements outlined in section 428 of the Local Government Act 1993, clause 217 of the Local Government (General) Regulation 2005, the Freedom of Information Act 1989, the Privacy and Personal Information Act 1998, the Government Information Personal Access Act, 2009, the Companion Animals Act and the Companion Animals Regulation 2008.

Items requiring Council Resolution

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**5.13 FINLEY WAR MEMORIAL HALL AND SCHOOL OF ARTS COMMITTEE OF MANAGEMENT**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes

**FILE NO:** 05.101.3

**RECOMMENDATION:** - that the Council

1. Determine that the complement of the Finley War Memorial Hall and School of Arts Committee of Management be a total of thirteen comprising:

- One Councillor
- Six community representatives
- 2 Finley Amateur Dramatic and Musical Society representatives
- 2 Finley Basketball Association representatives
- 2 Finley Old Time Dance group representaives

And further that the quorum of the Committee of Management be 7 and all members to have voting rights.

2. appoint Cr XXX as its representative on the Finley War Memorial Hall and School of Arts Committee of Management.

3. Requests the Finley War Memorial Hall and School of Arts Committee of Management to hold an Annual General Meeting by not later than 31<sup>st</sup> January 2017.

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**REPORT:**

The Council has previously been advised that while there is an “understanding” of the complements of various committees of management little hard evidence can be found to support this. Finding any such evidence is made difficult due to uncertainty as to when the committees of management were actually formed and what may have changed over time.

It is, however, generally accepted that complements of Committees of Management are based on an equal number of community and user group representatives.

## Items requiring Council Resolution

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It is proposed to work through the above issue systematically to clarify the issue for all committees of management.

Despite the above, the Council needs to deal with the future operation of the Finley War Memorial Hall and School of Arts Committee of Management now that it appears that facility will remain as is following both the failure of the Council's June 2016 resolution and also the recommendation from the Corporate Services Committee that will be considered later in this agenda.

At an informal meeting held with the Committee of Management on 7<sup>th</sup> November 2016 it was broadly agreed that the Committee of Management could comprise 2 representatives of each of the key user groups and an equivalent number of community representatives.

It was also agreed that it would be useful to have a Councillor representative on the Committee of Management.

Assuming that the above is supported, this would give a complement of 13 with a quorum of 7.

Again, assuming that the above is supported the Council can progress the issue in one of two ways.

Firstly, the Council can advise the existing Committee of Management of the new complement and allowing time for user groups to appoint their respective representatives, request that the Committee of Management to properly convene an Annual General Meeting to appoint the community representatives, elect office bearers etc.

Secondly, the Council could require user groups and the community to nominate representatives for the Committee of Management which the Council could then appoint. In this case no AGM would be required and the Council could filter the appointments based on skills etc.

The first option is considered the most appropriate in the first instance.

Items requiring Council Resolution

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5.14                    **VARIATION OF THE *BERRIGAN DEVELOPMENT CONTROL PLAN 2014* NEEDED TO APPROVE DEVELOPMENT APPLICATION 44/17/DA/D1 – BEING THE CONSTRUCTION OF A FLEXIBLE DESIGN HOME**

**AUTHOR:**                    TOWN PLANNER

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes

**FILE NO:**                    44/17/DA/D1

**RECOMMENDATION:** that the Development Application 85/16/DA/D1 for the Construction of a Flexible Design Home be approved subject to the following conditions:

1. **Approved Plans**

The development shall be implemented in accordance with the details set out on the plans Barson Drawing Number 25323 (Sheets A01-A14), 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) has notified the Council of the appointment
- (d) has given the Council at least 2 days notice of the intention to commence erection of the building.

(Section 81A EP&A Act 1979)

3. **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

Items requiring Council Resolution

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authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979).

4. 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 109C(1)(c) and 109H EP&A Act 1979)

5. 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.

6. Stormwater

Roofwater from the building must be piped underground to the Wollamai Street kerb in accordance with the Building Code of Australia and Relevant Australian Standards to ensure runoff does not affect neighbouring properties.

7. Compliance with Building Code of Australia

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

8. 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.

9. 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

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Items requiring Council Resolution

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- (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).

10. Toilet facilities

- a. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- b. Each toilet provided:
  - (i) must be a standard flushing toilet, and
  - (ii) must be connected:
    - to a public sewer, or
    - if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
    - if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- c. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

11. 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.

12. BASIX

Prior to the issue of a Final Occupation Certificate, documentary evidence must be provided to the Principle Certifying Authority to demonstrate fulfilment of the commitments listed in each relevant BASIX Certificate for this development, as required by the Environmental Planning & Assessment Act 1979.

13. Smoke Alarms

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all existing buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly.

Items requiring Council Resolution

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**14. Driveway**

A sealed, paved or concrete access driveway must be installed from the back of the kerb to the property boundary at each proposed vehicular crossing prior to the issue of a Final Occupation Certificate. This is to ensure safe vehicular movement on the site, prevent nuisance or uneven surface hazards in the public place and to enhance the development.

**15. 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.

**16. Support for neighbouring buildings**

a. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(i) must preserve and protect the building from damage, and

(ii) if necessary, must underpin and support the building in an approved manner, and

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

b. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land

**17. 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.

Items requiring Council Resolution

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- 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.

18. Landscaping

Landscaping of the site must be undertaken and implemented in accordance with Sheet A14 of the approved plans prior to the issue of an Occupation Certificate so as to enhance the visual amenity of the locality and to enhance the appearance of the development.

Division:

In Favour:

Against:

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REPORT:

The subject site is located at 63 Wollamai Street, Finley which is also identified as Lot 1 on Deposited Plan 501475 and is 919.6m<sup>2</sup> in size. The subject property is located approximately 300 metres west of the central business district of Finley. The site is located within Zone RU5 – Village Zone under the provisions of the Berrigan Local Environmental Plan 2013 (BLEP 2013), and is currently vacant. The property is surrounded by similar residential land uses, with dwellings of various sizes and ages. However, there is also a Presbyterian Church, Catholic Primary School and Government School within the near vicinity. Below is an aerial photo showing the site and neighbouring properties.



## Items requiring Council Resolution



Figure 1 – Aerial Photo showing subject site, and neighbouring land uses

## Proposal

The proposed four-bedroom flexible design home, containing two joined units. Unit 1 will be 91m<sup>2</sup> with Unit 2 being 107m<sup>2</sup> in size. This design home can be used as one dwelling, or a duplex depending on the applicant's wishes. This flexibility is possible, given that the submitted plans show that the building contains a fire separating wall and separating metal door as required under the Building Code of Australia (see Appendix 1-4). So depending on the living arrangement of the residents, the house can be used as a 1 x 1 bedroom and a 1 x 3 bedroom configuration, or a 2 x 2 bedroom configuration.

