



## ORDINARY MEETING OF COUNCIL

Held on Wednesday 16 February, 2022

at 9:15am

Council Chambers  
56 Chanter Street, Berrigan



# Minutes



Minutes of the Ordinary Council Meeting held  
on Wednesday 16 February, 2022 commencing at 9:40am

Min. No.

**PRESENT:**

Crs: Matthew Hannan (Mayor), Carly Marriott (Deputy Mayor), John Taylor, Sarah McNaught, Julia Cornwell McKean, Roger Reynoldson, Renee Paine (via Video Link) and Ted Hatty

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy Chief Executive Officer), Rohit Srivastava (Director Infrastructure) and Joanne Ruffin (Director Strategic Planning & Development)

**1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

Nil

**2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS**

Cr Taylor declared a Significant, Non-pecuniary interest in item 8.17 as he is a member of the Finley Passionate Community Participants Inc.

**3. ACKNOWLEDGEMENT OF COUNTRY**

Cr Matthew Hannan made an Acknowledgement of Country with the following statement:

*"We acknowledge the original inhabitants whose country we are gathered on, and we pay respect to the elders, past, present, and future and extend respect to all first nations people."*

**4. VISITORS**

Nil

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## 5. CONFIRMATION OF MINUTES

- 25 **Resolved** Crs Taylor and Reynoldson that the Minutes of the meeting held in the Council Chambers on Wednesday 19 January, 2022 be confirmed.

## 6. MAYORAL MINUTES

Nil

## 7. NOTICE OF MOTION

Nil

## 8. ITEMS FOR RESOLUTION

### 8.1 Council Action List Report

- 26 **Resolved** Crs Marriot and Cornwell-McKean that the Council receive and note the Council Action List Report.

### 8.2 Finance - Accounts

- 27 **Resolved** Crs Cornwell-McKean and Taylor that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 January 2022,
- b) Confirm the accounts paid as per Warrant No. 01/22 totaling \$3,136,093.29, and
- c) Note the report on investments attached as **"Appendix 8.2-A"**

### 8.3 Dawe Ave, Finley - Road, Drainage and Footpath Construction T09-21-22

- 28 **Resolved** Crs McNaught and Hatty that the Council:

1. not accept any tender submitted for Tender T09-21-22, Dawe Ave, Finley – Road, Drainage and Footpath Construction;
2. direct the CEO and Director Infrastructure to engage with Murrumbidgee Local Health District to integrate road works with the proposed redevelopment of Finley Hospital; and

3. carry forward the \$350,000 budget allocation towards the road works at Dawe Ave, with work to recommence once the scope of the Finley Hospital redevelopment is known.

#### 8.4 Councillor and Staff Interaction Policy

**29 Resolved** Crs Cornwell-McKean and Reynoldson that the Council:

1. revoke the Councillor and Staff Interaction Policy adopted on 17 November 2021, and
2. adopt the Councillor and Staff Interaction Policy as amended:



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### COUNCILLOR AND STAFF INTERACTION POLICY

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	19 February 2025	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.2.1 Provide facilities and support including financial to elected Council	

#### 1. POLICY STATEMENT

It is important for Councillors and staff to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles

This policy provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff

The policy complements and should be read in conjunction with the *Berrigan Shire Council Code of Conduct* (the Code of Conduct)

#### 2. PURPOSE

The purpose of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

#### 3. SCOPE

This Policy applies to all Councillors and council staff.



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This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing. This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.

Clause 3.1(b) of the Code of Conduct provides council officials must not conduct themselves in a manner that is contrary to a council's policies. A breach of this Policy will be a breach of the Code

### **4. POLICY IMPLEMENTATION**

#### **4.1 Objectives**

The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy
- b) enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure Councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide Councillor interaction with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct .

#### **4.2 Principles, roles and responsibilities**

##### **4.2.1 Requirements**

Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.



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The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a Councillor is as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well-informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

### 4.2.2 Principles

Council commits to the following principles to guide interactions between Councillors and staff:

<b><u>Principle</u></b>	<b><u>Achieved by</u></b>
<b>Equitable and consistent</b>	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
<b>Considerate and respectful</b>	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels
<b>Ethical, open and transparent</b>	Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct



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<b>Fit for purpose</b>	Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of eight people.
<b>Accountable and measurable</b>	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

### 4.2.3 Councillors

Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors accept that:

- a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the Chief Executive Officer by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

### 4.2.4 Council staff

The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:

- a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who in turn is accountable to the Council's governing body
- b) they should not provide advice to Councillors unless it has been approved by the Chief Executive Officer
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner





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- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

### 4.3 Councillor Request System

Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious. Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.

The Chief Executive Officer may identify Council support staff (the Councillor support officer) under this Policy for the management of requests from Councillors.

#### 4.3.1 Request system

Councillors can use the Councillor requests system to:

- a) request information or ask questions that relate to the strategic position, performance or operation of the Council
- b) bring concerns that have been raised by members of the public to the attention of staff
- c) request ICT or other support from the Council administration

Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the Chief Executive Officer or staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.

Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.

The Chief Executive Officer or the staff member authorised to manage a Councillor request will provide a response within 5 working days. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.

#### 4.3.2 Confidentiality

Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.



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Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.

Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.

### 4.3.3 Refusal or restriction of access to information

The Chief Executive Officer may refuse access to information requested by a Councillor if:

- a) the information is not necessary for the performance of the Councillor's civic functions, or
- b) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- c) the Chief Executive Officer is prevented by law from disclosing the information, or
- d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources

Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must act reasonably. The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.

Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under paragraph c) above, the Councillor may instead request the information through a resolution of the council by way of a notice of motion.

Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.

### 4.3.4 Reporting

A report will be provided to Councillors regularly (at least quarterly) regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

## 4.4 **Access to Council staff**

Councillors may directly contact members of staff that are listed at Appendix A of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.

Councillors can contact staff listed at Appendix A about matters that relate to the staff member's area of responsibility.



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Councillors should as far as practicable, only contact staff during normal business hours.

If Councillors would like to contact a member of staff not listed on Appendix A, they must receive permission from the Chief Executive Officer.

If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person.

### **4.5 Councillor access to Council buildings**

Councillors are entitled to have access to the council chamber, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the Chief Executive Officer.

Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer

### **4.6 Interactions**

#### **4.6.1 Appropriate interactions**

Examples of appropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies



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- c) council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
- d) council staff, including Council's executive team members, document Councillor requests via the Councillor requests system
- e) council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
- f) Councillors and council staff feel supported when seeking and providing clarification about council related business
- g) Councillors forward requests through the Councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

### 4.6.2 Inappropriate interactions

Examples of inappropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff conducting themselves in a manner which:
  - i) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - ii) constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory
- b) Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to conflict of interest considerations, staff refusing to give information that is available to other Councillors to a particular Councillor



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- e) Councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
- f) Councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to Councillors
- h) Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
- i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- j) staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

### 4.6.3 Management

Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff.

Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.

## 5. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 5.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- [Work Health and Safety Act 2011](#)

### 5.2 Council policies and guidelines

- [Code of Conduct](#)
- Procedures for the Administration of the Code of Conduct
- Work Health and Safety Policy
- Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy



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### 6. RECORDS MANAGEMENT

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

### 7. REVIEW AND EVALUATION

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

### 8. DOCUMENT AVAILABILITY

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

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

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

*Berrigan Shire Council  
56 Chanter Street  
Berrigan NSW 2712*

*Ph: 03 5888 5100*

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

### 9. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.11.2021	New Policy	Deputy Chief Executive Officer
2.0	16.02.2022	Re-adoption with amendment to Appendix A	Deputy Chief Executive Officer



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### APPENDICES

#### Appendix A - Authorised staff contacts for Councillors

Section 5.4 of this Policy provides that councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list at any time.

Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer.

If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter

Authorised staff members name	Position
Matthew Hansen	Deputy CEO/Director Corporate Services
Jo Ruffin	Director Strategic Planning and Development
Rohit Srivastava	Director Infrastructure
Matt Miller	Manager Planning and Building
Jacq-Lyn Davis	CEOs Personal Assistant
Darren Bell	Information and Communication Technology Coordinator

## 8.5 Vaccinations Policy

**30 Resolved** Crs Taylor and Hatty that the Council:

1. endorse the Vaccinations Policy attached as amended, and
2. review this policy no later than 17 September 2025





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### VACCINATIONS

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Chief Executive Officer	
Document Control:	Version 1.0	
Delivery Program Link:		

#### 1. POLICY STATEMENT

The Berrigan Shire Council (**Council**) must provide a work environment without risks to health and safety, so far as is reasonably practicable. The obligation to provide a safe and healthy work environment requires that the Council eliminate or minimise, so far as is reasonably practicable, the public and individual health risks associated with exposure to communicable disease/s for which there is a vaccine.

#### 2. PURPOSE

This policy aims to assist Council to assess and manage exposure to diseases/s and thereby meet or exceed its obligations under current legislation and / or any relevant Public Health Orders related to current (COVID-19) or future pandemics.

Particular areas of work conducted by the Council have been identified as at high risk of exposure to communicable diseases, including some which are preventable by vaccination. Other areas are listed in relevant legislation as requiring vaccination and have been included in this policy for ease of reference.

#### 3. SCOPE

This policy applies to employees, contractors and their employees engaged at Council worksites, and visitors. Those accessing High Risk areas have particular considerations which must be adhered to



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access those sites or to perform duties related to those High Risk sites. The policy also includes individuals participating in work activities that are conducted off site.

### 4. DEFINITIONS

**COVID-19 Vaccination Certificate** – is a certificate available through a person’s MyGov account after they have received their final COVID-19 vaccination. The Certificate is digital.

**High Risk Areas** – are those areas identified in the Risk Matrix included at **Appendix 1**.

**High Risk Activities** – are those activities or work tasks required by those who attend High Risk Areas. These activities are identified in the Risk Matrix included at **Appendix 1**.

**Medical Contraindication** – means a specific situation for which vaccination may be harmful to the person (such as history of anaphylaxis, relevant other medical conditions which prevent vaccinations being provided such as immunocompromised, etc.)

**Public Health Order** – means measures taken by the State and / or Federal government to prevent a significant public risk. Public Health Orders are a measure of last resort and are generally only used where voluntary measures are not adopted to prevent a public health risk.

**Reasonable** – means to apply fair and appropriate consideration to the question of whether it is practical for an employee to work from home.

**Unvaccinated** – means any employee who either cannot be vaccinated, or refuses a vaccination, or refuses to supply evidence of their vaccination status.

**Vaccine preventable diseases** – means those diseases referred to in Schedule 3 of the *Public Health Act 2010*

**Vaccination Report** – is a report obtainable through a person’s MyGov account (Medicare) which outlines all vaccinations the person has received and that are current.

**Work from Home** – means to be able to perform normal duties from a purely home based environment (i.e. their house, apartment or place of residence)

### 5. POLICY IMPLEMENTATION

#### 5.1 Risk of Exposure

Assessment of risk of exposure to disease/s and for each Council position, has been considered and the risk assessment is provided at **Appendix 1**.



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For the areas identified as High Risk vaccinations will be mandatory. Required vaccinations are listed in **Appendix 2**, along with the relevant work area.

