



BERRIGAN SHIRE COUNCIL

Minutes of the Council Meeting held in the Council Chambers on Wednesday, 19th February, 2014 commencing at 9.20 am.

Min. No. **Present:** Cr. Bernard Curtin (Mayor)

Crs: John Bruce, Matthew Hannan, Brian Hill, Denis Glanvill, Colin Jones, Darryl Morris, Andrea O'Neill, Director of Corporate Services (Matthew Hansen), Director Technical Services (Fred Exton), Development Manager (Laurie Stevens) and General Manager (Rowan Perkins).

Declaration of Items of Pecuniary and other Interests

nil

4. CONFIRMATION OF MINUTES

- 13 **RESOLVED** Crs: Brill and Morris that the Minutes of the meeting held in the Council Chambers on Wednesday 15th January, 2014 be confirmed.

5.1 FINANCE – ACCOUNTS

AUTHOR: Finance Manager

- 14 **RESOLVED** Crs: Hannan and Morris that the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31st January, 2014, be received and that the accounts paid as per Warrant No.01/14 totalling \$1,553,124.21 be confirmed.

6 CLOSED COUNCIL

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

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

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer

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

6.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

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

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

It is not in the public interest to reveal details of personnel.

- 15 RESOLVED** Crs: Glanville and Jones that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

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

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**6.1 GENERAL MANAGER'S MID YEAR PERFORMANCE
REVIEW**

Council closed its meeting at 9.28 am. Staff left the Chamber.

4 Minutes of the Ordinary Council meeting held in the Council Chambers on
Wednesday, 19th February, 2014.

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Open Council resumed at 10.58 am.

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The Mayor here advised the following resolution was made in the closed meeting.

6.1 GENERAL MANAGER'S MID YEAR PERFORMANCE REVIEW

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: PF

“that the Council adopt the General Manager's Mid Year Performance Review and that the Mayor advise the General Manager by memo of the results of the review and that the Council move out of closed and into open Council”.

The meeting adjourned at 10.58 am. and reconvened at 11.15 am.

7.1 BAROOGA COMMUNITY BOTANICAL GARDENS 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: 21.101.1

17 RESOLVED Crs: Morris and Jones that the Council:

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

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President Mr G Brentnall
Secretary/ Mrs I Twigg
Treasurer Mr M Burnett
Committee R Burnett, J Sullivan, E Evans, G Backhouse, W Wright, R Wright, C Wigg, L Knight and M Burnett

7.2 TRANSFER OF LEVEE BANK LAND AT WOPERANA

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 14.165.12, 14.009.1, 05.005.9

- 18 RESOLVED** Crs: O'Neill and Jones that the Council agree to pay costs of \$4,950 to have the land enclosing the levee bank at Woperana transferred from the Murray Valley National Park to Council ownership.

7.3 DETERMINATION OF FEES PAYABLE TO COUNCILLORS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 13.045.1

- 19 RESOLVED** Crs: Jones and Morris that the Council not make any submission to the Local Government Remuneration Tribunal in relation to its 2014 review and determination of fees payable to Councillors.

7.4 SALE OF LAND AT TOCUMWAL AERODROME

AUTHOR: General Manager

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local economy

FILE NO: 05.005.9

- 20 RESOLVED** Crs: Bruce and Glanville that the Council sign and seal all documents relating to the sale of lots 26, 30, 34 and 35 DP 1190777 and lot 25 DP 1190776.

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7.5 FINANCIAL REVIEW

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

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

21 RESOLVED Crs: Morris and Glanville that the Council

1. Note the second quarterly review of the 2013/14 budget and Cvote the funds contained therein as shown in Appendix "C".
2. Note the Quarterly Budget Review Statement attached also as "Appendix "D" subject to sale of Ingo Renner being amended to \$60,000 and not \$80,000.

7.6 DELIVERY PROGRAM REVIEW AND OPERATIONAL PLAN REPORT

AUTHOR: Strategic and Social Planning Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO:

22 RESOLVED Crs: Jones and Hill that the Council note the December 2013 Delivery Program Review and December 2013 Quarter Progress Report of the Annual Operational Plan 2013/14 circulated as Appendix "E".

7.7 TOCUMWAL AERODROME SUBDIVISION – CREATION OF EASEMENTS

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: Property File

23 RESOLVED Crs: Morris and Jones that the Section 88B instrument associated with the creation of easements for electricity supply Tocumwal Aerodrome subdivision be signed and sealed for registration purposes.

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7.8 COMMERCIAL CREDIT 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: 26.063.3

24 RESOLVED Crs: Glanville and O'Neill that the Council adopt the following Policy for Commercial Credit.

1. POLICY STATEMENT

Berrigan Shire Council provides a range of services on a commercial basis to the public. These services include:

- Waste Management
- Water cartage and delivery
- Road and footpath construction
- Building certification

There may be occasions where it is appropriate to offer credit to users of these facilities. It is important that the Council has in place a framework to assess requests for credit and manage the risk to the Council that providing credit entails

2. PURPOSE

This policy sets the terms and conditions on which the Council will offer credit for customers/clients of its commercial operations. The policy aims to promote transparency and consistency, reduce the risk of fraud by minimizing cash transactions and eliminate as far as possible the costs to Council of offering credit.

3. SCOPE

This policy applies to all customers of Council services requesting credit unless otherwise exempt.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.2.2.3:

Coordinate Council investments, financial management, financial operations and processing

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5. POLICY IMPLEMENTATION

5.1 General policy

The Council has no obligation to offer credit to its customers or clients. The provision of credit is a privilege and not a right.

As a general rule, the Council will not offer credit to customers/clients of its services and facilities. Payment should be made either in advance or at the point of sale.

However, there are some limited circumstances where the Council will provide credit facilities.

5.2 When credit may be offered

The Council can offer credit in circumstances where:

- Requiring cash up front is impractical for the Council or the customer
- Business operations for the Council are streamlined
- Excessive cash-handling at remote sites or by employees working alone can be avoided

5.3. Applications for credit

Applications for commercial credit must be made in writing. The application must provide any information required by the Finance Manager.

An application for credit must be submitted and approved before the Council will provide any service on credit.

5.4. Approval for credit

The person responsible for approving applications for credit is the Finance Manager. In his or her absence, the Director Corporate Services may grant approval.

The General Manager may, at any time, approve an application for credit.