In the event that it is a 2 x 2 configuration, both units would contain two bedrooms, one bathroom, kitchen, dining room, lounge room and laundry facility, as well as their own garages being 27m<sup>2</sup> and 45 m<sup>2</sup> in size respectively.

## Assessment

*BERRIGAN LOCAL ENVIRONMENTAL PLAN 2013*

### Permissibility

The Berrigan LEP RU5 – Village Zone allows for a wide range of permissible uses which are permitted with Development Consent. Depending on the use, this development falls into either the definition of **dwelling house**, which means 'a building containing only one dwelling (being a room or suite of

### Items requiring Council Resolution

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rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile)' OR the definition of **dual occupancy (attached)**, which means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling. The *BLEP 2013* dictionary categorises both dwelling house and dual occupancy as a type of **residential accommodation**, which means 'a building or place used predominantly as a place of residence'.

#### Compatibility

One of the main objectives of the RU5 – Village Zone is to ensure there are opportunities for economic development. The site is currently vacant, and is not generating income or is being fully utilised by Teacher Housing Authority NSW. This proposal will allow the government to attract teachers to the area by offering quality accommodation which is local within walking distance to Finley Public & Finley High Schools.

As some of the immediate land uses are predominately older residential houses, the redevelopment of the currently vacant site will have an impact on the streetscape, given the proposed development's more contemporary design. Furthermore, the modern construction materials are substantially different to existing neighbouring dwellings and thus does not assist in blending the different residential housing. However, whilst this impact on the existing streetscape is fairly significant, it will be somewhat mitigated through the proposed landscaping, as indicated on the landscaping plan (see Appendix 1-4).

#### Other LEP Provisions

This development complies with all of the provisions of the BLEP 2013. The site is not heritage listed or in a conservation area, not flood or bushfire prone, and does not involve the removal of significant native flora and fauna habitats.

#### *BERRIGAN DEVELOPMENT CONTROL PLAN 2014*

The main issue which needs to be considered when undertaking this assessment is the location of proposed home's attached garages. The *Berrigan Development Control Plan 2014* chapter 2.5 aims to achieve attractive streetscapes through consistency in building setbacks. In particular, this chapter's planning controls state that garages should not extend forward of the front building line. The submitted plans (Appendix 1-4) indicate that the both garages extend forward approximately **7m** forward of the building line. In order to approve this development application, a variation from the planning controls concerning garages being forward of the building line as stated in the *DCP* is required.

The applicant submitted a letter (Appendix 5) stating various reasons why a variation should be supported, including stating "solar access was a key factor to the development, and in order to meet the requirements of Element 2.10 –

## Items requiring Council Resolution

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Energy Efficiency, the building was split along the middle in order to provide enhanced solar access to the two units during the day, something not often achievable with a traditional 'duplex' style development". In addition, they stated that "the design has factored into the development, articulated features such as the front pergola, and landscaping elements in order to further break up the building line and adequately screen the development from the street frontage".

Whilst the above reasons are in some way valid, ensuring a design which adapts to the existing constraints of the site is the main justification for the garages' location forward of the building line. The major constraint is that a Council Sewer Line passes through the block in order to service neighbouring properties. This sewer line is located approximately 30m from the front boundary. As the applicant has complied with the other setback provisions of the Building Code of Australia, a variance to the controls is therefore warranted.

Therefore, this variation is recommended for this application given that the location of the garages is merely to accommodate the design of the home due to the unique nature of the block and its constraints given that a Council Sewer Line extends through the middle of the block.

The increase in stormwater runoff, whilst not creating a significant environmental impact, will need to be drained to Wollamai Street barrier kerb located at the front of the property to ensure the runoff does not affect neighbouring properties.

### **Conclusion / Legislation**

In assessing this development application, the relevant parts of Section 79C of the *Environmental Planning and Assessment Act 1979* have been taken into account. It is clear that this development, given its size and design, is within the public interest given the suitability of its location and that it's construction will allow the NSW Government to attract teachers to the area by offering high quality accommodation.

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Items requiring Council Resolution

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**5.15 COMMUNITY GARDEN POLICY**

**AUTHOR:** Strategic & Social Planning Coordinator

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:**

**RECOMMENDATION:** - that the Council adopt the Community Garden Policy set out below

**Community Garden Policy**

**1. Purpose**

To describe the nature of Council support for the establishment of community gardens initiated by community groups and to encourage, where appropriate, the development of community gardens on appropriate private and Council controlled land.

**2. Objectives**

The objectives of this policy are to promote the development of community gardens and to provide Council with a consistent approach in its response to requests for funding and or support that may, from time to time, be directed to the Council for the establishment of, and or the resources, needed to maintain a community garden.

**3. Key Principles**

Key principles that underpin this policy:

- Community gardens improve the health and wellbeing of the community.
- Community gardens provide a setting for inter-generational exchange across all abilities.
- Community gardens provide a range of physical, social, economic, cultural and environmental benefits.
- Community gardens must operate and comply with existing Council policies including and where required all planning permit conditions.

**4. Scope**

The Berrigan Shire Community Gardens Policy is designed to facilitate the establishment of community initiated and managed community gardens on Council owned and managed land. Excluded from this policy are nature strip

## Items requiring Council Resolution

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gardens where the garden beds are established on a nature strip and managed collectively or individually by local residents or community groups.

### 5. Definition

For the purpose of this policy, community gardens are defined as places where residents and community garden volunteers meet and undertake a range of activities associated with the day to day development and management of the garden.

### 6. Policy

#### 6.1 Background

Community gardens provide a range of physical, social, economic, cultural and environmental benefits. Benefits which include: educational opportunities, the promotion of community connections, and the sharing of knowledge, skills and local resources.

Community gardens can be divided into either shared or individual plots, however most gardens consist of a combination of both catering for a range of community needs.

For the purpose of this policy the type of community garden: kitchen garden; demonstration garden; sensory garden; memorial garden for example, will be determined by the community group developing and managing on a day to day basis the community garden.

#### 6.2 Council Role and Responsibilities

The Berrigan Shire Council understands that community gardens provide a broad range of benefits to individuals, as well as the wider community. Council will therefore, provide the following support. Namely, it will

- Assist the development of community gardens through the provision of advice for interested community groups or individuals, which will include advice about insurance and risk management.
- Promote existing community gardens through Council's website, newsletters and events.
- Construct and install signage for community gardens on Council owned and managed land.
- Investigate, on request from Community groups, new opportunities to designate land for use as a community garden.
- Provide a consistent approach to the assessment of community garden applications on Council controlled or managed land by developing a set of procedures that will include the following Site Selection Criteria for Community Gardens.