### 5.2 High Risk Activities and Groups

High risk activities for the purpose of this policy include:

- a) exposure to human faeces or other human waste products;
- b) exposure to general waste;
- c) working with children or the elderly;
- d) working with animals;
- e) travel including any travel in enclosed spaces (such as airplanes, vehicles for long distances etc.);
- f) others as determined via the risk assessment process or as a direct result of Public Health Orders.

High risk groups:

- a) water and sewer operators and trainees;
- b) landfill and waste transfer station operators;
- c) appointed first aid officers;
- d) librarians;
- e) rangers;
- f) freight workers (where Public Health Orders and / or Border Community Rules apply);
- g) others as determined via the risk assessment process or as a direct result of Public Health Orders.

### 5.3 Administration

All employees are required to provide a current vaccination report for Council records.

All employees are required to provide a current COVID-19 vaccination certificate for Council records.

Employees who refuse to provide their vaccination report or COVID-19 vaccination certificate as noted above, will be deemed to have not received those vaccinations.

Where a vaccination report is not provided by an employee for general vaccinations (such as hepatitis, measles etc) Council will consider the person unvaccinated and will restrict their ability to work in High Risk areas.



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Where a COVID-19 vaccination certificate is not provided by an employee, they will be considered to be unvaccinated and will be subject to any Public Health Order restrictions relevant to unvaccinated people at the time.

### **5.4 Working from Home**

Should an employee choose not to provide their COVID-19 vaccination certificate to Council and Public Health Orders require them to work from home, Council will allow them to work from home.

Should working from home not be a reasonable option for the employee, that employee will be required to access current leave balances, including Sick Leave, Annual Leave or Long Service Leave.

For the purposes of this policy most administration officers will be reasonably able to work from home, however for outdoor workers, the worker will need to demonstrate they will reasonably be able to perform their normal duties from home to access this option.

### **5.5 Access to Leave**

Where all leave balances have been exhausted by an employee, they have refused to provide a COVID-19 vaccination certificate, they are not reasonably able to work from home AND the Public Health Order in force at the time, requires them to continue to be absent from work, Leave Without Pay (LWOP) may be considered by the Chief Executive Officer (CEO) on a case by case basis.

LWOP only be access as per the provisions of the Employee Leave Policy (i.e. the CEO must be satisfied that access to LWOP is a bona-fide personal emergency).

Where all leave balances have been exhausted by an employee, they have refused to provide a COVID-19 vaccination certificate, they are not reasonably able to work from home, the Public Health Order in force at the time requires them to continue to be absent from work AND an application for LWOP has been refused by the CEO, that employee's employment with Council will be terminated. Nothing in this policy should be taken to suggest that an employee's position becomes redundant in these circumstances and therefore there is no entitlement to redundancy per the Award.

### **5.6 COVID-19 Vaccinations**

All new employees will be required to have a minimum of the COVID-19 vaccination and any vaccinations required of their position (which will be listed on their position description at the time of employment).

All reasonable steps will be taken to encourage current non-vaccinated employees identified as 'at risk' to get vaccinated



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Failure to comply with a request to seek vaccination from vaccine-preventable disease/s may lead to an increased risk of serious illness and may result in incapacity to undertake work that places them at risk of infection.

Employees will be advised of health risks related to their work at the time of employment. Current employees may contact their supervisor or the Human Resources Co-ordinator for advice.

### 5.7 Vaccination Refusal

If workers refuse the required vaccination/s, are unable to be vaccinated for medical reasons, have certified medical contraindications, or do not respond to vaccination/s, a risk assessment process will be undertaken to determine the most appropriate way to provide alternative protection. Consideration will be provided to the way in which particular disease/s are spread.

Appropriate controls to protect unvaccinated employees may include one or a combination of the following:

- **Preventative Measures:** work restrictions, safe work practices, additional training and personal protective equipment
- **Outbreak management measures:** work restrictions and exclusion to protect the employee and prevent further outbreak

Employees who decline vaccination will provide advice in writing (e.g. email) to the Human Resource Co-ordinator via their supervisor. Information provided in this way will be subject to the management of health records under the *Health Records and Information Privacy Act 2002*.

For any period between vaccination and immunity onset, the risk assessment process will be adopted to address risk and ensure controls are in place to prevent exposure (including exposure of co-workers, or the broader public) to relevant disease.

### 5.8 Responsibilities

Individuals are responsible for maintaining and retaining their own vaccination records, and associated blood and other test results.

Employees have a duty to take reasonable care for their own health and safety and must not adversely affect the health and safety of other people or employees. They must comply with any reasonable instruction and co-operate with any reasonable policy document relating to health and safety at the workplace.

The Human Resource Co-ordinator will assist management and others to facilitate compliance, monitoring and review of compliance with this policy.



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Directors and other Executive Managers are responsible for implementing, monitoring, reviewing and ensuring compliance with the policy.

The CEO is responsible for the implementation of this policy and managing the impacts of any Public Health Orders on staff. Including directing employees to be excluded from any worksite as a direct result of relevant Public Health Orders.

### 6. RELATED LEGISLATION, POLICIES AND STRATEGIES

#### 6.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- [Local Government \(State\) Award 2020](#)
- [Workers Compensation Act 1987](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Public Health Act 2010](#)
- [Health Records and Information Privacy Act 2002](#)
- Public Health Orders (NSW) – as in place from time to time

#### 6.2 Council policies and guidelines

- [Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Work Health and Safety Policy](#)

### 7. RECORDS MANAGEMENT

Vaccination records are health records and will be managed according to the *Health Records and Information Privacy Act 2002*. Specifically, Council will not collect health information unless:

- (a) the information is to be collected for a lawful purpose that is directly related to a function or activity of the organisation (i.e. to ensure adherence to current Public Health Orders or to comply with relevant Health and Safety requirements);
- (b) the collection of the information is reasonably necessary for the purposes of ensuring the health and safety of employees (i.e. their risk of contracting disease/s is reduced for the exposure employee may be subject to);
- (c) the information requested is relevant to the position held, is not more than is necessary and is accurate, up to date and complete;



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## Policy

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- (d) the collection of the information is not intrusive to an unreasonable extent on the personal affairs of the employee to whom the information relates
- (e) the information is collected directly from the employee and only from the employee unless it is reasonable or impractical to do so; and
- (f) Council is able to store, maintain and destroy these records as per the requirements of the *Health Records and Information Privacy act 2002*.

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each trade must be kept for at least five (5) years.

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

### **8. REVIEW AND EVALUATION**

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

### **9. DOCUMENT AVAILABILITY**

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

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

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

*Berrigan Shire Council  
56 Chanter Street  
Berrigan NSW 2712*

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



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## Policy

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### 10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.11.2021	New Policy	Chief Executive Officer



APPENDIX 1 – Vaccination Risk Assessment

COVID-19 Vaccination - Workplace Risk Assessment								
The following risk assessment is based on the risk to the Council if staff were to contract COVID-19. The Likelihood of contracting the virus is based upon their work location and interaction with members of the public. The Consequence considers the impact this would have on the Council's ability to continue operations, and ultimately the effect contracting the virus would have on the individual.								
The use of the Tiers is in accordance with recommendations from the Fair Work Ombudsman and LGNSW								
The Risk Assessment does not include contractors. Contractors are required to adhere to the Public Health Order and provide Council with written confirmation that they are complying.								
Tier	Definition	Applicable Workplaces/Roles	Risk	Current Controls	Likelihood	Consequence	Risk Rating	Additional controls
1	Where employees are required as part of their duties to interact with people with an increased risk of being infected with coronavirus	Water Treatment	Service levels for community will be affected if water operators contract covid and are unable to work, or are isolated as close contacts	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Possible	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Sewer Treatment	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Almost Certain	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Water & Sewer Overseer	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Environmental Engineer	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Technical Officer - Water and Sewer	Sewer operators are at greater risk of contracting covid through their exposure to raw sewerage; Service levels for community will be affected if sewer operators contract covid and are unable to work, or are isolated as close contacts.	Operators are separated and using separate vehicles; Masks to be worn; Sanitising regularly.	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Town maintenance (Public amenity maintenance)	Staff responsible for cleaning public amenities are at greater risk of being exposed to the virus from patrons, and from surfaces.	Masks to be worn; Sanitising regularly	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Technical Support Officer (Sewer and stormwater pipe inspections - CCTV)	Staff responsible for accessing sewer and stormwater pipes to determine blockages are at greater risk of contracting covid through their exposure to raw sewerage.	Masks to be worn; Sanitising regularly	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Technical Officer - Asset management (Sewer and stormwater pipe inspections - CCTV)	Staff responsible for accessing sewer and stormwater pipes to determine blockages are at greater risk of contracting covid through their exposure to raw sewerage.	Masks to be worn; Sanitising regularly	Likely	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	Very High	Mandatory vaccination; Compulsory testing and isolation until negative result returned whenever symptoms present
		Freight drivers (those driving between Victoria and NSW for work purposes)	Required to drive, particularly between NSW and Victoria to deliver Council services such as gravel pick up and delivery; Victoria has implemented the requirement of all freight drivers to be vaccinated if they wish to cross the border.	Operators currently have border passes and using separate vehicles; Masks are worn; Sanitising regularly	Almost Certain	Single fatality and/or severe irreversible disability (~30%) to one or more persons; Serious public or media outcry, board media attention	Very High	Mandatory vaccination as per border crossing rules. Compulsory testing and isolation until negative result returned whenever symptoms present.
		Librarians	Librarians exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Patron visits increase the risk to Librarians	Physical distancing enforced; Wiping down and sanitising areas following use including books; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (~30%) to one or more persons.	High	Vaccination a requirement for appointment; Pool to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.

APPENDIX 1 – Vaccination Risk Assessment

		Lifeguards	Lifeguards regularly exposed to children, who are considered spreaders of the covid virus; Expected to provide lifesaving treatment and are therefore expected to work in close proximity to patrons.	Sanitising regularly; Lifeguards required to wipe down areas following use.	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for appointment; Pool to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Water & Safety Officer (when acting in lifeguard role)	Lifeguards regularly exposed to children, who are considered spreaders of the covid virus; Expected to provide lifesaving treatment and are therefore expected to work in close proximity to patrons.	Sanitising regularly; Lifeguards required to wipe down areas following use.	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for appointment; Pool to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
2	Where employees are required to have close contact with people who are particularly vulnerable to the health impacts of coronavirus	Libraries	Librarians exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Patron visits increase the risk to Librarians	Physical distancing enforced; Wiping down and sanitising areas following use including books; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Libraries closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Bendigo Bank	Bendigo Bank staff exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Customers increase the risk to staff.	Physical distancing enforced; Wiping down and sanitising areas following use; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Bendigo Bank to be closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Customer Service	Customer service staff exposed to elderly people utilising the service and are therefore at risk of passing the virus onto vulnerable people; Customers increase the risk to staff.	Physical distancing enforced; Wiping down and sanitising areas following use; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Office closed in response to any positive cases in the LGA; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Ranger	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Building Surveyors	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Building and Health Inspectors	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		On-call staff	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Landfills	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Vaccination a requirement for the position; Introduce contactless payments; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Rates/Revenue	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Road Construction	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.