Applications will be assessed on the following basis

- The use of credit terms.
- Previous payment history with the Council (including payment of rates)
- Business relationship with the Council.
- General credit history

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5.5. Credit terms

The Council's standard credit terms are "nett 30 days". Any change or variation from these terms granted by the Finance Manager will be specifically noted in writing.

When approving an application for credit, the Finance Manager will nominate a credit limit – not to be exceeded without the Finance Manager's specific written permission.

5.6. Collections

Collection of outstanding debt will be undertaken as per the Council's Collection Policy.

5.7. Withdrawal of credit

Credit can be withdrawn at the absolute discretion of the Finance Manager.

Access to use of the Council's credit will be placed on hold immediately on a payment becoming overdue and will not be restored until such time as the Finance Manager is satisfied that the outstanding amount has either been paid or a suitable repayment plan has been agreed.

5.8 Exemptions

The following charges and/or services are exempt from this policy. Credit and/or access to these services may still be restricted based on other Council policies and procedures

- Ordinary rates
- Utility charges (Water access, Sewer, Domestic Waste Management, Garbage Collection, Stormwater)
- Water consumption charges
- Contributions for infrastructure per s217 of the *Roads Act* 1993 ("Half-cost" schemes)
- Burial charges
- Expenses for uniforms, private use of vehicles, travel incidentals etc. charged to staff
- Developer charges
- Services provided to volunteer committees of the Council
- Services provided to Home and Community Care clients

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6. RELATED POLICIES OR STRATEGIES

6.1 Legislation

- *Local Government Act 1993*

6.2 Council policies

- Berrigan Shire Council Code of Conduct
- Delivery Program
- Fraud Control Policy

7.9 ROADSIDE CLEAR ZONES

AUTHOR: General Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife

FILE NO: 28.121.2

25

RESOLVED Crs: Hill and Morris that the Council review its Roadside Hazard Treatment Policy to determine if alternative methods can be introduced to either reduce destruction of significant roadside vegetation or where significant destruction is unavoidable alternative revegetation on land other than road reserves can be considered and further that the authors of the joint letter be advised of the Council's intended review.

7.10 2014 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – CALL FOR MOTIONS

AUTHOR: General Manager

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.3 Strengthen strategic relationships and partnerships with community, business and government

FILE NO:

The Council took no action in relation to this matter.

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ITEMS FOR NOTING

- 8.1 ROADS AND MARITIME SERVICES / LOCAL GOVERNMENT STRATEGIC DISCUSSION FORUM
- 8.2 COUNCIL SUBMISSION – INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL FINAL REPORT
- 8.3 FINLEY RODEO
- 8.4 EXECUTIVE CERTIFICATE FOR ELECTED MEMBERS
- 8.5 DISABILITY INCLUSION BILL
- 8.6 MAY RAMROC MEETING
- 8.7 INTERNATIONAL WOMEN'S DAY
- 8.8. REFUGEE RESETTLEMENT
- 8.9 DEVELOPMENT DETERMINATIONS FOR MONTH OF JANUARY 2014

- 26** **RESOLVED** Crs: Glanville and Hill that Items for Noting numbered 8.1 to 8.9 Inclusive be received and noted.

COMMITTEE REPORTS

- 9.1** **MINUTES OF A CORPORATE SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 5thFEBRUARY, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 9.00 am.**

- 27** **RESOLVED** Crs: Morris and Glanville that recommendations numbered 1 to 3 inclusive of the Corporate Services Committee Meeting held on 5th February, 2014 be adopted.

5. NAMING OF THE BAROOGA RECREATION RESERVE MULTI-FUNCTION BUILDING

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: 21.051.1

RECOMMENDATION NO. 1 - that the Council prepare a Policy requiring Committees of Management to seek the Council's permission to name infrastructure at Council controlled facilities.

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6. BERRIGAN WAR MEMORIAL SWIMMING POOL

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

RECOMMENDATION NO. 2 - that the Council note the report and consider further at the Council's Corporate Workshop.

7. LOCAL GOVERNMENT PERFORMANCE FRAMEWORK

AUTHOR: Strategic and Social Planning Coordinator

STRATEGIC OUTCOME: Good government

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

FILE NO:

RECOMMENDATION NO. 3 - that the Council review and endorse the submission forwarded to the Division of Local Government on the Local Government Performance Framework.

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**9.2 MINUTES OF A MEETING OF THE EVENTS
COMMITTEE HELD WEDNESDAY, 5TH FEBRUARY,
2014 COMMENCING AT 10.15 am.**

28 RESOLVED Crs: Hannan and Hill that recommendations numbered 1 to 4 inclusive of the Events Committee Meeting held on 5th February, 2014 be adopted.

**4. EVENT EVALUATION – BERRIGAN RACE CLUB LADIES
DAY EVENT**

AUTHOR: Enterprise Risk Manager
STRATEGIC OUTCOME: Good government
**STRATEGIC OBJECTIVE: 2.2 Ensure effective governance
by Council of Council operations and reporting**
FILE NO: 08.063.3

RECOMMENDATION NO. 1 - that the Council take no further action in relation to clarifying funds spent on the Berrigan Race Club Ladies Day Event, and put in place formal guidelines for breaches of funding agreements.

5. EVENT EVALUATION - BAROOGA BULLS AND BEATS

AUTHOR: Economic Development Officer
**STRATEGIC OUTCOME: Diverse and resilient
business**
**STRATEGIC OBJECTIVE: 4.3 Diversify and promote local
tourism**
FILE NO: 08.063.3

RECOMMENDATION NO. 2 - that Council notes the Event funding acquittal as submitted by the Barooga PBR.

6. EVENT EVALUATION – STRINGS MUSIC FESTIVAL

AUTHOR: Economic Development Officer
**STRATEGIC OUTCOME: Diverse and resilient
business**
**STRATEGIC OBJECTIVE: 4.3 Diversify and promote local
tourism**
FILE NO: 08.063.3

RECOMMENDATION NO. 3 - that Council notes the Event funding acquittal as submitted by the Strings Music Festival committee.

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**7. EVENT FUNDING APPLICATION – FINLEY MONSTER
WEEKEND**

AUTHOR: Economic Development Officer

STRATEGIC OUTCOME: Diverse and resilient
business

STRATEGIC OBJECTIVE: 4.3 Diversify and promote local
tourism

FILE NO: 08.063.3

RECOMMENDATION NO. 4 - that the Council provide \$3,500
support to the Finley Monster Weekend event.