### 7. Site Selection Criteria for Community Gardens on Council Controlled or Managed Land

## Items requiring Council Resolution

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**7.1 Location:** Sites classified as Community Land under the Local Government Act may be appropriate. In addition to Crown Land if the Council is trustee and the site is appropriate. These are sites that are usually established for community use such as park lands, open spaces and community facilities that have outside areas. Priority will be given to sites located in higher density areas and near existing community facilities or community organisations that might be able to support or partner the project.

**7.2 Safety:** Sites should have no major safety or health concerns; and have good passive surveillance (for example, can be easily seen from nearby houses or community facilities). Sites must also undergo a risk assessment with hazards identified, including the secure nature of the site. Where possible hazards should be eliminated, or where not possible, additional control measures adopted.

**7.3 Accessibility:** Sites should be accessible for a range of user groups. Sites should allow disabled access, have vehicle access (e.g. for delivery of mulch and soil) and accommodate groups wanting to visit the garden.

**7.4 Solar access:** Sites need to be suitable for growing vegetables and receive full sunlight - ideally for at least 5 -6 hours per day.

**7.5 Size:** Sites which are large enough to accommodate garden beds, composting systems, rainwater tanks, seating areas, shelter for gardeners and for community workshops and demonstrations.

**7.6 Water:** Sites with easy access to water or buildings nearby from which rainwater can be collected.

**7.7 Soil Contamination:** Sites may need to be checked for soil contamination. If high levels are present then advice will need to be sought from experts on whether it is suitable for growing food.

**7.8 Multiple Use:** Sites where a community garden can be integrated without conflicting adversely with other land uses and where the community garden can still be used by non-gardeners for passive recreation and educational workshops.

## 8. Related Policies and Strategies

Social Justice Framework 2016  
Liveability and Healthy Ageing Strategy 2013-2017

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### REPORT:

This need for this policy was identified in response to a request from the Berrigan Conservation Group and Tidy Town Committee of Management requesting permission and guidelines for the construction of a community garden. A copy of correspondence received 19<sup>th</sup> September 2016 is attached as Appendix "F".

## Items requiring Council Resolution

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The development of this policy, based on similar NSW Local Government policies, recognises that the development of community gardens can bring significant benefits to our local communities and contribute in a meaningful manner to Berrigan Shire 2023 Strategic Outcome of: Supported and engaged communities. Specific benefits include:

- Build community - a sense of community develops through participation in a common enterprise
- Improve nutritional health – by increasing the production and consumption of fresh and locally grown food
- Improve amenity – by diversifying and beautifying public open space
- Reduce environmental impact – by reducing food miles and recycling waste
- Create purposeful recreation – by getting people growing food!

This policy has been developed to:

1. Facilitate a consistent approach by Council to community initiated requests for the development of a community garden on Council controlled or managed land.
2. Resolve in advance the difficulties that can arise in accessing land and attitudes about appropriate land use and the type of community garden to be constructed.

These are issues that may restrict the potential growth and community commitment to this beneficial community development activity.

Items requiring Council Resolution

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**5.16 ROAD NAMING – TOCUMWAL AERODROME**

**AUTHOR:** Development Manager

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 4.4 Connect local, regional and national road, rail, and aviation infrastructure

**FILE NO:** 28.110.1

**RECOMMENDATION:** - that the Council undertake community consultation in accordance with the Roads Act 1993 and the Roads Regulation 2008 with a view to naming the new road associated with the further subdivision of the Tocumwal Aerodrome. The proposed name is “Wirraway Court”.

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**REPORT:**

In 2015 Council approved a 12 lot subdivision of the Tocumwal Aerodrome to stimulate further development of the site. See Appendix... The proposed allotments compliment the previous lots created off Liberator Place with the provision of a new access road and access to the existing taxiway separating the two developments.

Construction of the new road and provision of infrastructure has commenced and it would now be appropriate to consider naming the road.

The Tocumwal Historic Aerodrome Museum has provided Council with a number of names associated with the historic use of the aerodrome including McIntyre, Flight and Liberator which are currently in use. It is suggested that as the previous new road was named after an aeroplane that was utilised during World War Two it would be appropriate to continue this theme for the new road.

The ‘Wirraway’ was a training and general purpose military aircraft manufactured in Australia based on an American design and used extensively during the war and it is suggested that the new road be named “Wirraway Court” recognising the significance of the part this aeroplane and Tocumwal Aerodrome played in the outcome of the war.

It is recommended that community consultation be undertaken in accordance with the provisions of the Roads Act 1993 and the Roads Regulation 2008 with a view to naming the new road.

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Items requiring Council Resolution

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**5.17 ROAD NAMING – PLUMPTON ROAD**

**AUTHOR:** Development Manager

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 4.4 Connect local, regional and national road, rail, and aviation infrastructure

**FILE NO:** 28.110.1

**RECOMMENDATION:** - that the Council take appropriate action to correct the spelling of Plumpton Road, Finley to reflect its historical significance.

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**REPORT:**

Council is in receipt of a request from a resident adjoining the road to address the perceived incorrect naming of Plumptions Road, Finley.

Over time the name of the road has evolved to include the plural 's' and has been included on several published maps as well as being replicated on road signs and Council databases.

From a historical perspective the name 'Plumpton' originated from a location where greyhounds were coursed prior to the advent of current greyhound racing tracks. This particular location was called the "Finley Plumpton".

The submission to Council has requested that the name "Plumpton Road" be formalised to reflect the historical connotation. To reflect the historical significance of the previous use of the land in the area, and the subsequent naming of the road, it is considered that it would be appropriate to correct this anomaly.

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Items requiring Council Resolution

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**5.18 INTEGRATED PLANNING TIMETABLE**

**AUTHOR:** Strategic & Social Planning Coordinator

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2023 objectives and strategies inform Council planning and community led projects

**FILE NO:** 04.121.4

**RECOMMENDATION:** - that the Council adopt the following timetable to complete its review of the Community Strategic Plan and the development of its suite of Integrated Plans for implementation in the 2017-2016 financial year:

1. Week beginning 5 December 2016 Capital Works inspection tour conducted.
2. 14 December 2016 an initial working draft of the reviewed Community Strategic Plan – incorporating community feedback on the issues identified by the Council’s Berrigan Shire 2027 community engagement program conducted 17 October 2016 – 18 November 2016. is presented for Councillor comment. Council comment will inform subsequent working drafts of the reviewed Community Strategic Plan used by Council Officers engaged in the review and development of new draft Integrated Plans.
3. 4 January 2017 Council Officers commence a review of the base case for the Long Term Financial Plan which will include a working draft of the Capital Works Program and working draft of the reviewed Community Strategic Plan.
4. 18 January 2016 the Council to adopt its draft Capital Works Program.
5. Week beginning 30 January 2016 2 day Corporate Workshop which will include:
  - a. Overview of Resourcing Strategy (Long-term Financial Plan, reviewed Asset Management Strategy, and reviewed Workforce Development Plan).
  - b. Councillor comment on Council Officers’ review of the Resourcing Strategy and base case scenario assumptions used for internal review of the Long Term Financial Plan,
  - c. The development of alternate Long Term Financial Plan scenario’s based on reviewed CSP projects, Councillor initiated projects, and the draft Capital Works Program.
  - d. The scoping the development of a new Delivery Program 2017 – 2021.