APPENDIX 1 – Vaccination Risk Assessment

Where there is interaction or likely interaction between employees and other people such as	Concreting	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Parks and Gardens	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Town Maintenance(all other activities outside of public amenity maintenance)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Social & Strategic Planning Co-ordinator	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Economic Development Liaison	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Human Resources Co-ordinator	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	CEO	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Deputy CEO	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Payroll Officer	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.

## APPENDIX 1 – Vaccination Risk Assessment

customers, other employees or the public in the normal course of employment	Support Staff	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Finance	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Workshop	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Store	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Roads Overseer	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Maintenance Overseer	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Director Technical Services	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Project Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
	Water & Safety Officer (when acting in meter reading role)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.

APPENDIX 1 – Vaccination Risk Assessment

		Enterprise Risk Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
		Assets & Operations Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly	Possible	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Reduce contact with members of the public and other staff where possible; Conduct meetings via Zoom; Vaccination a requirement where these measures cannot be achieved; Compulsory testing and isolation until negative result returned whenever symptoms present.
4	Where employees have minimal face-to-face interaction as part of their normal employment duties	CEO-Personal Assistant	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Town Planner	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Weed Control	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Surveyors	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Engineering Services Manager	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Technical Officer - Asset Management (all activities outside of CCTV pipe surveillance)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.
		Technical Support Officer (all activities outside of CCTV pipe surveillance)	Interacting with members of the public increases the risk of contracting the virus	Physical distancing enforced; Masks worn; Sanitising regularly; Contact with public avoided	Unlikely	Single fatality and/or severe irreversible disability (>30%) to one or more persons.	High	Staff member able to work remotely to limit public and other staff interaction; Vaccination a requirement if working from home not achievable; Vaccination encouraged.

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## Appendix 2 – Minimum Required Vaccinations – Specified High Risk Areas

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### Sewerage

- Hepatitis A and B
- Tetanus
- Covid 19

### Water Treatment

- Hepatitis A and B
- Tetanus
- Covid 19

### Animals

- QFever (if exposed to sheep, cattle, goats, kangaroos, or camels in the course of your work)
- Influenza
- Rabies (lyssaviruses where you may come into contact with wildlife such as bats)
- Covid-19

### Libraries (people who work with children of the aged)

- Hepatitis A and B
- Influenza
- MMR (Measles, Mumps, Rubella – if not immune)
- Pertussis (diphtheria-tetanus-acellular pertussis)
- Varicella (Chicken Pox – if not immune)
- Covid-19

Source: Australian Immunisation Handbook <https://immunisationhandbook.health.gov.au/>

8.6 Drug and Alcohol-Free Workplace Policy

**31 Resolved** Crs Taylor and Reynoldson that the Council:

1. endorse the Drug and Alcohol-Free Workplace Policy as set out below; and
2. review this policy no later than 17 September 2025



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**DRUG AND ALCOHOL FREE WORKPLACE POLICY**

Strategic Outcome:	Good government	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Version 3.0	
Delivery Program Link:	2.1.3.5 Manage human resource and workforce development activities through the implementation of the Berrigan Shire's Workforce Development Plan.	

**1. POLICY STATEMENT**

All workers have a duty of care to take reasonable care for their own health and safety and ensure they do not adversely affect the health and safety of others. This requires staff to be in a fit and well state to perform their work, and extends to ensuring staff are not under the influence of drugs or alcohol whilst at work.

Berrigan Shire Council is committed to providing a drug and alcohol free workplace in order to protect the interests of employees and the public.

**2. PURPOSE**

The purpose of this policy is to establish a clear and consistent framework for addressing the risks to health and safety in the workplace associated with the inappropriate use of alcohol and/or other drugs.

Council's aims are to:

1. protect employee health and welfare,
2. prevent drug and alcohol-related incidents,
3. foster a safe workplace environment,
4. encourage safe and positive behaviours; and
5. provide support to employees dealing with drug and alcohol dependency

**3. SCOPE**

This policy relates to all workers of the Berrigan Shire Council.





#### 4. DEFINITIONS

<b>BAC</b>	Blood Alcohol Content
<b>CASA</b>	Civil Aviation Safety Authority
<b>Council Workplace</b>	Any place where Council staff are required to perform duties, including but not limited to Council premises, parks, reserves, vehicles, plant or any Council building or physical asset.
<b>DAMP</b>	Drug and Alcohol Management Program – a CASA requirement for Aerodromes
<b>EAP</b>	Employee Assistance Program - a Council funded program for employees seeking support, advice and counselling. Refer Employee Assistance Policy.
<b>Illicit drugs</b>	Any drugs defined and specified as prohibited or illegal under any Federal, State or territory legislation, and drugs for which a medical prescription has not been issued to the person using the drug.
<b>Negative result</b>	means a result returned at or below the nominal level used for initial screening/testing.
<b>Non-negative result</b>	means a result that is initially positive which needs to be referred to an external accredited testing laboratory for confirmatory testing.
<b>Notifiable Incident</b>	In accordance with the <i>Work Health and Safety Act 2011</i> , Part 3, a notifiable incident means (a) the death of a person, or (b) a serious injury or illness of a person (Cl. 36), or (c) a dangerous incident (Cl. 37).
<b>Positive result</b>	A positive result is where a non-negative screening result has been subsequently confirmed positive by an external accredited testing laboratory.
<b>Prescribed medication</b>	Drugs only obtainable with a prescription
<b>Random testing</b>	Testing conducted on employees that are selected at random, without any pre-set criteria or suspicions.

#### 5. POLICY IMPLEMENTATION

##### 5.1 Alcohol and Illicit Drugs Use



Alcohol and illicit drugs have the ability to impair an employee's judgement and work performance. As a result, employees are obliged to present for work in a fit state and not under the influence of alcohol and/or drugs so that in carrying out normal work activities, they do not:

- expose themselves, their co-workers or the public to unnecessary risks to health and safety, or
- inhibit their ability to fulfil the requirements of the position, or
- present a poor public image of Council.

## **5.2 Prescribed Medication**

Where an employee is on a course of prescribed or over the counter medication that may induce drowsiness or impair performance, they must notify their Manager/Supervisor prior to commencement of duty. It is the responsibility of the employee to source information from their doctor or pharmacist regarding the effects of the prescribed drugs on work performance and to take reasonable steps to mitigate any work-related risk

## **5.3 Alcohol and Illicit Drugs in the Workplace**

Possession, consumption or being under the influence of illicit drugs whilst at the workplace and during working hours (including lunch breaks) will not be permitted. Consumption or being under the influence of alcohol whilst at the workplace, during working hours (including lunch breaks), overtime and on-call arrangements will not be permitted.

Employees are not to use a council vehicle for the purpose of purchasing alcohol unless they have entered into a private use agreement, or have been given verbal authorization to purchase alcohol for an official Council function. The use of a Council vehicle at any time for the purpose of purchasing illicit drugs will not be permitted.

The consumption of alcohol or any illegal drugs in public whilst wearing or displaying any item of clothing that identifies the person as a Council employee (other than at an approved Council function) is not permitted.

## **5.4 Approved functions**

In special circumstances the Council, by resolution, may permit the consumption of alcohol at functions provided that alternative drinks, i.e. low alcohol and soft drinks etc and food are provided.

Where such events are permitted by the Council, service of alcohol must be by a 'responsible service of alcohol' qualified person or persons.



## 5.5 Testing Providers

Council will use an accredited external testing provider to conduct random testing.

In addition, Council will identify staff who will be responsible for administering in-house testing when accessing the external provider would prove too difficult within a short timeframe. In-house testers will be appropriately trained and will be required to abide by strict confidentiality protocols.

## 5.6 Testing Procedures

Council reserves the right to perform drug and alcohol testing under a range of circumstances, and always as a means of determining a potential or existing employee's ability to safely perform their duties.

### 5.6.1 Pre-employment

All persons selected for temporary, casual or permanent employment with Council will be required to undergo a pre-employment medical examination and drug and alcohol screen to determine fitness to perform nominated duties. This test will be conducted using a urine sample. Refer to Council's Pre-employment Medical policy.

### 5.6.2 Suspicion

It is the responsibility of all managers/supervisors and co-workers to ensure that no employee commences or continues to work, if the employee appears to be affected by alcohol, illegal drugs, medication or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position.

If a manager/overseer has justifiable cause to doubt an employee's fitness for duty, Council reserves the right to remove the employee from the work site and request a saliva or breath test. This test, depending upon availability, may be performed by Council's qualified in-house testers, contracted testing provider, or at a local medical clinic.

### 5.6.3 Incident-specific testing

Employees may be subject to testing following any incident classified as notifiable under the *Work Health and Safety Act 2011*, or where an employee may have breached safety procedures. The employee will either be required to present to a local medical clinic where a trained practitioner will administer the test, or by one of Council's qualified in-house testers.

### 5.6.4 Random testing



Council will employ a third party registered independent testing provider to perform a random drug and alcohol testing program across the organisation on a quarterly basis. Due to the varied locations of work sites, the Human Resources Services Officer will provide a list of employee numbers (not names) allocated to the various work sites/locations. The tester will randomly choose employee numbers which will then be matched to an employee name. If the employee is at work on that day they will be tested. Testing will consist of saliva testing for the presence of drugs, and a breath test for the BAC of alcohol.

#### 5.6.5 Self-reported

In the event an employee self-reports that they may have presented to work whilst still under the influence of, or suffering the effects of alcohol or other drugs, the employee will be requested to leave work for the day (to be covered by Sick Leave). Alternatively, the employee may request to be tested for either alcohol or other drugs to ensure they are in a fit state to continue or start working. If the employee has self-reported and presents with a non-negative result, no further action will be taken. All self-reports for alcohol or illicit drug use will be recorded on the employee's personnel file, and monitored for repeat behaviour. The employee will be offered support as per clause 5.9 of this Policy.

#### 5.6.6 Refusal to be tested

In any circumstances if an employee refuses to be tested or does not cooperate fully with the administration of a drug or alcohol test without reasonable excuse, they may be subject to disciplinary action in accordance with the *Local Government (State) Award 2020*.

### 5.7 **Tocumwal Aerodrome (DAMP)**

The Civil Aviation Safety Regulations Sub Part 99, requires an Aerodrome to implement a Drug and Alcohol Management Program (DAMP) and policy (99.045) for staff who may be undertaking Safety Sensitive Aviation Activities (SSAA). Under CASR Sub Part 99B, Council is classed as a micro-business with ten or less SSAA employees and is able to claim an exemption and will adopt the CASA Micro-business Drug and Alcohol Management Plan as a condition of the exemption.

All Council staff performing SSAA are still required to abide by this policy.

### 5.8 **Contractors**

Council will insist any contractors performing work for Council will be required to have a Drug and Alcohol policy in place.



Any contractors on-site when random testing is taking place will be required to participate. Any contractors returning a non-negative will be required to leave the worksite. Council will need to be assured that a management plan is in place to monitor the contractor or contractor's employee before allowing them to return to the worksite.

### **5.9 Volunteers**

Council volunteers will not be subjected to random testing but will be required to abide by this policy, and will be subjected to testing based upon suspicion or following an incident.

### **5.10 Test Results and Further Action**

#### **5.10.1 Negative Result**

Where an employee returns a negative result, no further action is taken.

#### **5.10.2 Non-negative Result**

Where an employee returns a non-negative result, a second sample will be taken and sent to an external laboratory for further testing.