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**9.3 MINUTES OF A MEETING OF THE RISK
MANAGEMENT COMMITTEE HELD WEDNESDAY,
5TH FEBRUARY, 2014 COMMENCING 11.07 AM.**

29 RESOLVED Crs: Hannan and Jones that recommendations numbered 1 to 3 inclusive of the Risk Management Committee Meeting held on 5th February, 2014 be adopted.

1. TREE MANAGEMENT POLICY

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.151.1

RECOMMENDATION NO. 1 - that the Council adopt:

1. the Tree Management Policy as outlined below;
2. the Preferred Tree Species List included as Appendix 1.

TREE MANAGEMENT POLICY

File Reference No: 11.151.1

Strategic Outcome: Good government

Date of Adoption: [Click here to enter a date.](#)

Date for Review: [Click here to enter a date.](#)

Responsible Officer: Enterprise and Risk Manager _____

1. POLICY STATEMENT

Council is committed to the maintenance and improvement of its surrounding flora by effectively managing trees and vegetation within urban areas, road reserves and other lands over which Council has control.

This policy seeks to provide a practical and balanced approach to tree management. Whilst the health, safety and welfare of Council staff and the community, and the protection of public property, and private property where Council trees may encroach, is paramount, Council is also committed to preserving

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trees, improving the aesthetic urban landscape, and effectively managing the environment. Whilst these objectives can be conflicting, responsible risk management shall take precedence in any determination regarding existing or future plantings.

2. PURPOSE

The purpose of this policy is to formalise the Berrigan Shire Council's management of trees including:

- Tree selection and planting
- Risk Assessment
- Maintenance and tree removal
- Preservation

3. SCOPE

This policy shall apply to all trees and shrubs that are growing on any property under Council's control including operational land, community land, nature strips, road reserves and public reserves.

4. OBJECTIVE

This policy is designed to assist Council meet the following Delivery Plan objectives:

1.2.1 Partner with community groups and agencies on projects that retain and preserve the health of our natural landscapes and wildlife;

2.2.2 Council operations support ethical, transparent and accountable corporate governance.

5. DEFINITIONS

***Preferred Species** are the trees that Council would select for planting after considering various factors including environmental, proximity to infrastructure, and ongoing maintenance.*

6. POLICY IMPLEMENTATION

6.1 New Tree Selection and Placement

6.1.1 Tree Planting – Residents

1. Council will provide suitable trees to plant on nature strips, but will also authorise residents to plant trees, provided that:-

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- a. A written application is made for such planting containing an undertaking from the applicant that the trees, once planted, will be watered and otherwise maintained by the applicant;
 - b. The trees will be of a type that is listed in Council's Preferred Species List;
 - c. The total number of trees on any section of nature strip (including existing trees) does not exceed two (2) for each property frontage, except where the General Manager may determine that additional trees are warranted, where the property frontage is significantly longer than normal or other unusual circumstances exist.
2. Residents or land owners may provide and plant additional trees on nature strips at their own cost provided that such trees are of a type listed on Council's Preferred Species List and provided that such plantings are located so as to minimise future problems in regard to Council infrastructure (such as kerb and gutter, water mains, etc), other services (such as powerlines, gas or cabling) and the safety of pedestrians or traffic.
3. A resident or land owner may be required to remove or relocate any nature strip tree planted without prior approval if the location or type of tree may, in the future:-
- a. Cause damage to water mains, sewer mains, drainage lines, footpaths, kerb and gutter or other Council facilities or utilities, or
 - b. Encroach on powerlines, or
 - c. Cause a safety hazard to pedestrians or vehicular traffic.

6.1.2 Tree Planting and Maintenance in New Subdivision Developments

Where a developer is required to plant trees as part of the planning permit process for new developments, Council will oversee the planting and establishment.

Approved landscape plans must conform to site assessments and Council's Preferred Species List.

6.1.3 Tree Planting – Council

To ensure the long term success of tree planting, a detailed analysis of site conditions and design constraints is required. The objective is to minimise risk associated with trees by

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selecting trees that will have minimal impact on and have minimal impact by their new environment.

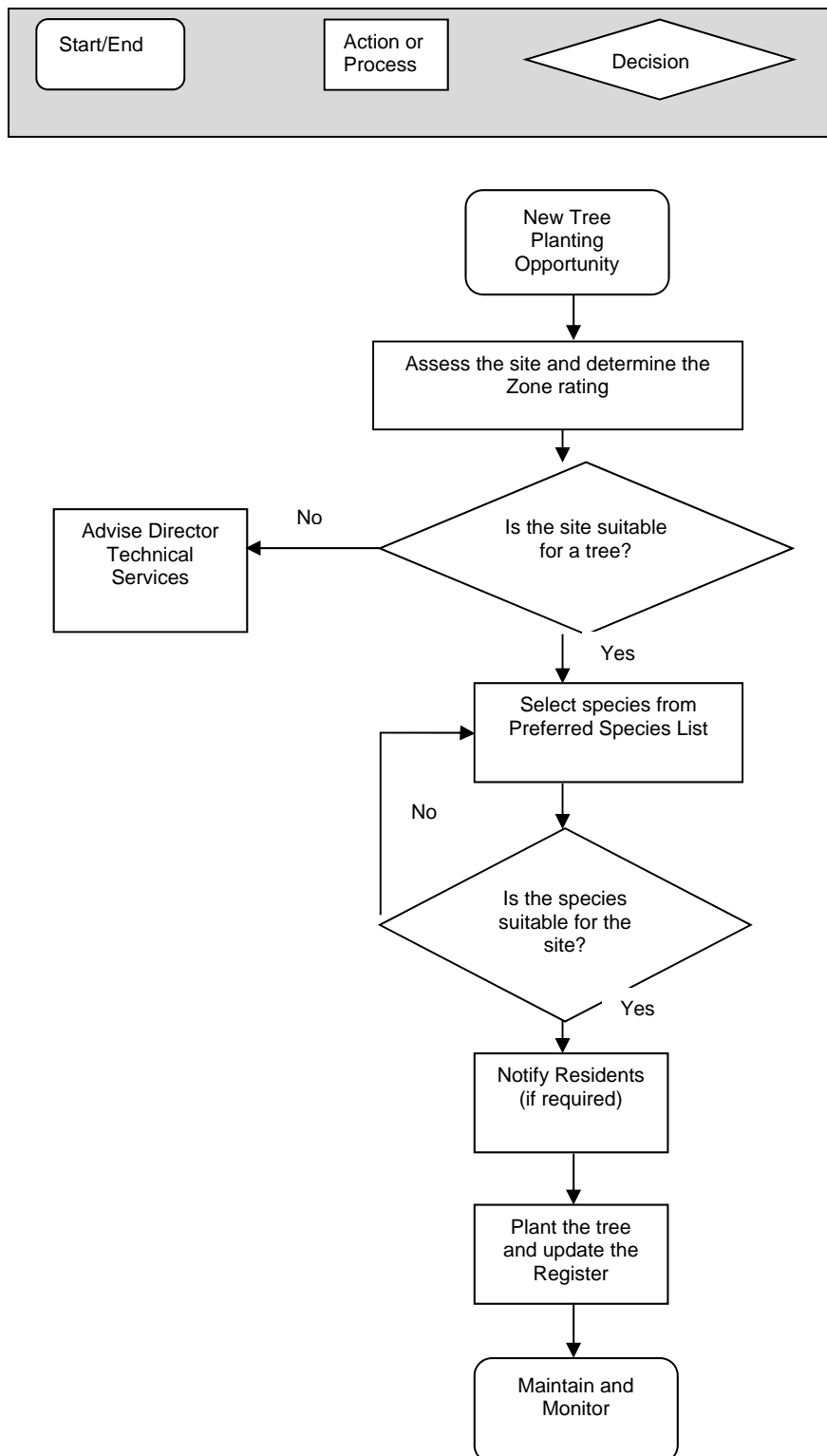
When assessing the site and determining the type of tree to plant, consideration must be given to the following risk zones:

	Zone A Most constraints (High to Very High Risk)	Zone B Moderate constraints (Medium Risk)	Zone C Fewest constraints (Low Risk)
Electrical & telecommunications	<ul style="list-style-type: none"> •Uninsulated low and high voltage wires •Bushfire area 	<ul style="list-style-type: none"> • Bundled cables • Insulated cables 	<ul style="list-style-type: none"> • No powerlines
Below ground services – typical layouts	<ul style="list-style-type: none"> •Fibre optic cables •High voltage power 	<ul style="list-style-type: none"> • Bundled cables • Insulated cables • Water conduits • Sewer conduits 	<ul style="list-style-type: none"> • No powerlines • No conduits
Slope	<ul style="list-style-type: none"> •Steep slope 	<ul style="list-style-type: none"> • Moderate slope 	<ul style="list-style-type: none"> • Generally flat land
Paved areas	<ul style="list-style-type: none"> •Paved area •Sealed surface •Brick pavers 	<ul style="list-style-type: none"> • Partially paved areas • Non reinforced concrete 	<ul style="list-style-type: none"> • Grass up to 6m
Verge width	<ul style="list-style-type: none"> •Less than 3.0m 	<ul style="list-style-type: none"> • From 3m to 4m 	<ul style="list-style-type: none"> • 4m or wider
Building set back	<ul style="list-style-type: none"> •None 	<ul style="list-style-type: none"> • Less than 6m 	<ul style="list-style-type: none"> • 6m or greater
Street lighting	<ul style="list-style-type: none"> •Over pedestrian crossings •Traffic intersections 	<ul style="list-style-type: none"> • Street lighting other than crossings and intersections 	<ul style="list-style-type: none"> • No street lighting
Signage (i.e. traffic signs)	<ul style="list-style-type: none"> •Arterial roads •High density residential streets 	<ul style="list-style-type: none"> • Medium density residential streets • Arterial roads in rural zones 	<ul style="list-style-type: none"> • Low density rural/residential streets
Traffic	<ul style="list-style-type: none"> •Large volumes of heavy vehicles 	<ul style="list-style-type: none"> • Heavy vehicles in moderate volumes 	<ul style="list-style-type: none"> • Residential traffic in low volumes • Cul-de-sacs
Soils	<ul style="list-style-type: none"> •Severely compacted •Shallow •Reactive clay •Acid sulphate •Poor drainage 	<ul style="list-style-type: none"> • Moderately compacted • Urban fill • Moderate drainage 	<ul style="list-style-type: none"> • Undisturbed soil • Deep profile • Medium texture • Good natural drainage
Water table	<ul style="list-style-type: none"> •High 	<ul style="list-style-type: none"> • Moderate depth 	<ul style="list-style-type: none"> • Deep water table

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Trees must then be selected from the Preferred Species list that are suitable to the selected Zone, climatic conditions, wildlife habitat and landscaping principles and aesthetic value.

6.1.4 low Chart – Proposed Trees



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6.2 Existing Trees

A map of tree types within Council's urban areas will be progressively developed. This will provide a general overview of trees that currently exist on Council's nature strips, within parks and reserves and surrounding Council controlled areas.

Council will also progressively build a register of trees under Council control and within urban areas. The Tree Register will identify:

- Tree species and common name
- Location
- Approximate height of the tree
- Approximate width of the tree
- Approximate age of the tree
- Assessed vitality of the tree
- Other information including surrounding infrastructure, risk assessment and recommendations.

As trees are replaced, or new plantings occur, the new tree is added to the Tree Register and the existing tree is noted as removed or other relevant comment.

6.2.1 Existing Tree Risk Assessment

All trees under Council control located in urban areas will gradually, and as resources permit, undergo a risk assessment and will be included on the Tree Risk Register with follow up inspections scheduled in accordance with the results of the risk assessment. However, priority will be given to those trees, on all areas of Council controlled land, where:

- Complaints have been received;
- There are obvious declines in tree health;
- The tree has been damaged;
- The tree or its roots are affecting Council services or infrastructure;
- Planned Council works are in the vicinity.

There are two types of assessments that can be used when assessing tree risks, these are:

Walkover Tree Survey

This assessment involves a general risk analysis of a group of trees, and provides a holistic assessment. Where an individual tree is identified as a potential high risk, an individual tree assessment will be required before works can be recommended.

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Individual Tree Assessment

This assessment involves analysing the characteristics specific to one tree.