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**Items requiring Council Resolution**

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- e. **Identification of priority projects for further scoping and consideration and inclusion in Annual Operational Plan 2017 – 2018**
- 6. **15 March 2017 Ordinary Council Meeting**
  - a. **Draft Community Strategic Plan – endorsed by Council for public exhibition and comment.**
  - b. **Draft Delivery Program 2017 – 2021 presented to the Council for initial comment.**
- 7. **17 April 2017 Council to**
  - a. **Review Draft Operational Plan 2017 - 2018**
  - b. **Review Draft Rating and Revenue Policy 2017 – 2018; and**
  - c. **Review Draft Fees and Charges 2017 – 2018.**
- 8. **17 May 2017 endorse for public exhibition and comment draft**
  - a. **Resourcing Strategy 2017 – 2027 inclusive of**
    - i. **Long Term Financial Plan 2017 – 2027;**
    - ii. **Workforce Development Plan 2017 – 2021 including updated Organisational Structure 2017- 2018); and**
    - iii. **Asset Management Strategy 2017 – 2027.**
  - b. **Delivery Program 2017-2021.**
  - c. **Annual Operational Plan 2017 – 2018.**
  - d. **Rating and Revenue Policy 2017 – 2018.**
  - e. **Fees and Charges 2017 – 2018.**
- 9. **21 June, 2017 adopt all of the above as**
  - a. **Its final suite of Integrated Plans inclusive of the Community Strategic Plan; and**
  - b. **Set 2017 - 2018 rates and charges by resolution.**

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**REPORT:**

Historically, at the November Council meeting the Council considers the process and parameters to progress and finalise for the upcoming financial year the review of its Integrated Plans.

Set out in the above recommendation is what appears to be a logical process that draws together all of the components in this process. The development of these dates ensures that Council Officers have clear timeframes for the completion of the many elements required by the Integrated Planning and Reporting process and which are reflected on a day to day basis by Council's commitment to its Capital Works Program and Recurrent Operations.

Whilst the above has been suggested there may be a need to vary the suggested timeframes as the process unfolds. For immediate Council consideration is agreement on a date for the Capital Works tour and scheduling of the Corporate Workshop. The Capital Works tour provides the Council with an overview of works scheduled in its current Program of works and to highlight projects identified by Council Officers as needing

**Items requiring Council Resolution**

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consideration by the Council for subsequent inclusion a draft Capital Works Program.

Council Officers would also benefit from some guidance from the Council on likely projects and topics in addition to the aforementioned program and agreement on the Corporate Workshop date.

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Items requiring Council Resolution

**5.19 OPERATIONAL PLAN QUARTERLY REVIEW**

**AUTHOR:** Strategic & Social Planning Coordinator

**STRATEGIC OUTCOME:** Good government

**STRATEGIC OBJECTIVE:** 2.1 Berrigan Shire 2023 objective and strategies inform Council planning and community led projects

**FILE NO:**

**RECOMMENDATION:** - that the Council note the September Quarter Progress Report of the Annual Operational Plan 2016/17 circulated as Appendix “H”.






**REPORT:**

Circulated with this Agenda as Appendix “H” is the September 2016 quarterly review and progress report of the Council’s *Annual Operational Plan 2016/17*.

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

- Council actions that support and promote *Berrigan Shire 2023* outcomes (these are outcomes which match Department 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 *4-year Delivery Program*. It should be read in accordance with the following key:

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

Additional information in the appended reporting and monitoring Review and Progress Report includes:

RESOLUTION

### Items requiring Council Resolution

1. A percentage target for each *Delivery Program, Annual Operational Plan* objective and or *Operational Plan* action – usually 100% though in some instances where it is reasonable to assume a degree of ‘slippage’:(i.e.: seasonality; carryover from previous years and or carry forward as is the case for ongoing capital works) the full year performance target may be lower
2. A Year to Date (YTD) assessment by the responsible Council Officer of progress toward completion and or the achievement of the set target
3. Comments from the Responsible Council Officer highlighting service achievements and or the challenges relevant to the Council operation being reported and its status.

Council should also note that not all Annual Operational Plan Actions or objectives have targets and are reported qualitatively by the responsible officer.

The following is a summary by strategic outcome of the status of Council’s Annual Operational Plan actions.

	Completed	On target	Not on target	Past Due	Deferred / Not due to start	Total
Sustainable natural and built landscapes	0	14	1	0	0	15
Good government	0	13	0	0	1	14
Supported and engaged communities	0	17	0	0	1	18
Diverse and resilient business	1	16	0		0	17
<b>Total Actions</b>	<b>1</b>	<b>60</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>64</b>

Items for Noting

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**RECOMMENDATION** – that Items for Noting numbered 6.1 to 6.4 inclusive be received and noted.

**6.1 KIDSFEST 2016**

**AUTHOR:** Strategic & Social Planning Coordinator

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 03.121.2

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**REPORT:**

The Berrigan Shire Kids Fest was initiated (2011) as a Children’s Week activity which would:

- Provide an opportunity for community, children’s services, local schools, youth and community groups to plan and conduct events that celebrate childhood
- Facilitate the involvement of individuals, groups and organisations in local activities and events that support and involve children and their families

Project partners in this year’s Shire-wide community event included:

Berrigan Shire Council – Library Services	Intereach Family Services
Berrigan Shire Council – Early Intervention Services	Finley HQ Gym
Centacare Finley	International Childrens Games Inc.
Lions Club of Finley	Lions Club of Tocumwal
Rotary Club of Tocumwal	Smithers Orchards
Lions Club of Berrigan	Lions Club of Cobram-Barooga
Paul Head Demolition Berrigan	Finley Show Ground Committee
Bill Dunn – Billie the Clown	Secondary School Students – Face Painters
Maryanne Ryan – Old Woperana	

**NOTING**

## Items for Noting

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The scheduling of Kids Fest was used to promote the staging after Children's Week (22/10/2016 – 31/10/2016) – of a Mud Run at Finley 2 November 2016 for children aged 4 years – 14 years of age.

The following provides a summary of events held this year and the activities' provided by event partners, and the 46 volunteers (drawn from each community) that make this event possible.