Each non-negative result will be discussed individually and confidentially between the employee and the employee's Manager. The employee's Manager will discuss the result and determine what action may be taken. Depending upon their duties, and the nature of the result, the employee may be requested to leave the premises and stay home, utilising whatever leave is available to them, until the results of the second test are received.

#### **5.10.3 Positive Result**

If a positive result is received from the external laboratory, the employee will be required to attend a meeting with their Manager, the CEO and a support person if requested, to determine a further course of action.

#### **5.10.4 Returning to Work**

Any employee who has returned a positive result will not be permitted to return to work until a negative result has been received. Council's in-house testers will perform follow up testing with results communicated to the employee's Manager, and included on the employee's file.

### **5.11 Rehabilitation/EAP**

Council will support any employee who returns a positive result, to seek support and rehabilitation for issues relating to drug and/or alcohol dependency. Strategies may include:



- Encouraged to utilise the Employee Assistance Program
- Sourcing of rehabilitation providers
- Dissemination of information to assist with recovery
- Job re-organisation

If an employee returns a positive test for the first time, and commits to and actively participates in counselling or other treatment, they may not be subject to disciplinary action however will be expected to take whatever leave is available to them to participate in treatment and/or counselling programs.

If an employee refuses assistance or support, and refuses to participate in any rehabilitation programs, and either attends work in an unfit state and returns a further positive result upon suspicion testing, or returns a second positive following random testing, they will be subject to disciplinary action which may result in dismissal.

#### **5.12 Confidentiality**

All information generated from Council's testing program will be kept private and confidential unless:

- the test result must be released to the employee's Manager and CEO to facilitate further action;
- the test result becomes part of a dispute;
- complying with a legal requirement.

File notes relating to impairment or self-reporting will be included on an employee's personnel file, and kept confidential in accordance with records management procedures and the Council's Privacy Management Plan

#### **6. RELATED LEGISLATION, POLICIES AND STRATEGIES**

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2017*
- *Local Government (State) Award 2020*
- Berrigan Shire Council Work Health and Safety Policy
- Berrigan Shire Council Employee Assistance Program Policy
- Berrigan Shire Council Pre-Employment Medical Policy
- Tocumwal Aerodrome Management Plan
- Drug and Alcohol Management Procedure

## 8.7 Staff Remuneration Review Policy

**32 Resolved** Crs Marriott and Taylor that the Council:

1. endorse the Staff Remuneration Review Policy as set out below; and
2. review this policy no later than 17 September 2025



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## Policy

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### 21

### STAFF REMUNERATION REVIEW

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Version 4.0	
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing	

#### 1. POLICY STATEMENT

This policy provides a means for the Council to assure itself that the remuneration paid to the Council's Chief Executive Officer and Directors is as per their conditions of employment and properly authorised.

#### 2. PURPOSE

In line with the *Local Government Act 1993*, the General Manager (titled Chief Executive Officer at Berrigan Shire Council) is generally responsible for the efficient and effective operation of the council's organization. This includes overall responsibility for the Council's payroll function.

The Chief Executive Officer's responsibility for overseeing the payment of his or her remuneration package carries some risk. This risk is somewhat mitigated by the delegation of the payroll function to another staff member. However, further mitigation of this risk is possible through seeking a third party review of the payments made to the Chief Executive Officer.

In the interests of completeness, this review also includes the Council's director-level staff and the delegated Responsible Accounting Officer.

The review of senior manager remuneration is one of the control measures identified in the Council's Fraud Control Plan. This plan was developed in line with the Council's Risk Management Framework





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## Policy

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### 3. SCOPE

This policy applies to the remuneration packages (including redundancy and severance payments) of the Council's Chief Executive Officer, the other Director-level positions and the delegated Responsible Accounting Officer place in the 12 month period immediately preceding any review.

### 4. POLICY IMPLEMENTATION

#### 4.1 Review

The Council will direct the Audit Risk and Improvement Committee to commission an annual (1 July to 30 June) review of payments made under the respective remuneration packages of the following staff:

- Chief Executive Officer
- All Director-level positions
- Responsible Accounting Officer (if not a Director-level position)

A report on the review and its findings must be presented to the Council. The report will include, at a minimum, an opinion on the correctness and accuracy of the payments made under the respective employment agreements as well as any other relevant findings and recommendations.

This report must be presented to the Council for consideration by no later than 31 October each year.

Subject to meeting the obligations above, the nature and conduct of the review is for the determination of the Audit Risk and Improvement Committee.

### 5. RELATED LEGISLATION, POLICIES AND STRATEGIES

#### 5.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#)
- [Local Government \(State\) Award 2020](#)

#### 5.2 Council policies and guidelines

- [Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Salary Policy](#)
- [Fraud Control Policy](#)



## Policy

- Fraud Control Plan
- [Internal Reporting Policy](#)

### 6. RECORDS MANAGEMENT

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each audit must be kept for at least five (5) years.

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

### 7. REVIEW AND EVALUATION

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

### 8. DOCUMENT AVAILABILITY

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

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

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### 9. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
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## Policy

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2.0	20.10.2021	Revoke existing policy and Adopt new Policy document	Deputy Chief Executive Officer

### APPENDICES

NIL

## 8.8 Workplace Smoking Policy

**33 Resolved** Crs McNaught and Taylor that the Council:

1. endorse the Workplace Smoking Policy as set out below; and
2. review this policy no later than 17 September 2025



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## Policy

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### WORKPLACE SMOKING POLICY

Strategic Outcome:	Good government	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Enterprise and Risk Manager	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.1 Council operations, partnerships and coordination of resources contribute toward implementation of Berrigan 2027	

#### 1. POLICY STATEMENT

Council is committed to providing a safe and healthy working environment in accordance with Work Health and Safety legislation, and Smoke-free Environment legislation. Council will ensure procedures and resources are in place to identify hazards and introduce control measures that eliminate or reduce the risks.

#### 2. PURPOSE

The purpose of this policy is to outline how no smoking in the workplace is enforced, how Council staff and members of the public comply with smoke-free public places, and to clearly outline variations where the policy does not apply.

#### 3. SCOPE

This policy applies to all Council workers including contractors and volunteers, councilors and visitors to Council workplaces.

#### 4. OBJECTIVE

This policy is developed to assist the Council with the Community Strategic Plan Objective:

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

Specifically, to reduce the risk of harm to all workers and visitors to the workplace.

#### 5. DEFINITIONS

**Council Workplaces** are all workplaces where Council staff or contractors are expected to work. This extends to buildings, construction sites, parks and reserves;



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## Policy

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<b>Council vehicles</b>	include all motor vehicles within Council's fleet;
<b>Council plant</b>	includes all larger plant not defined as a motor vehicle, and includes but not limited to road construction plant, trucks, tractors, ride-on mowers;
<b>Private use of vehicles</b>	is in accordance with the Private Use of Council Vehicles Policy and includes all vehicles where private use is included as part of the appropriate staff member's vehicle arrangement
<b>Public places</b>	as defined by the <i>Smoke Free Environment Act 2000</i> , which is a place or vehicle that the public, or a section of the public, is entitled to use or that is open to, or is being used by, the public or a section of the public (whether on payment of money, by virtue of membership of a club or other body, or otherwise.
<b>Smoke-free area</b>	is an area that is free of smoke generated by tobacco products, non-tobacco smoking products or e-cigarettes. Smoke-free areas are defined in the <i>Smoke Free Environment Act 2000</i> and include indoor and outdoor public places.
<b>Workers</b>	is the definition under the <i>Work Health and Safety Act 2011</i> and includes paid employees, contractors, volunteers, work experience students, and hired staff.

### 6. POLICY IMPLEMENTATION

#### 6.1 Council Buildings, Plant and Vehicles

All Council buildings, large plant and Council owned vehicles are smoke-free areas.

All workers and visitors are not permitted to smoke in these areas. This also extends to areas within four metres of an entry or exit point of any Council buildings that are open to the public, and in areas where chemical storage prohibits smoking.

Smoking is permitted in designated smoking areas and these are provided at the rear of the Council offices, and identified areas at Council Depots.

#### 6.2 Private Use Vehicles

No smoking is permitted in any Council vehicle at any time. For the avoidance of doubt, this includes when the car is used outside work hours under a private use agreement.

#### 6.3 Public Places



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## Policy

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Under the *Smoke Free Environment Act 2000*, smoking is not permitted in identified public places. These include:

- within ten metres of children's play equipment in outdoor public places;
- at public swimming pools;
- spectator areas at sportsgrounds or other recreational areas used for organised sporting events;
- public transport stops and platforms;
- within four metres of a pedestrian access point to a public building.

This includes the main entrance to the Council offices, and the rear entrance used by workers.

### 6.4 Quit Programs

As part of Council's commitment to health and wellbeing, any staff member requiring assistance to quit smoking is encouraged to participate in a quit program. Council will provide information around these programs, and how they can be accessed.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation

- *Smoke Free Environment Act 2000*
- *Work Health and Safety Act 2011*
- NSW Health Tobacco Strategy and Policy

### 7.2 Council policies and guidelines

- Private Use of Council Vehicles Policy
- Work Health and Safety Policy
- Code of Conduct

## 8.9 Water Trading Policy

**34**      **Resolved** Crs Cornwell-McKean and Hatty that the Council:

1. endorse the Water Trading Policy as set out below: and
2. review this policy no later than 17 September 2025





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## Policy

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### WATER TRADING

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	17 September 2025	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.3.1 Coordinate Council investments, financial management, financial operations and processing	

#### 1. POLICY STATEMENT

In order to have a secure supply of water to meet the needs of its town water supply customers, Berrigan Shire Council holds high-security water allocations. These allocations have economic value to the Council.

In situations where the Council has more than sufficient water to meet customer demand, the Council will look to trade surplus allocation to productive or other use elsewhere to generate additional revenue for the Council's water fund.

#### 2. PURPOSE

This policy has been developed to generate additional revenue for the Council's Water Fund to improve service delivery, provide additional capital improvements and reduce the financial burden on water service customers.

#### 3. SCOPE

This policy applies to all trading of water allocations owned by the Berrigan Shire Council Water Fund.

It excludes water owned by the Council's General Fund and by its volunteer committees of management used for community purposes.



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## Policy

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### 4. DEFINITIONS

- Allocation assignment:** An Allocation assignment (previously known as a Temporary Transfer) is the formal movement of a volume of water from one access licence to another and is valid only within a water year;
- Permanent Transfer:** The transfer of whole or part of the Allocation of an Entitlement under Division 4C of the *Water Management Act*, such transfer being without limitation as to duration
- Water Allocation:** The volumetric quantity of water that can actually be taken during any year, consequent to Water Allocation Announcement(s). It is defined in Division 4B of the *Water Management Act 2000*

### 5. POLICY IMPLEMENTATION

#### 5.1 When will water be traded?

The primary use of the Council's water allocations is to provide water to its customers via its urban water supply service.

Water will only be traded where:

1. The Council has sufficient water to meet the expected needs of its customers, and
2. The Council has statutory and regulatory approval to trade water, and
3. The value of the surplus allocation is sufficient to make trading profitable for the Council.