Both assessments involve considering the general or individual characteristics of the trees, and then applying the risk parameters.

Risk Analysis

Once a tree has been identified as requiring a risk assessment, it is analysed by a competent person to produce a level of risk that assists Council in determining treatment priorities and options.

The following factors are used in the analysis:

Probability of Failure (Likelihood)		
<i>Definition – the likelihood that the tree or limb will fail</i>		
Level/Descriptor	Description	Indicative Frequency
A – Almost Certain	The tree or more likely a limb will fail on an annual basis.	Expected to occur.
B – Likely	The tree/limb has failed several times.	Will probably occur.
C – Possible	The tree/limb might fail as trees of this type are known to fail.	Might occur at some time.
D – Unlikely	Heard of a tree/limb of this type failing in the past.	Not likely to occur.
E – Rare	Have never heard of a tree/limb of this type failing.	Conceivable, but highly unlikely.

Consequences	
Target Range	
<i>Definition – The location and the activity occurring at that location where the tree/limb may fail</i>	
Level	Description
1	Constant activity, either pedestrian or vehicular/Expensive buildings.
2	Busy streets with either pedestrian and/or vehicular activity/High cost buildings.
3	Periodic activity, either pedestrian or vehicular/Smaller buildings.
4	Minimal daily pedestrian and/or vehicular activity/Minor, minimal cost buildings.
5	No activity/No buildings.
Size Range	
<i>Definition – The maximum size of the tree or limb identified as having the potential to fail.</i>	
Level	Description
1	>500mm in diameter
2	Between 250 and 500mm in diameter
3	Between 100 and 250mm in diameter
4	Between 25 and 100mm in diameter
5	Less than 25mm in diameter
Consequences are calculated by adding the Target Range Level and the Size Range Level, .e.g C = T + S	

This information is then used to determine the risk rating.

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Probability of Failure	Consequence Range				
	1 – 2	3 – 4	5 – 6	6 – 7	8 - 10
A	Very High	Very High	High	Medium	Medium
B	Very High	High	High	Medium	Low
C	High	High	Medium	Low	Low
D	High	Medium	Medium	Low	Low
E	Medium	Medium	Low	Low	Low

Risk Rating	Action Required
Very High	Immediate mitigation works required. Recommendations to be forwarded to appropriate Council personnel.
High	Mitigation works required. Recommendations to be forwarded to appropriate Council personnel.
Medium	Recommendations to be noted below and forwarded to appropriate Council personnel.
Low	No Action required.

6.2.2 Tree Risk Assessment Recommendations

Recommendations will be made following the risk assessment.

Recommendations for mitigation works or tree removal are usually made where the risks are very high or high, and there is minimal environmental or historical value in retaining the tree. Where doubts exist, or where further assessment is required, Council will enlist the services of a qualified arborist.

Further assessment and development consent will be required where the tree or vegetation is or forms part of a heritage conservation area.

6.2.3 Pest and Disease Management

When pest and disease outbreaks compromise the health or increase the risks associated with trees, Council will only intervene where the trees in question have been planted by Council.

In these circumstances the efficacy and cost effectiveness of available treatments will be assessed and, if justified, the appropriate integrated pest management techniques will be undertaken. Council will undertake to notify owners of privately owned trees of these problems, if it has a state of knowledge of problems, so that the owner may take action as required.

6.2.3.1 Termite Activity

The presence of pests in trees is not always apparent, and this is the case with termite activity. Council will treat Council planted trees where it has knowledge or has been advised of termite activity within those trees. However, due to the nomadic nature

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of termites, Council will not be responsible for any third party property damage.

6.2.4 Road Reserve Trees and Vegetation

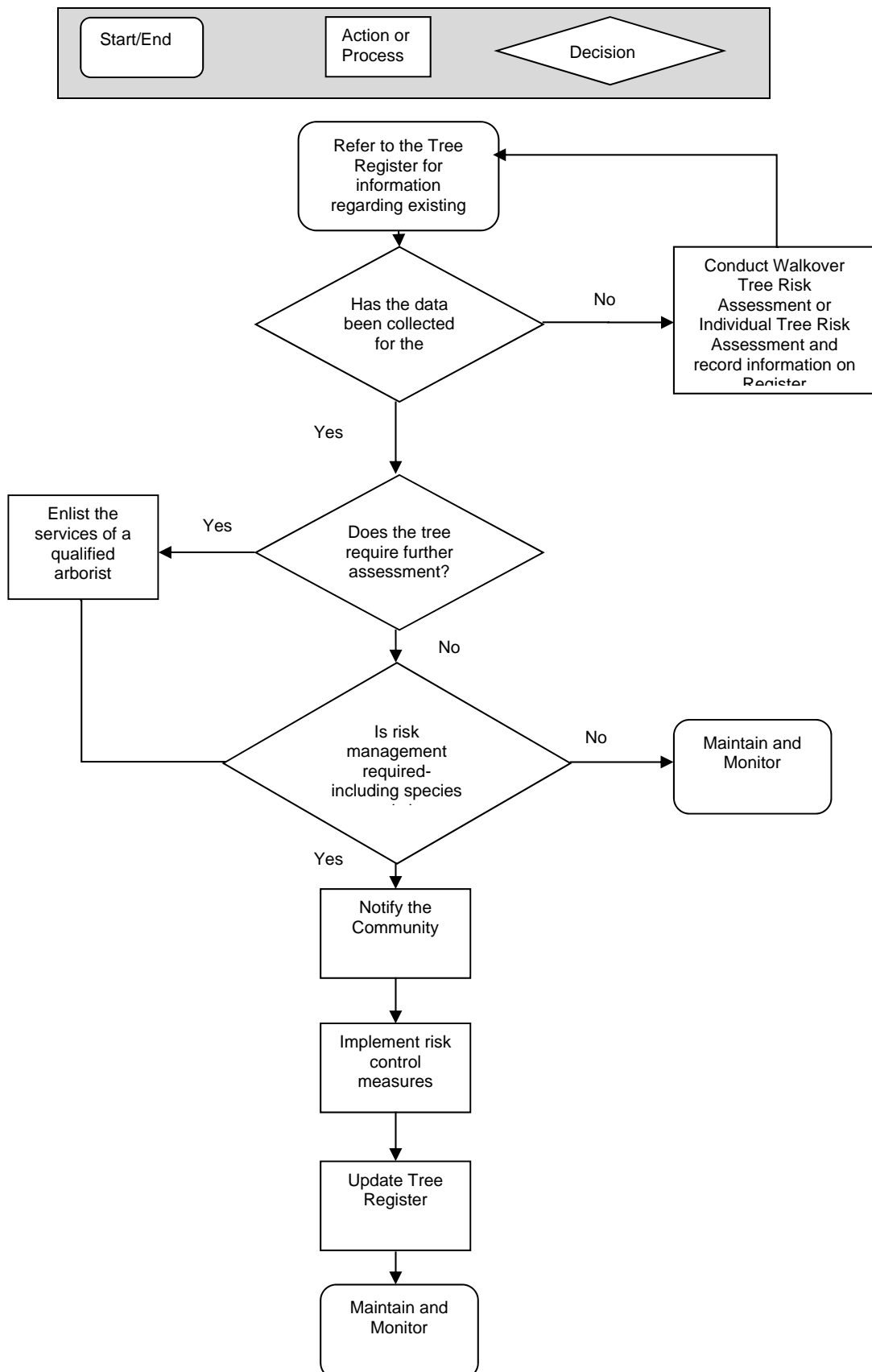
Council, as the Road Authority under the Roads Act 1993, has a duty of care to the travelling public to, as far as possible ensure that trees and vegetation in the road reserve do not present a risk to life or property. In order to fulfil its duty of care it will be necessary for staff involved in road construction, maintenance and road inspections to be aware of trees and other vegetation that may present a risk to road users. This will be especially important following high wind or storm events.