### **Kids Fest Finley Challenge: A Mud Run Finley Showgrounds Held: Wednesday 2/11/16**

<b>Activities</b>	<b>Provided By</b>
Face Painting	Berrigan Shire Library Service
Billie the Clown	Bill Dunn -Volunteer
Sausage Sizzle	BSC & Finley Lions
Art in the Park	Intereach
Orange Juice	Rotary Club of Tocumwal/ Smithers Citrus and Centacare
Outdoor Games – Giant Soccer Ball	Centacare and St Columba's Berrigan
Mud Run	Berrigan Shire Council Finley HQ Gym – Ryan Lock & staff Finley Show Ground Committee International Childrens Games Inc Paul Head Demolition
Peppa Pig	Old Woperana & Digby Bennett

### **Kids Fest Barooga – Collie Park 28/10/16**

<b>Activities</b>	<b>Provided By</b>
Peppa Pig	Old Woperana & Digby Bennett
Face painting	Berrigan Library Services
Sausage Sizzle	BSC & Barooga Lions
Art in the Park	Intereach
Outdoor Games	BSC – Outdoor Games equipment / Intereach
Giant Soccer Ball	Centacare and St Columba's Berrigan
Orange Juice	Rotary Club of Tocumwal and Smithers Citrus
Zumba	Finley HQ – Joshua Barratt & Victoria Alexander

### **Kids Fest Tocumwal – CWA Park 27/10/16**

Peppa Pig & Shaun the Sheep	Old Woperana & Bennetts x2
Face Painting	Berrigan Library Services Volunteers – Secondary School Students
Sausage Sizzle	BSC & Tocumwal Lions
Art in the Park	Intereach



**Items for Noting**

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Giant Soccer Ball	Centacare and St Columba’s Berrigan
Outdoor Games	BSC – Outdoor Games equipment /
Orange Juice	Rotary Club of Tocumwal and Smithers Citrus
Zumba	Finley HQ – Joshua Barratt & Victoria Alexander
Billie the Clown	Bill Dunn - Volunteer

**Kids Fest Berrigan – 25/10/16**

<b>Activities</b>	<b>Provided By</b>
Peppa Pig	Old Woperana & Digby Bennett
Face painting	Berrigan Library Services & Secondary School age students
Sausage Sizzle	BSC & Barooga Lions
Art in the Park	Intereach
Outdoor Games	BSC – Outdoor Games equipment / Intereach
Giant Soccer Ball / Gauntlet	Centacare and St Columba’s Berrigan
Orange Juice	Rotary Club of Tocumwal and Smithers Citrus
Zumba	Finley HQ – Joshua Barratt & Victoria Alexander

Marketing and promotion of the event included:

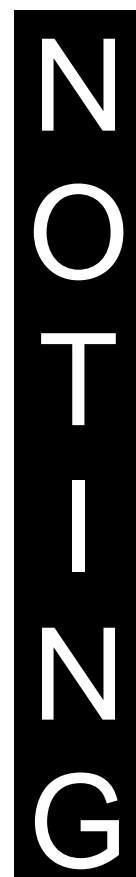
- Registration with Childrens Week NSW
- Promotional Products Logos Childrens Week NSW
- Facebook Posts in the lead up to each Event
- Electronic copies of posters distributed to all Public Schools, Primary Schools and Pre-Schools for inclusion in School Newsletters
- Hard Copies of flyers marketing the local Kids Fest in addition to the Finley Mud Run distributed to all Public Schools and Primary Schools

The project proposal for Children’s Week identified a target audience of 300 children aged 4 years to 14 years and their families.

**Project Evaluation**

The budget for this event is \$2000 allocated by Council for Kids Fest. Overall, attendance was good with numbers down on previous years but what was pleasing to note were new and younger groups of children and their families. The Mud Run at Finley once again proved to be very popular with a number of children running and completing full circuits of the course surprising many children and the parents watching.

**Attendance**



Items for Noting

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Barooga	30
Finley	90
Berrigan	80
Tocumwal	90
<b>Total</b>	<b>290</b>

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Items for Noting

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**6.2 LGNSW ANNUAL REPORT**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

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**REPORT:**

LGNSW has forwarded, for the Council's information, a copy of its 2015/2016 Annual Report.

A copy of the Annual Report is available from the General Manager for perusal by interested Councillors.

Items for Noting

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**6.3 PUBLIC LIBRARY FUNDING STRATEGY – 2016/17**

**AUTHOR:** Director Corporate Services

**STRATEGIC OUTCOME:** Supported and engaged communities

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

**FILE NO:** 15.128.9

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**REPORT:**

The State Library of New South Wales (SLNSW) has written to inform the Council of its proposed Public Library Subsidy and Local Priority Grant for 2016/17. Attached as Appendix "I" is a copy of the letter.

The grant – totalling \$38,389 – has two components:

- |   |          |
|---|----------|
| 1. A base subsidy of \$1.85 per capita  | \$15,570 |
| 2. A subsidy adjustment (based on need) | \$22,819 |

Note that at least 30% of the subsidy adjustment (\$6,845) needs to be spent on a local priority grant project and is not available to cover the general cost of library operations.

This grant is subject to the Council meeting the conditions set down in the *Library Act 1939* – i.e. the Council must not charge a fee for library services.

In 2016/17, Councils that are party to a regional or cooperative agreement will receive an additional \$5,611, to support collaborative arrangements. Berrigan Shire Council runs an independent library service and is therefore not eligible.

SLNSW are encouraging Councils to consider entering into joint arrangements for library services such as Riverina Regional Library, Central Murray Library Service or Western Riverina Libraries. This Council has had a consistent policy that it is best placed to directly provide a library service for its community.

Note that originally the library subsidy was designed to be a matching dollar-for-dollar arrangement to fund public libraries. Over time, the proportion of funds provided by the NSW Government has reduced, leaving Councils to bear a much larger financial burden.

**Items for Noting**

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Public Libraries NSW (the peak public library organisation) and Local Government NSW have run multiple campaigns over time to restore NSW government funding to public libraries – with no success.