#### 5.2 How will water be traded?

The Council's sole objective when trading from its water allocation is to maximise "best value" to the Council's Water Fund over the long term. The "best value" concept is defined in the Council's Procurement and Disposal Policy as "the best return and performance" for the Council

All trades will be made at "arm's length" using an appropriate water trading exchange.

Any trades made for a purpose other than maximising the financial return to Council must be authorised by resolution of the Council.

Permanent transfers of water allocations (as opposed to allocation assignments) must be authorised by resolution of the Council.



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## Policy

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### 5.3 Who will trade water?

All trades made under this policy will be authorised by the Chief Executive Officer or by other staff with explicit delegated authority granted by the Chief Executive Officer.

### 5.4 Exceptions

There may be circumstances where application of this policy is not appropriate, and Council reserves the right to consider other methods of trading surplus allocation assignments subject to separate resolution.

## 6. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 6.1 Legislation

- *Local Government Act 1993*
- *Water Management Act 2000*
- *Local Government (General) Regulation 2005*
- *Pricing and costing for Council Businesses: A guide to Competitive Neutrality (1997)*

### 6.2 Council policies and guidelines

- *Procurement and Disposal Policy*

## 7. RECORDS MANAGEMENT

Recording of all information relating to this policy is the responsibility of the Chief Executive Officer or delegate. Records relating to each trade must be kept for at least five (5) years.

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

## 8. REVIEW AND EVALUATION

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

## 9. DOCUMENT AVAILABILITY



## Policy

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

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### 10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	06.03.2003	Creation of Policy	General Manager
2.0	15.09.2021	Revoke & Adoption of Policy	Director Corporate Services

### APPENDICES

Nil

### 8.10 Reimbursement of Relocation Expenses Policy

**35**      **Resolved** Crs Taylor and Marriot that the Council:

1. endorse the Reimbursement of Relocation Expenses Policy attached as set out below; and
2. review this policy no later than 17 September 2025



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## Policy

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### REIMBURSEMENT OF RELOCATION EXPENSES

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	17 November 2021	Minute Number:
Date for Review:	16 October 2024	
Responsible Officer:	Chief Executive Officer	
Document Control:	Version 4.0	
Delivery Program Link:	2.1.3.5 – Manage human resource and workforce development activities through the implementation of the Berrigan Shire’s Workforce Management and Development Plan 2017-2022	

#### 1. POLICY STATEMENT

In order to attract suitably qualified and skilled staff, Berrigan Shire Council (**Council**) may consider offering reimbursement of relocation expenses as part of an offer of employment.

It is important that offers and payment of relocation expenses are transparent and equitable.

#### 2. PURPOSE

The purpose of this Policy is to provide guidance to managers, finance and human resources staff and prospective employees on reimbursement of relocation expenses for employees required to relocate to take up employment with Council.

#### 3. SCOPE

This policy applies to all Council employees

#### 4. DEFINITIONS

**Eligible employee:** An employee required to relocate their primary place of residence from a residence outside Berrigan Shire to a new residence in Berrigan Shire in order to take up a position with the Council.



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## Policy

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**Primary place of residence:** The residence where the employee ordinarily resides. This definition excludes arrangements where an employee uses temporary accommodation in the Shire and commutes on a weekly basis from a primary residence elsewhere.

**Relocation expenses:** The reasonable cost of relocating to a new primary place of residence. This may include the cost of a removalist or, for a self-removal, the cost of truck hire and fuel.

### 5. POLICY IMPLEMENTATION

Berrigan Shire Council will reimburse 50% of the relocation expenses of eligible employees up to \$1,500 – i.e. 50% of \$3,000 in relocation expenses where that relocation is from within New South Wales or Victoria. Where the employee is relocating from further away, increased relocations expenses will be at the discretion of the Chief Executive Officer

Payment of Relocation Expenses will be made on the following terms:

- The Council and the employee will agree on the terms of reimbursement before the acceptance of an offer of employment with the Council. An agreement to reimburse relocation expenses under this policy will be explicitly included in the letter of appointment. Retrospective reimbursement of relocation expenses is at the discretion of the Chief Executive Officer.
- Reimbursement will be made after six months continuous employment with the Council and subject to successful completion of any probation period.
- Reimbursement is made on the basis of actual expenses paid and the employee is required to provide receipts to support her/his claim.
- Authorisation for any payment under this policy must be given by the Chief Executive Officer, Director Corporate Services, Director Infrastructure, or Director Strategic Planning and Development as applicable
- In the case of genuine hardship, reimbursement under this policy may be made at an earlier date with the explicit approval of the Chief Executive Officer.

The Finance Manager should be made aware of any agreement to pay relocation expenses as soon as possible to allow for any budgetary considerations.

#### 5.1 Responsibilities

It is the responsibility of the Chair of any interview panel to ensure the prospective employee is aware of this policy prior to making an offer of employment.

Where the Chair does not make the prospective employee aware of the policy and, after accepting the offer of employment, the employee finds they may have been eligible for relocation expenses, that



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## Policy

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employee may make representations to the relevant Director or the Chief Executive Officer. Such request must be received during the probation period where a probation period is applicable, or within 3 months of commencement.

### 6. RELATED LEGISLATION, POLICIES AND STRATEGIES

#### 6.1 Legislation and external guidelines

- [Local Government Act 1993](#)
- Local Government (State) Award 2020

#### 6.2 Council policies and guidelines

- [Code of Conduct](#)
- [Workforce Management and Development Plan 2017-2022](#)
- [Salary Policy](#)
- [Expenses and Facilities Guidelines for Staff 2021](#)

### 7. RECORDS MANAGEMENT

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

### 8. REVIEW AND EVALUATION

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

### 9. DOCUMENT AVAILABILITY

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

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### 10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	19.07.2000	Creation of Policy	Director Corporate Services
2.0	21.08.2013	New Policy	Director Corporate Services
3.0	21.06.2017	Revoke existing & Adoption of new Policy	Director Corporate Services
4.0	17.11.2021	Minor Updates to current format. Insertion of clauses 5.1, 7, 8, 9 and 10	Chief Executive Officer
5.0	16.02.2022	Endorse existing Policy	Chief Executive Officer



## Policy

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### APPENDICES

Nil

### 8.11 Social Justice Framework

**36**      **Resolved** Crs Marriott and Reynoldson that the Council:

1. revoke the Social Justice Framework adopted on 12 October 2016; and
2. adopt the Social Justice Framework as set out below:



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## Policy

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### SOCIAL JUSTICE FRAMEWORK

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	19 February 2025	
Responsible Officer:	Director Strategic Planning and Development	
Document Control:	Version 2.0	
Delivery Program Link:	2.1.1.1 <i>Promote and support the engagement of Shire residents, local business and agencies in the development, implementation &amp;</i>	

#### 1. POLICY STATEMENT

Council planning and service delivery actively supports, and is informed by the social justice principles of access, rights, equity and participation

#### 2. PURPOSE

The purpose of this framework is to define the Berrigan Shire Council's social justice obligations and the application of the *Local Government Act 1993* (Section 8) requirement that Council decision making 'considers social justice principles'.

#### 3. SCOPE

This framework applies to Councillors, Council employees, and contractors engaged on behalf of the Berrigan Shire Council, and who are, during the course of their role, engaged in and have responsibility for, the planning and delivery of Berrigan Shire Council activities.

#### 4. OBJECTIVE

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

*2.1.1 Council operations, partnerships and coordination or resources contribute toward implementation of Berrigan Shire 2027*



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## Policy

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### 5. POLICY IMPLEMENTATION

#### 5.1 Principles

**Equity** – there is fairness in decision-making, prioritising and allocation of resources. Moreover, the planning processes that guide decision-making are inclusive and protect the interests of current and future generations.

**Access** – residents and visitors to the Berrigan Shire have access, within Shire Council resources, to the services and opportunities that improve their quality of life.

**Participation** – the people who live, work and study in the Shire are encouraged and supported to become involved in Council and community decision-making.

**Rights** – Within the exercise of its responsibilities and activities, the Berrigan Shire Council supports:

- a) the right to be respected as an individual and a member of the community without distinction or discrimination;
- b) the right to a standard of living which protects the health, safety and dignity of individuals, children, and families;
- c) the right to work and earn an income;
- d) the right to learning throughout life;
- e) the right to participate in the public and cultural life of the community;
- f) the right to access adequate food, clothing, housing, social support and health services; and
- g) the right to access recreation and leisure facilities and services.

#### 5.2 Legislative requirements

Section 8A(2)(b) of the *Local Government Act 1993* requires Councils, when making their decisions consider "social justice principles"

#### 5.3 Implementation

This framework and its decision-making principles is embedded in the Berrigan Shire Council's approach to the planning and delivery of Council services and activities described in the following Council policies,



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## Policy

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plans and strategies but is not limited, to the following and applies to all aspects of Council planning and decision making.

### **6. RELATED LEGISLATION, POLICIES AND STRATEGIES**

#### **6.1 Legislation and external guidelines**

- *Local Government Act 1993*
- Integrated Planning and Reporting Guidelines for NSW Councils (2021)

#### **6.2 Council policies and guidelines**

- Child-Safe Policy and Framework
- Community Engagement Framework and Community Participation Plan
- Debt Management and Hardship Policy
- Equal Employment Opportunity Policy
- Community Strategic Plan
- Children, Young People, and their Families Strategy
- Library Services Strategy and Plan
- Active Aging and Disability Inclusion Strategy and Action Plan
- Pedestrian Access and Mobility Plan

### **7. RECORDS MANAGEMENT**

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

### **8. REVIEW AND EVALUATION**

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

### **9. DOCUMENT AVAILABILITY**

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

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



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## Policy

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

*Berrigan Shire Council  
56 Chanter Street  
Berrigan NSW 2712*

*Ph: 03 5888 5100*

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

### 10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	12.10.2016	Creation of new Policy	Director Strategic Planning & Development
2.0	16.02.2022	Amended with new IPR guidelines	Director Strategic Planning & Development

8.12 Community Engagement and Community Participation Plan

37 **Resolved** Crs Paine and McNaught that the Council:

1. revoke the Community Engagement and Participation Plan adopted on 12 October 2016; and
2. adopt the Community Engagement and Participation Plan as set below:





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### COMMUNITY ENGAGEMENT PLAN AND COMMUNITY PARTICIPATION PLAN

Strategic Outcome:	Supported and engaged communities	
Policy type	Strategic	
Date of Adoption:	16 February 2022	Minute Number:
Date for Review:	21 February 2024	
Responsible Officer:	Director Strategic Planning and Development	
Document Control:	Version 2.0	
Delivery Program Link:		

#### 1. POLICY STATEMENT

The development of a *Community Engagement Framework and Community Participation Plan* by the Berrigan Shire Council strengthens its commitment to supporting the participation of individuals, groups and communities in Council planning and decision making.

The Shire recognises residents, ratepayers and frequent visitors to the Shire have diverse opinions, ideas and extensive life experience. Community engagement allows the Shire to facilitate the sharing of:

- community knowledge and experience; and
- the best available information so better decisions are made about the issues, and challenges, affecting our community.

#### 2. PURPOSE

The purpose of this framework is to broadly define the Berrigan Shire Council's commitment to Community Engagement and its application to:

- The development of the Shire's Community Strategic Plan,
- The development and implementation of the Council's Delivery Program and Operational Plan activities,



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## Policy

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- The development, implementation and review of other Council Plans, and the strategies that may from time to time, be developed by the Council; and
- Environmental and Land Use Planning and Development in the Berrigan Shire

### 3. SCOPE

This framework applies to Councillors, Council employees, and contractors engaged on behalf of the Shire, and who are, engaged in and have responsibility for, the planning and delivery of Council activities.