Council has also established guidelines under the Roadside Vegetation Management Plan to:

- Maintain, and where necessary, enhance roadside conservation value roadsides.
- Increase public awareness of the importance of roadside vegetation
- Encourage community involvement in roadside conservation projects
- Provide management guidelines for roadside vegetation.

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6.2.5 Flowchart – Existing Trees



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7. RELATED POLICIES OR STRATEGIES

Additional publications to be read in conjunction with this policy include:

- *Roads Act 1993*
- Berrigan Shire Council Preferred Species List
- Berrigan Shire Council Roadside Vegetation Management Plan
- Berrigan Shire Council LEP
- Berrigan Shire Council Risk Management Policy and Framework

2. LEGISLATIVE COMPLIANCE POLICY

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.121.1

RECOMMENDATION NO. 2 - that the Council adopt the Legislative Compliance Policy as outlined below.

. Legislative Compliance Policy

File Reference No: 27.121.2

Strategic Outcome: Good government

Date of Adoption: [Click here to enter a date.](#)

Date for Review: [Click here to enter a date.](#)

Responsible Officer: Enterprise and Risk Manager _____

1. POLICY STATEMENT

The activities of Local Government are affected by more than 100 state acts, the main two being the Local Government Act (NSW) 1993 – administered by the Department of Local Government, and the Environmental Planning and Assessment Act (NSW) 1979 – overseen by the Department of Planning and Infrastructure, and subsequent amendments thereto. In an environment of continuous legislative change, creating a risk of non-compliance, it is important for the Council to develop strategies to ensure conformity with applicable laws.

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2. PURPOSE

This policy demonstrates a clear commitment by the Council to ensuring compliance with all applicable legislation. To facilitate this, the policy provides guidance on:

- The obligations of staff members in ensuring legislative compliance,
- The consequences of non-compliance,
- The application of legal requirements,
- Moral and ethical objections, and
- Strategies for ensuring compliance.

3. SCOPE

This policy applies to all staff of the Berrigan Shire Council including volunteers and contractors.

4. OBJECTIVE

This policy is designed to assist the Council to meet the following Delivery Plan objective:

2.2.1 Meet legislative requirements for Council elections, local government and integrated planning and reporting.

5. DEFINITIONS

Legislation – *Laws that are made by Parliament, or under the authority of Parliament are called legislation, or statutes. “Acts” are primary legislation. Acts may authorize the making of Regulations, Orders and Notices and these are referred to as subordinate legislation.*

Legislation compels or directs the action of individuals, industry and other groups in specified circumstances and also outlines actions that are not to be taken, in order to achieve certain policy objectives.

Delegation Register – *Councils have certain duties which they must perform, and certain powers which they must exercise, pursuant to the Local Government Act, as well as a number of other Acts. Under the Local Government Act, Council is able to delegate those duties to staff and Committees of Council.*

The Delegation Register is a listing of those functions which Council has delegated to appropriate staff and Committees of Council.

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6. POLICY IMPLEMENTATION

6.1 Obligations of Staff Members

All Council staff members have a responsibility to help ensure legislative compliance within the organisation is achieved. These responsibilities however differ across the organisation, based on the position requirements of the individual and their direct involvement in statutory functions.

General Responsibilities

While the Council does not expect staff to be fully conversant with every State and Federal law, all staff members are expected to be aware of the common areas of legislation that affect their day to day work.

In addition, staff members are expected to be aware of a range of employment related laws (for example legislation relating to work, health and safety, equal opportunity, bullying and harassment), and are expected to be aware that certain actions may be subject to the criminal code (such as theft, assault etc.).

Staff members should also be aware of any Council policies, codes, Australian Standards or statements that are relevant to their areas of responsibility.

Additional Responsibilities

Staff members with delegated authority for carrying out statutory requirements (in accordance with the Delegation Register) are expected to develop a clear understanding of the relevant provisions as they relate to their responsibilities, and make themselves aware of changes to the legislation and its impact on Council activities.

Senior Staff

Senior staff members are those staff who have workers under their responsibility. They are responsible for ensuring that risk due to non-compliance is minimized, and staff members under their responsibility are kept fully informed, briefed and/or trained about the key legal requirements relevant to their work.

They are also required to ensure that information relating to legislative changes is disseminated to appropriate staff members, and that recordkeeping systems and practices that capture evidence of compliance are in place.

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6.2 Consequences of non-compliance

Staff should be aware that any failure to comply with the law could be a criminal act, or result in a breach of the law or a breach of discipline.