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## Items for Noting

## 6.4 DEVELOPMENT DETERMINATIONS FOR MONTH OF OCTOBER 2016

**AUTHOR:** Support Officer

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

### REPORT: APPLICATIONS DETERMINED FOR OCTOBER

Application	Description	Property Location	Applicant	Owner	Status	Value	Days Taken		
22/17/DA/D9	2 Lot Subdivision/Consolidation	44-48 CORCORAN STREET, BERRIGAN NSW 2712 (Lot40/B/DP2425)	Mr Joe Cottam Mr Malcolm Charles	COTTAM NOMINEES PTY LTD	Approved 10-10-2016	\$ 0.00	Active 34	Total 34	
31/17/DA/DM	Removal of Bricks & Replacement of Gutter	46 CHANTER STREET, BERRIGAN NSW 2712 (LotA//DP318610)	Mr James Whelan	MS J M DOWSETT	Approved 27-10-2016	\$ 5000.00	Active 30	Total 30	
36/17/DA/D5	Carport	4 MALONE MEWS, FINLEY NSW 2713 (Lot4//DP1097289)	Mr Rodney Close	MR RN & MRS SB CLOSE	Approved 14-10-2016	\$ 2000.00	Active 10	Total 16	
37/17/DA/D9	2 Lot Road / Boundary Realignment	YARRAWONGA ROAD, BERRIGAN NSW 2712 (Lot591//DP793038)	Berrigan Shire Council	MR G GIANNARELLI	Approved 07-10-2016	\$ 0.00	Active 11	Total 11	
38/17/DA/D1	BV Dwelling & Attached Garage	60 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot29//DP270154)	Paul & Donna Boaden	MR P R BOADEN & MRS D S BOADEN	Approved 07-10-2016	\$ 349335.00	Active 9	Total 9	
39/17/DA/D5	Residential Storage Shed & Personal Workshop	55 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot9/10/DP758981)	Mr Chris Graham	MR C J GRAHAM	Approved 14-10-2016	\$ 16000.00	Active 10	Total 13	
40/17/DA/D5	Carport	120 CHANTER STREET, BERRIGAN NSW 2712 (Lot2/P/DP3197)	Mr Owen Johnstone	MR HR KOFOED AND MRS SE KOFOED	Approved 13-10-2016	\$ 2100.00	Active 3	Total 12	
41/17/DA/D5	Residential Storage Shed	46 COREE STREET, FINLEY NSW 2713 (Lot71//DP560470)	Mr Ian Armer	MR I J ARMER & MRS S T ARMER	Approved 11-10-2016	\$ 9500.00	Active 9	Total 9	
42/17/DA/D1	BV Dwelling & Attached Garage	14 HAYNES COURT, TOCUMWAL NSW 2714 (Lot80//DP1070311)	Richard & Judith Shalders	MR R G SHALDERS & MRS J M SHALDERS	Approved 11-10-2016	\$ 331750.00	Active 9	Total 9	
43/17/DA/DM	Installation of Shade Sails	63-67 TOCUMWAL STREET, FINLEY NSW 2713 (Lot186//DP752299)	Finley Returned Soldiers Club	FINLEY R.S. CLUB	Approved 12-10-2016	\$ 14300.00	Active 9	Total 9	
45/17/DA/D1	BV Dwelling & Attached Garage	63-65 BAROOGA STREET, BERRIGAN NSW 2712 (Lot10/4/DP758097)	Lekeal Pty Ltd	MRS B L BUCKLE	Approved 14-10-2016	\$ 295600.00	Active 5	Total 5	

NOTING

**Items for Noting**

17/17/CD/M5	Inground Fibreglass Swimming Pool	65 BRUTON STREET, TOCUMWAL NSW 2714 (Lot//DP1068277)	Outdoor Indulgence	MS C RYAN	Approved 11-10-2016	\$ 31098.00	Active 1	Total 1
18/17/CD/M1	Timber Panel & Colourbond Cladding Dwelling	38 HANNAH STREET, TOCUMWAL NSW 2714 (Lot15//DP790166)	Mr John Baker	MR JW BAKER & MRS PA BAKER	Approved 12-10-2016	\$ 200000.00	Active 2	Total 2
47/17/DA/D1	BV Dwelling & Attached Garage	7 ARRAMAGONG STREET, BAROOGA NSW 3644 (Lot4//DP1224006)	Hadar Homes	MR MA DUNN & MS SM DAVIDSON- DUNN	Approved 18-10-2016	\$ 477843.00	Active 4	Total 5
48/17/DA/D1	BV Dwelling & Attached Garage	8 PINWOOD LANE, TOCUMWAL NSW 2714 (Lot17//DP285573)	Mr Matthew Sim	MR GJ QUICK AND MRS EM QUICK	Approved 19-10-2016	\$ 428534.00	Active 5	Total 5
49/17/DA/D2	Storage Units	119-121 HOWE STREET, FINLEY NSW 2713 (Lot7//DP251191)	RM & ML Baldwin	MR RM BALDWIN AND MRS M BALDWIN	Approved 26-10-2016	\$ 65000.00	Active 10	Total 10

**APPLICATIONS PENDING DETERMINATION AS AT 7/11/2016**

Application No.	Date Lodged	Description	Property Location
32/17/DA/DE	15-09-2016	Piggery Expansion - Additional 12x Eco Sheds	349 CRUICKSHANKS ROAD, BERRIGAN NSW 2712 (Lot117//DP752275)
44/17/DA/D1	30-09-2016	Flexible Design Home	63 WOLLAMAI STREET, FINLEY NSW 2713 (Lot1//DP501475)
55/17/DA/DM	02-11-2016	Change of Use Hangar to Aircraft Maintenance Business	15 FLIGHT PLACE, TOCUMWAL NSW 2714 (Lot 16//DP1077717)
56/17/DA/D2	02-11-2016	Extension of Existing Freight Transport Facility – Grain Bunkers	92 STRATHVALE ROAD, BERRIGAN NSW 2712 (Lot 1//DP1222893)
57/17/DA/D5	03-11-2016	Garage	77 WOLLAMAI STREET, FINLEY NSW 2713 (Lot 1//DP515620)
21/17/CD/M6	03-11-2016	Additions to Dwelling	1184 LOWER RIVER ROAD, TOCUMWAL NSW 2714 (Lot 11//DP773350)

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

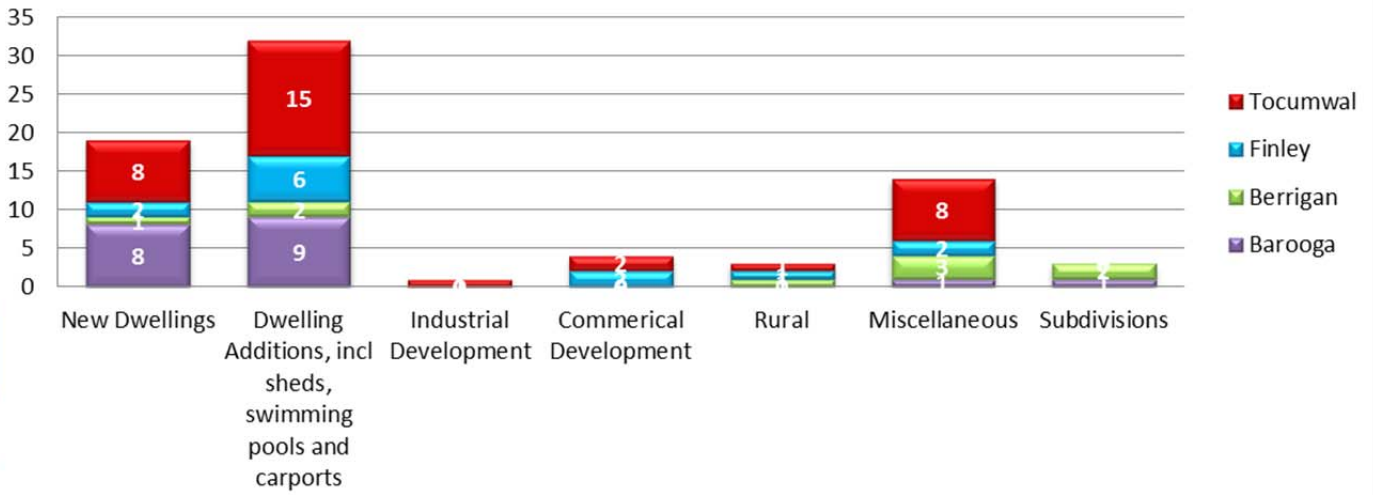
	This Month (Oct)	Year to Date	This Month's Value	Year to Date Value
<i>Development Applications</i>	14	56	\$1,996,962	\$4,794,452
<i>Construction Certificates</i>	8	32	\$1,020,585	\$3,608,575
<i>Complying Development Certificates</i>	2	20	\$231,098	\$1,117,759
<i>Local Activity</i>	7	22	0	0