### 4. OBJECTIVES

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

- 1.1 Support sustainable use of our natural resources and built landscapes
- 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife
- 1.3 Connect and protect our communities

- 2.1 Berrigan Shire 2027 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
- 2.2 Strengthen strategic relationships and partnerships with community, business and Government

### 5. DEFINITIONS

<b>Community:</b>	The people who live, work, study in, and visit the Shire. This includes and is not limited to: residents, ratepayers, local business – employees, suppliers, consumers and markets; utility providers; community and environmental agencies that outreach and or undertake activities in the Shire; State health and education providers; regional, State and Federal government agencies and or authorities
<b>Community engagement:</b>	Community engagement is a process best described as an approach to developing and sustaining a working relationship between the Berrigan Shire Council and the wider community
<b>Community Participation Plan (CPP):</b>	This Plan describes how the community may participate in the Council's Planning System. Consistent with the objectives of the EP&A Act the Council's CPP aims to increase community participation in environmental planning and assessment and is the Council's tool to deliver this aim.



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<b>Community Strategic Plan (CSP):</b>	The highest-level plan the Shire Council will prepare pursuant to the <i>Local Government Act 1993</i> . The planning process considers the issues and pressures that may affect the community and the level of resources realistically available to achieve its aims and aspirations. The Shire Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area. It is not wholly responsible for its implementation. Other partners may also be engaged in delivering the long-term objectives of the plan. (Planning and Reporting Guidelines for local government in NSW 2010)
<b>Council activities:</b>	those described in the Council's Annual Operation Plan and 4-year Delivery Program

## 6. POLICY IMPLEMENTATION

### 6.1 Principles

The following principles<sup>1</sup> will be used by the Shire to guide its engagement with our community: the people, who live, work, study in, and visit the Shire.

- **Information:** To provide the community and key stakeholders with accessible, balanced and objective information on decisions, policies, plans and strategies.
- **Consultation:** To obtain feedback from the community and key stakeholders on analysis and alternatives to inform a decision.
- **Involvement:** To work directly with the community and key stakeholders throughout a project to ensure community concerns and aspirations are understood and considered.
- **Collaboration:** To partner with the community and key stakeholders in each aspect of the decision process – including the development of alternatives and identification of a solution. Responsibility for the final decision rests with Council but may, in some instances as in the development of the *Community Strategic Plan* be shared with the community and key stakeholders

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<sup>1</sup> Adapted from: International Association for Public Participation (2008) *IAP2 Public Participation Spectrum*

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## Policy

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### 6.2 Legislative requirements

This Framework and Community Participation Plan reflects the legislative requirements of the *Local Government Act 1993* and *NSW Environmental Planning and Assessment Act 1979* (EP&A Act)

Specific provisions from each Act provide the framework and guidance to the Council and our community on the purpose of our engagement. These provisions describe the Council functions that are subject to Council's Community Engagement Framework and Participation Plan. Moreover, these provisions set out how and when our community can participate in the Council's:

- Land Use and Development Planning System; and
- Corporate Planning System using the NSW Local Government Integrated Planning and Reporting Framework.

#### 6.2.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

The *NSW Environmental Planning and Assessment Act 1979* controls and regulates the use and development of land in New South Wales. Councils are required to develop a Community Participation Plan (CPP) per Division 2.6 of the EP&A Act and in doing so detail how and when a planning authority (the Council) will undertake community participation as part of the exercise of the relevant planning functions described by section 2.21 (2) of the EP&A Act.

#### 6.2.2 Local Government Act 1993

Councils are required 'to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government' pursuant to Section 7 (d) of the *Local Government Act 1993*.

This requirement is further reinforced with respect to the Guiding Principles for NSW Councils Section 8a (3) Community Participation. Specifically, 'councils should actively engage with their local communities, using the integrated planning and reporting framework and other measures'. A Community Engagement Strategy pursuant to Section 402 (4) of the *Local Government Act 1993* must also guide and inform a Council's engagement with its community as part of the development of a Community Strategic Plan, and Council's suite of Integrated Plans and Strategies.

### 6.3 Implementation

The trigger for the implementation of this policy is guided by:

1. legislative requirements; and
2. the assessed impact on our community:
  - i. as to how we plan and deliver Council activities and
  - ii. of a proposal or community issue.



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The Council's Community Engagement Framework is a whole-of-Council framework. The CPP is used by the Council's building and planning services as its engagement strategy. The CPP describes how we will engage the community in assessing a project or development application per the EP&A Act

### 6.4 Community Participation Plan

#### 6.4.1 Objectives

The objectives of this participation plan are the principles developed and set out in Section 2.23 (2) of the EP&A Act.

#### 6.4.2 Application

The Council's CPP applies to the following EP&A Act (Council) Planning System Functions also to the determination roles undertaken by any district, regional or local planning panel. Functions include:

1. **Planning:** activities undertaken by the Council that set the strategic direction, vision or context for the Council's land use and environmental planning system. Land use and environmental planning activities include Planning Proposals, the Council's Local Strategic Planning Statements (LSPS), Local Environment Plan (LEP), Community Participation Plans, Development Control Plans and Contributions Plans.
2. **Assessment and Determination of Development Applications & Other Matters:** activities undertaken by the Council where consideration and determinations made under the EP&A Act 1993.

The table in Appendix A provides an at-a-glance summary of the Council's minimum exhibition requirements. The Council will always exhibit a proposal for the mandated minimum timeframe in doing consider the application of the community participation principles set out in section 6.5 of this policy

### 6.5 Community Participation Principles

Section 2.23 (2) of the EP&A Act sets out the following

- a) The community has a right to be informed about planning matters that affect it.
- b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.



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- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development. (Section 2.23 (2) of the EP&A Act)

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

#### **7.1 Legislation**

- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*

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

- Governance Policy (in development)
- Berrigan Shire Social Justice Framework
- Berrigan Shire Development Control Plan
- Risk Management Policy and Framework
- Naming Of Community Facilities, and Open Space Policy
- Legislative Compliance Policy

### **8. RECORDS MANAGEMENT**

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

### **9. REVIEW AND EVALUATION**

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

### **10. DOCUMENT AVAILABILITY**

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



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## Policy

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### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	12.10.2016	Creation of Policy	Director Strategic Planning & Development
2.0	16.02.2022	Major Revision	Director Strategic Planning & Development

### APPENDICES



**Policy**

**APPENDIX A – MINIMUM EXHIBITION REQUIREMENTS**

<b>Planning and Development Function</b>	<b>Public Exhibition Time Frames – mandatory unless otherwise indicated</b>
<b>Community participation and public exhibition requirements</b>	Refer to Schedule 1 EP&A Act
<b>Council Function: Planning</b>	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans	28 days
Draft contribution plans	28 days
<b>Council Function: Assessment of Development Applications &amp; Other Matters</b>	
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Up to 14 days based on the scale and nature of the proposal
Environmental impact statement obtained under Division 5.1	28 days





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APPENDIX B – CPP AND COUNCIL COMMUNITY ENGAGEMENT FRAMEWORK

CPP	Community Engagement Framework	Indicative Tools for Engagement	Risk Assessment: Impact Local / Whole of Shire	Steps for Community Engagement
We will notify the community (affected parties) of planning activities; development proposals and provide relevant and accurate information.	<b>Inform:</b> Sharing the best available information	Correspondence to adjoining property holders, Briefings, Fact Sheets, Council Website, Media campaigns, Displays in Shop fronts, libraries etc.	<b>Level A:</b> High Impact: Whole of Shire	<ol style="list-style-type: none"> <li>1. Identify likely stakeholders</li> <li>2. Plan and gather best available information and resources</li> <li>3. Share information with stakeholders via newspaper, website, correspondence to affected parties.</li> <li>4. Work effectively together.</li> <li>5. Feedback the results of engagement as is appropriate and relevant via Council website, social media platforms, and Council Bulletin published in local newspaper</li> <li>6. Monitor and evaluate the process</li> </ol>
For proposals released as draft on exhibition we will invite community comment.	<b>Consult:</b> Exploring options and preferences	Web based consultation, Interviews, Surveys, Public meetings, Focus Groups	<b>Level B</b> High impact: Local area or specific community / user group	
We will respond to community views by conducting targeted engagement to seek input reflecting the scale, nature and likely impact.	<b>Involve:</b> Inclusion of ideas in the decision making	Workshops 'Community Conversations' Interviews with Stakeholders	<b>Level C</b> Lower Impact: Whole of Shire	
	<b>Collaborate:</b> Sharing responsibility either for decision making or service delivery	Community Advisory Groups Participative Decision-making Forums Inter-agency partnerships / consortiums	<b>Level D</b> Lower Impact: Local area or specific community / user group	
<b>CPP Determination</b>	<b>Council Promise</b>	<b>Indicative Tools for Feedback</b>		
We will notify the community of decisions and Council Reports will outline the consideration given to community feedback	In its decision-making the Council and its Officers will consider the views expressed and ensure that the reasons for the decision and how community views were considered are reported	Updates to website and the publication of Council Reports Mayors Bulletin local papers		

8.13 Tocumwal Golf and Bowls Club Ltd MOU with Berrigan Shire Council

- 38 **Resolved** Crs Marriott and Hatty that the Council defer the decision until the March Council meeting with the intent of signing the MOU after a presentation from Tocumwal Golf and Bowls Club.

8.14 Cross Border Memorandum of Understanding

- 39 **Resolved** Crs Reynoldson and Hatty that the Council:
1. endorse a Memorandum of Understanding with Moira Shire Council, Indigo Shire Council and Federation Council; and
  2. direct the CEO and Mayor to sign the document and direct the CEO to commence implementation of the MoU once all Councils are signed to the agreement

8.15 Code of Meeting Practice

- 40 **Resolved** Crs McNaught and Hatty that the Council:
1. not adopt clause 3.1 and adopt clause 3.2;
  2. adopt its Strategic & Policy Workshops (SPW) to held on the first Wednesday of each month and its Ordinary Council meetings to be held on the third Wednesday of each month, with all meetings commencing at 9.00am as per the below schedule:

2 March 2022	<b>Strategic &amp; Policy Workshop (SPW)</b>
16 March 2022	Ordinary Council Meeting
6 April 2022	Strategic & Policy Workshop (SPW)
20 April 2022	Ordinary Council Meeting
4 May 2022	Strategic & Policy Workshop (SPW)
18 May 2022	Ordinary Council Meeting
1 June 2022	Strategic & Policy Workshop (SPW)
15 June 2022	Ordinary Council Meeting
6 July 2022	Strategic & Policy Workshop (SPW)
20 July 2022	Ordinary Council Meeting
3 August 2022	Strategic & Policy Workshop (SPW)
17 August 2022	Ordinary Council Meeting
7 September 2022	Strategic & Policy Workshop (SPW)
21 September 2022	Ordinary Council Meeting
5 October 2022	Strategic & Policy Workshop (SPW)
19 October 2022	Ordinary Council Meeting

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2 November 2022	Strategic & Policy Workshop (SPW)
16 November 2022	Ordinary Council Meeting
7 December 2022	Strategic & Policy Workshop (SPW)
21 December 2022	Ordinary Council Meeting

noting that all SPW Meetings will be closed to the public as per the provisions of the pre-meeting briefing section of the Code of Meeting Practice.