Failure to comply with legal requirements could result in such things as:

- Disciplinary proceedings;
- A hearing by the Pecuniary Interest Tribunal into complaints concerning alleged failures by Councillors, staff, delegates and advisors to disclose pecuniary interests;
- Dismissal of the Mayor and Councillors and the appointment of an Administrator;
- Removal of a Council's planning powers and the appointment of an Administrator;
- The appointment of an Environmental Administrator (under relevant environmental legislation);

Legal proceedings against the Council for orders to remedy or restrain breaches of certain Acts, or for other legal challenges relating to such things as acting beyond the scope of authority or power, or failing to provide natural justice, possibly resulting in costly litigation and awards of damages;

- Complaints about the conduct of the Council or staff members being referred to the Ombudsman, ICAC, Audit Office, Division of Local Government, Administrative Decisions Tribunal or other relevant bodies;
- Criminal proceedings;
- Disruption to management, staff morale problems and bad publicity resulting from any of the above.

6.3 Application of legal requirements

The obligation to comply with legal requirements does not relieve the Council or individual staff members of the moral or ethical obligation to mitigate the effects of rigid adherence to the letter of the law where that results in, or would result in, unintended or manifestly inequitable or unreasonable treatment of an individual or organisation. For example:

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- If the law gives the Council discretion, it should be exercised in a fair and reasonable way;
- If the law does not give the Council discretion, fairness may involve adopting a broad interpretation in certain circumstances, rather than a rigid adherence to legality;
- Other options may be available to the Council to mitigate any unreasonable or inequitable effects of compliance with the law. These could include, for example, waiving debts, refunding fees or charges, offering an expression of regret or an apology, deferring regulatory action to allow for an authorization to be obtained, fast tracking an assessment and determination of an application, and the like.

In a similar manner, policies, codes, standards, etc. should not be applied inflexibly, but on the basis of merit, with proper consideration being given to the particular circumstances of each individual case.

Staff members should have regard to circulars, practice notes, codes, guidelines, etc. issued by government or relevant central agencies. They should comply with their terms unless there are justifiable grounds for taking another course of action within the scope of the discretion available to the decision-maker.

6.4 Dealing with moral or ethical objections

There can be limited occasions where a staff member believes, on moral or ethical grounds, that he or she cannot give effect to a lawful policy.

Where such objection is based on a *bona fide* moral belief that is honestly and strongly held (as opposed to a mere personal or political preference), the staff member concerned should be relieved of responsibility for the implementation or enforcement of that policy. As well as recognising moral objections, such an approach helps to ensure the actual and perceived impartiality and fairness of the Council.

6.5 Strategies for ensuring compliance

Due to the number of Acts affecting council's operations, it is not possible to be fully aware of every State and Federal law and the changes that are being made. There is however a range of methods that the Council will employ to ensure compliance with key legislative changes. These include:

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- Subscription and distribution of the NSW Parliamentary Counsel's Office weekly email service notifying of the making of statutory instruments, NSW Government Gazette and Bill information;
- Regard to circulars, practice notes, codes, guidelines, etc. issued by government or relevant central agencies;
- Subscription to Standards Australia receiving alert updates to amendments of the Standards Council has purchased;
- Attendance, where possible, at seminars, conferences and training sessions that relate to legislative changes.

In addition, staff members will implement recordkeeping systems and practices that capture evidence of compliance and non-compliance. These systems could include:

- Reference to relevant legislation, codes and policies in written reports;
- Appropriate filing of circulars and notices advising of legislative changes;
- Notes to file on changes that have been made and their impact, or otherwise, on Council activities.

Compliance to this policy will be assessed through an internal audit function, where periodic examinations are conducted into key operational areas.

6.6 Legislative functions under the Local Government Act 1993

The Local Government Act 1993 confers or imposes a number of different functions on a council including, but not limited to:

- a) *Service Functions:*
- *Providing community health, recreation, education and information services;*
 - *Water supply, sewerage and stormwater drainage*
 - *Environmental protection;*
 - *Waste removal and disposal;*
 - *Land and property, industry and tourism development and assistance.*

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- b) *Regulatory Functions:*
 - *Approvals;*
 - *Orders;*
 - *Building Certificates.*

- c) *Ancillary Functions:*
 - *Resumption of land;*
 - *Powers of entry and inspection.*

- d) *Revenue Functions:*
 - *Rates;*
 - *Charges;*
 - *Fees;*
 - *Borrowings;*
 - *Investments.*

- e) *Administrative Functions:*
 - *Employment of staff;*
 - *Management Plans;*
 - *Financial Reporting;*
 - *Annual Reports.*

- f) *Enforcement Functions:*
 - *Proceedings for beaches of the Act;*
 - *Prosecution of offences;*
 - *Recovery of rates and charges.*

Whilst the main functions of councils are provided for under the Local Government Act 1993, councils also have functions under other Acts. Whilst the following list is not exhaustive, it does include some major legislation (including amendments) that Council must abide by:

- | | |
|---|--|
| • <i>A New Tax System (Goods and Services Tax) Act 1999</i> | GST |
| • <i>Carer's (Recognition) Act 2010</i> | Carer's Charter recognizing the role and contribution of carers to our community |
| • <i>Community Land Development Act 1989</i> | Planning functions as consent authority |
| • <i>Companion Animals Act 1998</i> | Companion animal registration and control |
| • <i>Conveyancing Act 1919</i> | Placing covenants on council land |
| • <i>Disability Services Act 1993</i> | Disability provision for HACC and Early Intervention services |
| • <i>Environmental Planning and Assessment Act 1979</i> | Environmental planning |
| • <i>Fair Work Act 2009</i> | Workplace responsibilities |
| • <i>Fire Brigades Act 1989</i> | Payment of contributions to fire |

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<ul style="list-style-type: none"> • <i>Fluoridation of Public Water Supplies Act 1957</i> • <i>Food Act 2003</i> 	<p>brigade costs and furnishing of returns. Fluoridation of water supply by council Inspection of food and food premises Fringe benefits</p>
<ul style="list-style-type: none"> • <i>Fringe Benefit Assessment Act 1986</i> • <i>Government Information (Public Access) Act 2009</i> • <i>Impounding Act 1993</i> 	<p>Public access to Council records Impounding of animals and articles Statutory corporations</p>
<ul style="list-style-type: none"> • <i>Interpretation Act 1987 (part. Section 50)</i> • <i>Library Act 1939</i> • <i>Local Planning Amendment (Planning & Reporting) Act 2009</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Public Health Act 2010</i> • <i>Recreation Vehicles Act 1983</i> • <i>Roads Act 1993</i> • <i>Rural Fires Act 1997</i> 	<p>Library services Pollution control Inspection of systems for purposes of microbial control Restricting use of recreation vehicles Roads Issue of permits to light fires during bush fire danger periods. Requiring the furnishing of information to the Rural Fire Service Advisory Council and its Coordinating Committee. Recommending appointment of local controller. Approval of strata plans</p>
<ul style="list-style-type: none"> • <i>State Emergency Service Act 1989</i> • <i>Strata Schemes (Freehold Development) Act 1973</i> • <i>Strata Schemes (Leasehold Development) Act 1986</i> • <i>Swimming Pools Act 1992</i> • <i>Water Act 1912</i> • <i>Work Health and Safety Act 2011</i> 	<p>Approval of leasehold strata plans Ensuring restriction of access to swimming pools. Workplace health and safety</p>