Items for Noting

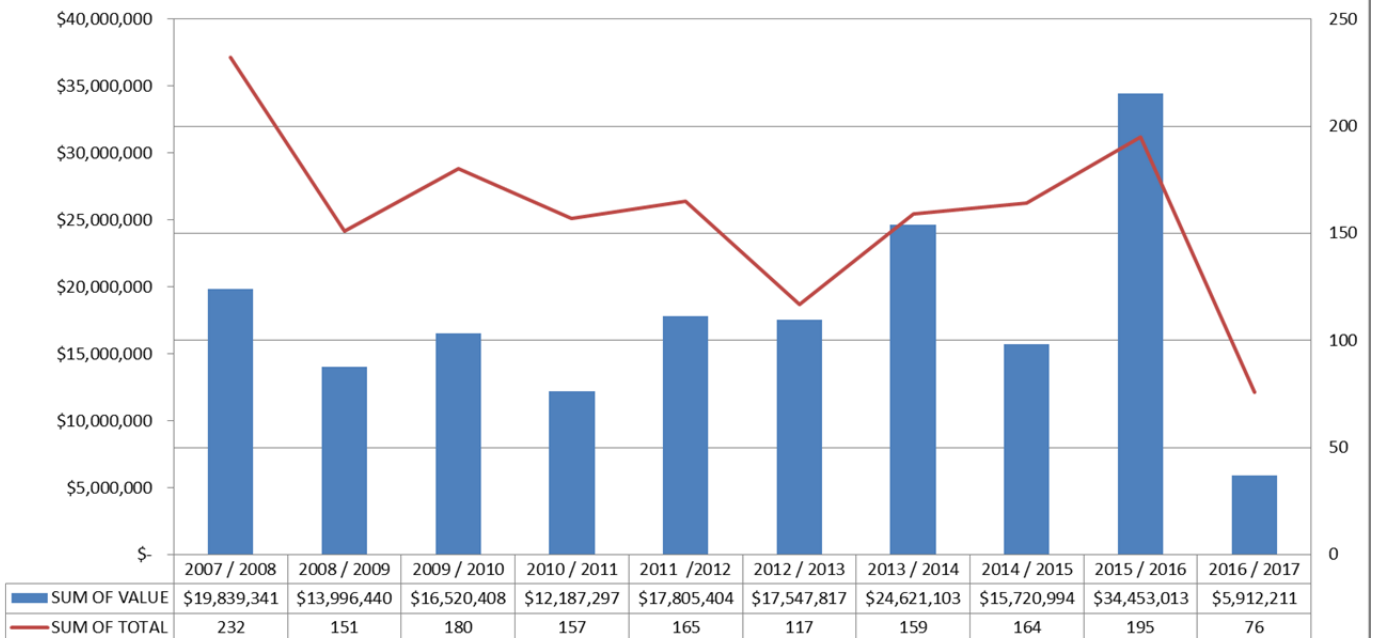
**OTHER CERTIFICATES ISSUED FOR OCTOBER**

	149(2) Planning Certificate		149(5) Certificate		735A Certificate Outstanding Notices or Orders under LG Act 1993		121zp Certificate Outstanding Notices or Orders under EP&A Act 1979		149(D) Building Certificate		Swimming Pool Certificate	
	Oct	Year Total	Oct	Year Total	Oct	Year Total	Oct	Year Total	Oct	Year Total	Oct	Year Total
BAROOGA	5	32	0	2	0	1					0	4
BERRIGAN	5	14	0		1	3	0	1			0	1
FINLEY	14	45	1	2	1	2	0	1			1	1
TOCUMWAL	14	44	0	3	2	3	1	1			0	2
<b>TOTAL</b>	<b>38</b>	<b>135</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>9</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>8</b>

**DEVELOPMENT ACTIVITY 2016/2017 as at 31 October, 2016**



**DEVELOPMENT ACTIVITY as at 31 October, 2016**



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Committee meeting reports

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**7.1 MINUTES OF THE CORPORATE SERVICES COMMITTEE MEETING HELD ON 2<sup>ND</sup> NOVEMBER, 2016.**

**RECOMMENDATION** – that recommendations numbered 1 to 9 inclusive of the Corporate Services Committee Meeting held on 2<sup>nd</sup> November, 2016 be adopted.

**4.1 CHRISTMAS FUNCTION**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:**

**RECOMMENDATION NO. 1** - that the Council hold an informal Christmas function at the Finley Recreation Reserve in early December, 2016 for Councillors, Staff and partners.

**4.2 CHRISTMAS OFFICE CLOSURE AND DECEMBER COUNCIL MEETING**

**AUTHOR:** General Manager

**STRATEGIC OUTCOME:** Good government

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

**FILE NO:** 13.044.1

**RECOMMENDATION NO. 2** - that the Council:

- Close the Shire Office from 4.00 pm on Friday 23<sup>rd</sup> December, 2016 reopening on 3<sup>rd</sup> January, 2017 with those days not being public holidays or weekends being deducted from staff leave entitlements.
- Close the Shire Libraries from close of business on Friday 23<sup>rd</sup> December, 2016 until Tuesday 3<sup>rd</sup> January, 2017 with those days not being public holidays or weekends being deducted from staff leave entitlements.

Committee meeting reports

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- That the Council's December Council meeting be held on Wednesday 14<sup>th</sup> December, 2016.

**4.3 COUNCILLOR EXPENSES AND FACILITIES POLICY**

**AUTHOR:** Director Corporate Services  
**STRATEGIC OUTCOME:** Good government  
**STRATEGIC OBJECTIVE:** 2.2 Ensure effective governance by Council of Council operations and reporting

**FILE NO:** 13.045.1

**RECOMMENDATION NO. 3** - that the Council note the draft "Payment of Expenses and Provision of Facilities For Mayors and Councillors" policy attached as Appendix "A-1".