3. adopt at clause 3.10, that Agendas are provided 7 days prior to each meeting;
4. adopt at clause 3.12, requiring that notices of motion are required to be with the Chief Executive Officer a minimum of 14 days prior to an Ordinary Council meeting;
5. adopt clause 3.13;
6. adopt clauses 3.33 to 3.38;
7. not adopt section 4;
8. adopt clauses 5.14 and 5.15;
9. adopt clauses 5.16 to 5.30 with the exception of clause 5.24 which shall read as follows:

“A decision whether to approve a request by a councillor to attend a meeting of the council or committee of council by audio-visual link must be made by the chair of the meeting.”
10. not adopt section 7;
11. adopt clause 8.1 and not adopt clause 8.2;
12. set the order of business to proceed as follows:
  - 01 Opening of Meeting
  - 02 Acknowledgement of Country
  - 03 Apologies and applications for leave of absence or attendance via audio-visual link by Councillors
  - 04 Confirmation of previous minutes
  - 05 Disclosures of Interest
  - 06 Mayoral Minute(s)
  - 07 Reports of Committees
  - 08 Reports to Council

- 09 Notices of Motion / Questions with Notice
  - 10 Confidential Matters
  - 11 Motions without Notice / Questions without Notice
  - 12 Councillor Reports
  - 13 Conclusion of Meeting
- 13. adopt clause 9.10;
  - 14. adopt clause 10.9;
  - 15. not adopt clause 11.11;
  - 16. adopt section 13;
  - 17. require applications by the community to address Council under the conditions of clause 14.11 to be received no later than 2 days prior to Council's next Ordinary Council meeting;
  - 18. allow no more than 2 speakers to be permitted to make representations to Council on any one topic;
  - 19. allow no more than 2 speakers to address Council for the purposes of clause 14.16;
  - 20. allow each speaker 3 minutes to make representations to Council;
  - 21. adopt clause 14.20;
  - 22. adopt clause 15.14 and clause 15.15;
  - 23. adopt clause 15.16;
  - 24. adopt clause 15.21 and 15.22;
  - 25. adopt clause 16.2;
  - 26. not adopt clause 17.10;
  - 27. adopt clauses 17.12 to 17.20;
  - 28. not adopt section 18;
  - 29. not adopt clause 20.24;
  - 30. require the investigation of staff as to when Council might commence webcasting Council meetings as per the Guide to Webcasting Council and Committee Meetings, and the budgetary impacts this would have on Council's budget, including the ability of Council's committees to adhere to this requirement; and

31. place on public exhibition, the Draft Code of Meeting Practice with feedback to be presented along with a finalised draft document at the April Ordinary Council meeting for adoption.

The Council adjourned for morning tea at 10:30am.

The Council reconvened at 10:48am.

#### 8.16 Murray Darling Association Membership

**41 Resolved** Crs Marriott and Reynoldson that the Council:

1. withdraw its support of the Murray Darling Association (MDA);
2. notify the MDA of its decision to withdraw its support;
3. note that any allowance for the 2022-2023 financial year will therefore be removed from Council's budget preparations; and
4. no longer nominate a delegate to attend MDA meetings

Cr John Taylor left the Council Chambers at 10:50am.

#### 8.17 Finley Passionate Community Participants Inc.

**42 Resolved** Crs Reynoldson and Hatty that the Council:

1. direct the Chief Executive Officer to engage with the Finley PCP with the intention of formalising Council's relationship with the group, including assessing the types of support the Finley PCP are expecting of Council;
2. note that any agreement, or possible considerations impacting Council's budget are to be presented at any relevant future Council Ordinary meeting.

Cr John Taylor returned to the Council Chambers at 10:51am.

#### 8.18 December Quarter Review and Delivery Program Progress Report

**43 Resolved** Crs Marriott and Cornwell-McKean that the Council note and adopt the appended December Quarter Review of the Council's Annual Operational Plan 2021/22 and 6-monthly Delivery Program Progress Report 2021.

#### 8.19 Finley Recreation Reserve – Netball Court Contribution

44 **Resolved** Crs Taylor and McNaught that the Council:

1. convert the Finley Recreation Reserve Committee of Management's \$70,000 up-front funding commitment to a five year loan, with terms as per the Council's Request for Donations and Financial Assistance Policy; and
2. delegate the preparation and approval of the terms of the loan to the Chief Executive Officer

#### 8.20 Tocumwal War Memorial Hall – Air-Conditioning Contribution

45 **Resolved** Crs Taylor and Cornwell-McKean that the Council allow the Tocumwal War Memorial Hall Committee of Management to pay off its "up-front" contribution for the air-conditioning over time with a payment schedule to be determined by the Chief Executive Officer or delegate.

#### 8.21 Financial Review – October to December 2021

46 **Resolved** Crs Reynoldson and Cornwell-McKean that the Council:

1. note the second quarterly review of the 2021/22 budget and vote the funds contained therein as shown in "**Appendix 8.21-A**"
2. note the December Quarterly Budget Review Statement attached also as "**Appendix 8.21-B**"
3. hold a workshop on financial reporting at a Strategic and Policy Workshop to be determined by the Chief Executive Officer.

#### 8.22 Request for Financial Assistance – Berrigan Retirement Village Inc.

47 **Resolved** Crs Marriott and Hatty that the Council inform Berrigan Retirement Village Inc. that:

1. the Council is not in a position to provide direct financial support for its project, either through its Local Roads and Community Infrastructure funding or its own funds, and

2. the Council will work with them to identify alternate sources of funding and assist with funding applications.

Matthew Hansen left the Council Chambers at 11:37am.

Matthew Hansen returned to the Council Chambers at 11:42am.

### 8.23 Development Application 20/22/DA/D5 - Proposed Residential Storage Shed – 11 Riley Court, Tocumwal

**Moved** Crs Hatty and Taylor that the Council approve Development Application 20/22/DA/D5 subject to the following conditions:

#### **Approved Plans**

The development shall be implemented substantially in accordance with the details set out on the plan/drawing Best Sheds Job No: 1015012735 Sheet 1-7 , Oz Building design Job No: 008 Shadow Plans sheet 2, Site Plan and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

#### **Use**

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

#### **Construction Certificate**

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" (Section 6.7 *Environmental Planning and Assessment Act 1979* (EP&A Act)). The Construction Certificate is not to be issued until a Development Application or Complying Development Certificate has been lodged for a dwelling to Council or an accredited certifier.

#### **Appointment of PCA and Notice of Commencement**

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

- a) obtained a Construction Certificate for each structure;
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY;
- c) notified the Council of the appointment;
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building is involved; and

- e) given the Council at least 2 days notice of the intention to commence erection of the building. ” (Section 6.7 EP&A Act).

### **Critical State Inspections**

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 6.5 EP&A Act)

### **Concrete Footings**

With reinforcement steel in position, before concrete is poured.

### **Occupation**

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

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

### **Compliance with Building Code**

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

### **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.

### **Stormwater**

Roofwater runoff from any structure is to be retained on site and should be collected and stored for recycling and reuse. An adequate water supply must be maintained for domestic use. Over flow from the onsite water storage use is to be drained to the Riley Court Kerb.

### **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.



### **Signs Erected on Building and Demolition Sites**

- (a) A Sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) stating that unauthorised entry to the work site is prohibited, and
  - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign is to be removed when the work has been completed. (Clause 78H of the Regulation).

### **Landscaping Screening**

Prior to the issuance of the Construction Certificate, a landscaping plan is to be supplied to the Council to show the type and variety of the plan that will be planted to help reduce the visual impact of the Northern shed wall. This will need to be to the satisfaction of the Council's Development Manager and be of a non-deciduous plant type to ensure screening is in place all year round.

### **Contamination discovered during works**

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the [Contaminated Land Management Act 1997](#)—
- (a) all works must stop immediately, and
  - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

#### **Note—**

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

### **Rainwater tank**

All costs are to borne by the landowner if any nuisance or damage is caused by the rainwater tank by seepage of water to any adjoining property.

### **Run-off and erosion controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and

- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

#### **Archaeology discovered during works**

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

#### **Note—**

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

#### **Aboriginal objects discovered during works**

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the [National Parks and Wildlife Act 1974](#)) of the discovery in accordance with section 89A of that Act.

#### **Note—**

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the [National Parks and Wildlife Act 1974](#).

### **Section 68**

Prior to the issue of the construction certificate an application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be lodged with Council. The approval under Section 68 of the Local Government Act, 1993 is to be obtained prior to any works commencing on site.

**Division:**

**In Favour:** Crs Reynoldson, Hannan

**Against:** Crs Marriott, Paine, McNaught, Cornwell-McKean, Hatty and Taylor

**Reason for not supporting the original recommendation:**

*The reason for not supporting the original recommendation is, that the Council identified that the shed, in a residential zone, is ancillary development to a dwelling.*

The motion is lost.

**49 Amendment** Crs Marriott and Paine that the Council note the shed is an ancillary development to the dwelling, and that for assessment to be considered plans for both must be submitted to Council. Further, Council officers are to arrange a site visit for the Councillors. Once the site visit is complete, and the plan for the house is provided, Council will make a decision regarding the entire development.

The amendment became the motion and when put as the motion was carried.

**Division:**

**In Favour:** Crs Hannan, Marriott, Taylor, Paine, Hatty, Reynoldson, Cornwell-McKean and McNaught

**Against:** Nil

The Media left the meeting at 12:09pm.

8.24 Development Application 60/22/DA/D6 –Additions to Dwelling  
18 Dawe Avenue, Finley

**50 Resolved** Crs McNaught and Hatty that the Council approve Development Application 60/22/DA/D6, subject to the following conditions:

**Approved Plans**

The development shall be implemented substantially in accordance with the details set out on the plan/drawing Oz Building Design Job No: 002 sheet A101-A116, Basix Certificate NO: A429274, EDM Group Planning Report Statement of Environmental Effects 18 Dawe Avenue Finley, EDM Group Site Context Plan 18 Dawe Avenue Finley, EDM Group Design response 18 Dawe Avenue Finley and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

**Construction Certificate**

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has

received a "Construction Certificate"(Section 81A EP&A Act 179).The Construction Certificate is not be issued a Development application or Complying Development Certificate has been lodged at Council.

### **Appointment of PCA and Notice of Commencement**

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

- f) obtained a Construction Certificate for each structure
- g) appointed a PRINCIPAL CERTIFYING AUTHORITY
- h) notified the Council of the appointment
- i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building is involved.
- j) given the Council at least 2 days notice of the intention to commence erection of the building. "(Section 81A EP&A Act 179).

### **Critical State Inspections**

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 6.5 EP&A Act 1979)

### **Concrete Footings**

With reinforcement steel in position, before concrete is poured.

### **Occupation**

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

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

### **Compliance with Building Code**

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

### **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.

### **Stormwater**

Roofwater from the building must be piped underground to the Donaldson street kerb in accordance with the Building Code of Australia and Relevant Australian Standards.