The exercise by a council of its functions under the Local Government Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they affect include:

<ul style="list-style-type: none"> • <i>Heritage Act 1977</i> • <i>State Emergency and Rescue Management Act 1989</i> • <i>Unclaimed Money Act 1995</i> 	<p>Rating based on heritage valuation Council required to prepare for emergencies Unclaimed money to be paid to the Chief Commissioner of Unclaimed Money</p>
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7. RELATED POLICIES OR STRATEGIES

Additional publications to be read in conjunction with this policy include:

- Berrigan 2023 (Community Strategic Plan)
- Berrigan Shire Council Local Environmental Plan 2013
- Berrigan Shire Council Agency Information Guide
- Delegation Register
- All Council policies and plans developed in accordance with legislation

6. RISK MANAGEMENT STRATEGIC PLAN REVIEW

AUTHOR: Enterprise Risk Manager

STRATEGIC OUTCOME: Good government

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

FILE NO: 27.121.2

RECOMMENDATION NO. 3 - that the review of the 2013-2016 Risk Management Strategic Plan, circulated as Appendix 2 be noted.

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9.4 MINUTES OF A TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 5th FEBRUARY, 2014 IN THE COUNCIL CHAMBERS COMMENCING AT 10.50 am

- 30 RESOLVED** Crs: Morris and Hill that recommendation number 1 of the Technical Services Committee Meeting held on 5th February, 2014 be adopted.

5. TOWN ENTRANCE PROJECT: COMMUNITY MEETING TOCUMWAL

AUTHOR: Strategic and Social Planning Coordinator

STRATEGIC OUTCOME: Sustainable natural and built landscapes

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

FILE NO: 28.182.1

RECOMMENDATION NO. 1 - that the Council approve the development of a tender for landscape architect or designer with experience in town entrance design and the selection of roadside trees and vegetation.

MAYORS REPORT

Cr. Curtin reported that he had attended the following during the period:

- Berrigan Sportsground Committee meeting
- Australia Day celebrations, Finley
- Berrigan War Memorial Swimming Pool Committee meeting
- Assessment of CSU Scholarship applications
- Interviews CSU Scholarship
- Chamber President's meeting, Tocumwal
- Official Opening new Barooga Recreation Reserve pavilion
- Review of Local Government meeting, Deniliquin
- Combined Health Services meeting, Tocumwal

- 31 RESOLVED** Crs: Morris and O'Neill that the Mayors report be received.

DELEGATES REPORTS

Cr Hill

- Australia Day Committee meetings and Australia Day function
- Finley Sporting Complex Committee meeting

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- Berrigan War Memorial Swimming Pool Committee of Management meeting
- Finley War Memorial Swimming Pool Committee of Management meeting
- Finley Chamber of Commerce and Agriculture meeting
- Barooga Recreation Reserve pavilion opening
- Finley Farmer's Market Committee meeting
- Finley Recreation Reserve Committee of Management meeting
- Local government Review Panel forum, Deniliquin
- Finley Rates forum

Cr O'Neill

- Cobram Barooga Business and Tourism Development Inc x 2 meetings
- Berrigan Sportsground Committee of Management meeting
- Australia Day function
- Berrigan War Memorial Swimming Pool Committee of Management meeting
- Barooga Advancement Group meeting

Cr Morris

- Australia Day function
- Finley Chamber of Commerce and Agriculture meeting
- Finley Rates forum

Cr Hannan

- Australia Day function
- Berrigan War Memorial Swimming Pool Committee of Management meeting
- Finley Chamber of Commerce and Agriculture meeting
- Finley Farmers market x 2
- Barooga Recreation Reserve pavilion opening
- 100th Birthday – Mrs Mary Dawe
- Finley Rates forum

Cr Glanville

- Australia Day function
- Barooga Recreation Reserve pavilion opening

Cr Jones

- Australia Day function
- Barooga Recreation Reserve pavilion opening
- Tocumwal Chamber of Commerce, Industry and Tourism meeting
- Tocumwal Community farmers market

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Cr Bruce

- Australia Day function
- Barooga Advancement Group market
- Barooga Advancement Group meeting
- Cobram Barooga Tourism Development meeting

GENERAL BUSINESS

Cr Hill

- Vandalism has declined at Finley

Cr O'Neill

- Community Strategic Plan timeline
- Can minutes of Chamber President's meetings be circulated – yes via dropbox
- Will not be at Corporate Workshop

Cr Morris

- Nil

Cr Hannan

- Replacement bin - when

Cr Glanville

- nil

Cr Jones

- Fruit bats at Mary Lawson Wayside Rest

Cr Bruce

- Railway fire damage – when will railway re-open
- Barooga Botanical Gardens rotunda – damage from heat
- Street naming Committee
- Barooga Recreation Reserve

Cr Curtin

- Swimming pool compliance

Development Manager

- Off leash area at Tocumwal
- Scores on doors

Director Technical Services

- Barooga Recreation Reserve
 - Tile wall and repair - \$5,390
 - Tile wall and replace - \$6,730

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Moved Cr. O'Neill seconded Cr Bruce that the Council tile wall and repair at a cost of \$6,730 at the Barooga Recreation Reserve.

The motion was put and lost.

32 **RESOLVED** Crs: Hill and Glanville that the Council tile wall and repair at a cost of \$5,390 at the Barooga Recreation Reserve.

Director Corporate Services

- Swimming Pool incident – report to Risk Management Committee

General Manager

- Attendance at regional Review of Local Government meetings

There being no further business the meeting closed at 1.05 pm.