**4.4 FINLEY SCHOOL OF ARTS UPGRADE**

**AUTHOR:** General Manager  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation

**FILE NO:** 05.101.3

**RECOMMENDATION NO. 4** - that the Council

1. Note the advice received from the Office of Liquor, Gaming and Racing regarding the unsuccessful CLUBGrants Category 3 funding application for the Finley School of Arts upgrade;
2. Not proceed with any redevelopment work for the Finley School of Arts Hall and the Finley War Memorial Hall;
3. Note the 11<sup>th</sup> October 2016 email received from the Finley War Memorial Hall and School of Arts Committee of Management;
4. Note the 19<sup>th</sup> October 2016 email received from the Finley War Memorial Hall and School of Arts Committee of Management;
5. Advise GPG Architects that it proposes to withdraw from the agreement to design, document and supervise works for the proposed Finley School of Arts redevelopment
6. Reallocate \$180,000 set aside in the 2016/17 budget for the redevelopment of the Finley School of Arts for improvements to Railway Park, Finley – including the construction of a new public toilet.

Committee meeting reports

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7. Invite the Finley War Memorial Hall and School of Arts Committee of Management to submit a revised proposal to improve the existing toilets and kitchen for consideration for funding in the 2017/18 budget under the Council's Requests for Donations and Financial Assistance Policy.

**4.5 FINLEY WAR MEMORIAL HALL AND SCHOOL OF ARTS - USAGE**

**AUTHOR:** Director Corporate Services  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities  
**FILE NO:** 05.101.3

**RECOMMENDATION NO 5** - that the Council note the report of the Finley War Memorial Hall and School of Arts usage.

**4.6 VOLUNTEER COMMITTEE – GUIDE TO OPERATIONS**

**AUTHOR:** Director Corporate Services  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation  
**FILE NO:** 04.074.1

**RECOMMENDATION NO. 6** - that the Council adopt the Volunteer Committee – Guide to Operations attached as Appendix "D-1".

**4.7 VOLUNTEER RECOGNITION POLICY**

**AUTHOR:** Director Corporate Services  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation  
**FILE NO:** 22.112.4, 04.074.1

**RECOMMENDATION NO. 7** - that the Council adopt the following policy for Volunteer Recognition.

**1. POLICY STATEMENT**

## Committee meeting reports

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Berrigan Shire Council relies on its volunteers to deliver services to its community, including the management of many of its community facilities. Without these volunteers, the Berrigan Shire community would not be able to enjoy the range and quality of social, cultural and recreation services on offer.

An important part of retaining and recruiting volunteers is recognition of the service of the Council's volunteers.

### 2. PURPOSE

The purpose of this policy is to:

- Recognise individual volunteers who have provided long service to the Council and through it, the community
- Recognise the contribution of volunteer service to the Council and the wider community
- Support and foster the concept of volunteerism in general

### 3. SCOPE

This policy is designed to recognise long service of members of Council's volunteer committees of management.

### 4. OBJECTIVE

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

*3.2.2 Provide opportunities for lifelong learning, cultural expression and recreation*

### 5. DEFINITIONS

**Volunteer Committee of Management** – a committee of the Council established under s355 of the Local Government and delegated specific Council functions, typically but not always, the care, control and management of a Council facility.

### 6. POLICY IMPLEMENTATION

#### 6.1. Eligibility

Volunteers who have served for over 20 years on a volunteer committee of Council are eligible for recognition under this policy.

## Committee meeting reports

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The General Manager and Mayor will determine the eligibility of a volunteer for recognition. Their decision on eligibility will be based on the evidence provided by the nominator and/or the Council's records.

### **6.2. Nomination**

Volunteers potentially eligible for recognition must be nominated. The Council will not routinely monitor periods of service to determine eligibility.

Nominations can be made by:

1. Councillors
2. Council staff
3. Volunteer Committees of Council

Nominations should include:

1. Term of service
2. Positions held
3. Other information that may support the recognition of the service of the volunteer

### **6.3. Recognition**

The eligible volunteer will be awarded with a certificate recognising his/her service on behalf of the Council. The certificate will be presented by the Mayor or his/her delegate at a meeting of the Council.

The Council will also support a nomination for that volunteer in the Riverina Volunteer of the Year awards or equivalent.

## **7. RELATED POLICIES OR STRATEGIES**

### **7.1. Legislation**

- *Local Government Act 1993*

### **7.2. Council policies and guidelines**

- Berrigan Shire Council Code of Conduct
- Volunteer Strategy 2016
- Recognition of Service Policy (Councillors and Staff)

Committee meeting reports

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**4.8**

**WAAAF WALK MASTER PLAN**

**AUTHOR:** Director Corporate Services  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 3.1 Create safe, friendly and accessible communities  
**FILE NO:** 21.101.10

**RECOMMENDATION NO. 8** - that the Council refer the request by Tocumwal Rotary Club for the development of a masterplan for the WAAAF Walk in Tocumwal for consideration in the 2017/18 Operational Plan and Budget.

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**4.9**

**TOCUMWAL FORESHORE DEVELOPMENT – FUNDING OPTIONS**

**AUTHOR:** Director Corporate Services  
**STRATEGIC OUTCOME:** Supported and engaged communities  
**STRATEGIC OBJECTIVE:** 3.2 Support community engagement through life-long learning, culture and recreation  
**FILE NO:** 05.101.7

**RECOMMENDATION NO. 9** - that the Council bring forward a financial strategy for a staged implementation of the Tocumwal Foreshore Masterplan

Committee meeting reports

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**7.2 MINUTES OF A TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 2<sup>ND</sup> NOVEMBER, 2016 IN THE COUNCIL CHAMBERS COMMENCING AT 5.05 PM**

**RECOMMENDATION** – that recommendation number 1 of the Technical Services Committee Meeting held on 2<sup>nd</sup> November, 2016 be adopted.

**4. DRAFT BERRIGAN LAND USE STRATEGY**

**AUTHOR:** Development Manager

**STRATEGIC OUTCOME:** Sustainable natural and built landscapes

**STRATEGIC OBJECTIVE:** 1.1 Support sustainable use of our natural resources and built landscapes

**FILE NO:**

**RECOMMENDATION NO 1** - that the Council endorse the Draft Berrigan Land Use Strategy, commence community consultation and refer the documentation to the NSW Department of Planning and Environment and other relevant authorities for consideration prior to the formal adoption of the Strategy.

Items requiring Council Resolution

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**8. MAYOR'S REPORT**

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



Items requiring Council Resolution

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9. DELEGATES REPORT

RESOLUTION

Items requiring Council Resolution

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10. GENERAL BUSINESS

RESOLUTION