### **Demolition**

The demolition shall be conducted and the site maintained in a safe condition during the process of the demolition in accordance with Australian Standard 2601-2001 the Demolition of Structures, WorkCover guidelines and Occupational Health and Safety Regulations.

### **Road Reserve**

Demolition waste, recycled materials or the like is not permitted to be stored on the road reserve. The road reserve is to be kept clean, tidy and in a safe condition while the demolition is being carried out

### **Comply with Noise Control Act**

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

### **Asbestos Material**

Work involving the removal of more than ten (10) square metres of asbestos containing material must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulation 2011.

Prior to commencement of any work, the Principal Certifying Authority must be provided with:

- (a) a copy of a signed contract with a person licensed to remove asbestos
- (b) the contract must specify the landfill site to which the asbestos containing material is to be delivered.

### **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.

#### **Signs Erected on Building and Demolition Sites**

- (a) A Sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) stating that unauthorised entry to the work site is prohibited, and
  - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

#### **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

#### **Protection of adjoining areas**

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

#### **Toilet facilities**

(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must—

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
- (c) be a temporary chemical closet approved under the [Local Government Act 1993](#).

### **Garbage receptacle**

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

### **Run-off and erosion controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

### **Hours for construction**

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

### **Maintenance of site**

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
  - (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (5) At the completion of the works, the work site must be left clear of waste and debris.\

### **Earthworks, retaining walls and structural support**

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
  - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the [Protection of the Environment Operations Act 1997](#), and
  - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the [Protection of the Environment Operations \(Waste\) Regulation 2005](#).
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

### **Drainage connections**

- (1) If the work is the erection of, or an alteration or addition to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the [Local Government Act 1993](#) must be held before the connection is carried out.

### **Contamination discovered during works**

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the [Contaminated Land Management Act 1997](#)—
  - (a) all works must stop immediately, and
  - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

### **Note—**

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.



### Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

#### **Note—**

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

### Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the [National Parks and Wildlife Act 1974](#)) of the discovery in accordance with section 89A of that Act.

#### **Note—**

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the [National Parks and Wildlife Act 1974](#).

### Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

### Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

### Landscape Plan

Prior to the issuance of a construction certificate, a landscape plan is required to be submitted for Council's approval that includes the following;

- Include landscaping of appropriate height and density to the secondary street frontage at a minimum of 1m in width.

- Include details of plant species, quantities and maintenance details for the selected landscaping
- Include measures/recommendations to ensure maximum life of proposed plants (i.e. watering system etc.)
- Be designed to ensure low maintenance
- Where possible native plant species are to be utilised in landscaping with the preference given to drought tolerant species
- A range of plant species of various heights are to be used in the landscaping to create interest, improve visual amenity and to help screen the development.
- Provide irrigation where required for the maintenance and establishment of the landscaping

This condition has been included to improve the visual quality and amenity of the development through the provision of effective, low maintenance landscaping. To ensure appropriate screening of outdoor areas from adjoining properties and from public places (including roads) and provide an attractive streetscape.

#### Landscaping Completion

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

#### Maintenance of landscaping

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

**Division:**

**In Favour:** Unanimous

**Against:** Nil

### 8.25 Development Application No. 67/22/DA/D1 – Single Dwelling, Inground Swimming Pool and Detached Shed

51 **Resolved** Crs Reynoldson and Hatty that the Council approve Development Application 67/22/DA/D1 – Single Dwelling, Inground Swimming Pool and Detached Shed subject to the following conditions”:

#### 1. **Approved Plans**

The development shall be implemented substantially in accordance with the details set out on the plan/drawing no: UCS Drafting Services Job 0050 sheet 1-3 and on the application

form and on any supporting information received with the application except as amended by the conditions specified hereunder.

## **2. Appointment of PCA and Notice of Commencement**

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

- a) obtained a Construction Certificate for each structure
- b) appointed a PRINCIPAL CERTIFYING AUTHORITY
- c) 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. Construction Certificate**

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

## **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. 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.

## **6. Critical Stage Inspections**

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work.

(Section 109E EP&A Act 1979)

## **7. Stormwater**

Roofwater from the structure is to be retained on site and should be collected and stored for recycling and reuse.

## **8. Hours of Operation**

The hours of operation for the Construction works on the site shall be limited to the daylight hours, between 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 without the prior written consent of the Council.

## **9. Compliance with Building Code of Australia**

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

## **10. Signs to be erected on building Site**

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

- (i) stating that unauthorised entry to the work site is prohibited, and
- (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

## **11. Smoke Alarms**

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993 and the National Construction Code 2019. 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.

- a) Smoke alarms must be connected to the consumer's main power where the consumer power is supplied to the building
- b) and be interconnected where there is more than one alarm.

## **12. Protection of public places**

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

- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (ii) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed.

### **13. 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.

### **14. Rural Address Signs**

An application for "Works, Structures and Activities on a Council Road" must be submitted to the Council for the provision of a Rural Address Sign, which is to be located adjacent to the access driveway associated with each new (lot created / dwelling). The appropriate fee is to be paid for the supply and installation of each required rural address sign must be paid upon lodgement of the application form and before release of a (Subdivision Certificate / Final Occupation Certificate). The purpose of the sign is to standardise the identification of rural properties for the benefit of utility service providers and emergency service vehicles.

### **15. All Weather Access**

All weather access driveways must be provided to each allotment and must include 4 metre x 375mm diameter concrete culverts with associated headwalls prior to the issue of a Construction Certificate.

### **16. Works in Road Reserve**

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

### **Division**

**In Favour:** Unanimous  
**Against:** Nil

8.26 Development Application 117/20/DA/D2-M-M – Indoor  
Recreation Facility (Gym) – Modification to Hours of Operation

52 **Resolved** Crs Cornwell-McKean and Marriott that the Council approve  
Modification Application 117/20/DA/D2-M-M subject to the following conditions:

- **AMEND CONDITION ONE (1) AS FOLLOWS:**

**1. APPROVED PLANS**

The development shall be implemented in accordance with the details set out on the approved plans BSC 001 – 002, Drawing A dated 10/02/22 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

- **AMEND CONDITION THREE (3) AS FOLLOWS:**

**3. HOURS OF OPERATION**

The standard hours of operation for the business shall be limited to:

- 5:00am to 9:00pm Monday to Friday
- 8:00am to 3:00pm Saturday and Sunday.

With the exception of the areas shown on the floor plan dated 10 February 2022, stamped and approved with this consent which may operate 24 hours per day, 7 days per week.

Noise from the development is to be kept to reasonable levels within residential neighbourhoods in accordance with the Protection of the Environment Operations (Noise Control) Regulations 2017. This is to protect the neighbouring commercial and residential amenity.

- **INSERT NEW CONDITIONS**

**6. PLAN OF MANAGEMENT**

The use and operation of the site must be carried out in accordance with the endorsed plan of management approved as part of this consent. The plan of management may at Council's discretion be modified or updated where appropriate to the operation and management of the subject property.

**7. SOUND LEVEL OUTPUT**

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the closest neighbour's boundary.

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## **8. NOISE TO THE SURROUNDING AREA**

There shall be no amplified music or speakers external to the building.

## **9. OFFENSIVE NOISE - ACOUSTIC REPORT**

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an accredited Acoustic Engineer), and an acoustic report is to be submitted to Council for review of the report's recommendations. Any noise attenuation recommendations must be implemented.

## **10. USE OF LAND**

The approved use is to only be undertaken and occur from within the subject property boundaries. The use of the public lane way to the rear is prohibited.

**Division:**

**In Favour:** Unanimous

**Against:** Nil

### 8.27 Submission: A New Approach Toward Rezoning

- 53 **Resolved** Crs Marriott and Hatty that the Council endorse "Appendix 8.27-A" as its submission to the NSW Department of Planning, Industry and Environment  
Discussion Paper: A new approach toward rezoning

## **9. ITEMS FOR NOTING**

- 54 **Resolved** Crs Cornwell-McKean and McNaught that Items for Noting numbered 9.1 to 9.3 inclusive be received and noted.
- 9.1 Organisational Structure
  - 9.2 State Significant Agricultural Land Submission
  - 9.3 Development Determinations for Month of January 2022

## **10. 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.

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

The matters and information are the following:

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

#### 10.1 Tocumwal Town Beach

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

- (e) information that would, if disclosed, prejudice the maintenance of law

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

55 **Resolved** Crs Hatty and McNaught that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

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



business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

Council closed its meeting at 12:30pm.

Open Council resumed at 12:43pm.

### **RESOLUTIONS FROM THE CLOSED COUNCIL MEETING**

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

***Resolved*** *Crs Hatty and Taylor that the Council direct the CEO to undertake a formal review regarding the future use and management of the Tocumwal Town Beach area.*

## 10. COMMITTEES

Nil

## 11. MAYOR'S REPORT

Cr Hannan reported that he had attended the following during the period:

- 24/1 met with Barooga residents
- 26/1 Australia Day event
- 26/1 Bob Brown OAM gathering at "The Drome" cafe
- 28/1 Met with RAMJO CEO
- 2/2 Councillor Induction
- 3/2 Councillor Bus Tour
- 9/2 Professional Development Planning
- 9/2 met with CEO of Murrumbidgee Health and LHAC

**58 Resolved** Crs Taylor and Marriott that the Mayor's Report be received.

## 12. DELEGATES REPORT

### Cr Carly Marriott

- Barooga Advancement Group Meeting

### Cr John Taylor

- 100 Year Centenary at Finley Golf Club – unveiling of plaque

### Cr Roger Reynoldson

- Nil

### Cr Julia Cornwell McKean

- Barooga Recreation Reserve Committee Meeting
  - governance and roles and responsibilities – next week another meeting
- Barooga Advancement Group
  - Christmas Carols great success
  - speed limit on Vermont Street
  - Lack in nominations for Australia Day awards
  - Communications plan to increase engagement

### Cr Sarah McNaught

- Finley Swimming Pool Committee
  - privacy for ladies change rooms
  - signage

### Cr Ted Hatty

- Tocumwal War Memorial Hall Committee
- Tocumwal Chamber of Commerce – Visitor Information Centre
- Aerodrome Users Group Meeting
- Foreshore Committee this evening

### Cr Renee Paine

- Tocumwal Recreation Reserve Committee Meeting

### 13. BUSINESS ARISING

#### Cr Ted Hatty

- Visitor Information Centre
  - Costs for running

#### Cr Carly Marriott

- Vacant Land Audit
- Winter's Road – letter or meeting to all farmers
- Moira Foodshare – MOU

#### Cr Sarah McNaught

- Nil

#### Cr Julia Cornwell McKean

- Nil

#### Cr John Taylor

- Nil

#### Cr Renee Paine

- Nil

#### Cr Roger Reynoldson

- Nil

#### Cr Matthew Hannan

- Barooga Cemetery
- Strawberry Fields presentation (LEMC meeting – only 1)

#### Matthew Hansen (Deputy Chief Executive Officer)

- Nil

#### Joanne Ruffin (Director Strategic Planning & Development)

- Nil

#### Rohit Srivastava (Director Infrastructure)

- Water Treatment Plants are progressing

#### Karina Ewer (Chief Executive Officer)

- Heavy Vehicle meeting

### 14. CLOSE OF MEETING

There being no further business the meeting closed at 1:25pm.