



# ORDINARY COUNCIL MEETING

Wednesday 18 January, 2023

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



# Agenda

## Our Vision

*In 2032 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.*

## COMMUNITY STRATEGIC PLAN

Berrigan Shire Council's Community Strategic Plan Berrigan Shire 2032 is a common framework for measuring the achievement of Berrigan Shire 2032 strategic outcomes of:

1. Sustainable natural and built landscapes
2. Good government
3. Supported and engaged communities
4. Diverse and resilient business

*The Community Strategic Plan can be found here:*

<https://www.berriganshire.nsw.gov.au/council-governance/management-plans-codes-reports>

## RISK MANAGEMENT POLICY & FRAMEWORK

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

Risk Management is everyone's responsibility. It is an activity that begins at the highest level and is applied consistently through all levels of Council. All workers are required to integrate risk management procedures and practices into their daily activities and must be competent and accountable for adequately managing risk within their area of responsibility.

*The Risk Management Policy & Framework can be found here:*

[https://www.berriganshire.nsw.gov.au/files/australiaday/Policy\\_No\\_17 -  
\\_Risk\\_Management\\_Policy\\_and\\_Framework\\_-\\_20072022.pdf](https://www.berriganshire.nsw.gov.au/files/australiaday/Policy_No_17_-_Risk_Management_Policy_and_Framework_-_20072022.pdf)



Ordinary Council Meeting  
 Wednesday 18 January, 2023

**BUSINESS PAPER**

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 18 January, 2023 when the following business will be considered:-

**ITEMS OF BUSINESS**

|          |  |          |
|----------|--|----------|
| <b>1</b> | <b>OPENING OF MEETING .....</b>  | <b>5</b> |
| <b>2</b> | <b>ACKNOWLEDGEMENT OF COUNTRY .....</b>  | <b>5</b> |
| <b>3</b> | <b>APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS.....</b> | <b>5</b> |
| 3.1      | Apologies/Leave of Absence .....   | 5        |
| 3.2      | Applications for Leave of Absence .....  | 5        |
| 3.3      | Attendance Via Audio-Visual Link .....   | 5        |
| <b>4</b> | <b>CONFIRMATION OF PREVIOUS MINUTES .....</b>  | <b>6</b> |
| <b>5</b> | <b>DISCLOSURES OF INTERESTS.....</b>   | <b>6</b> |
| <b>6</b> | <b>MAYORAL MINUTE(S).....</b>  | <b>6</b> |
|          | Nil  |          |
| <b>7</b> | <b>REPORTS OF COMMITTEES.....</b>  | <b>6</b> |
|          | Nil  |          |
| <b>8</b> | <b>REPORTS TO COUNCIL.....</b>   | <b>7</b> |
| 8.1      | NSW State Election Preparation.....  | 7        |
| 8.2      | Regional Program for Infrastructure Recovery (Flood Grants) .....  | 8        |
| 8.3      | Council Annual Calendar .....  | 15       |
| 8.4      | Independent Report - Councillor Conduct Accountability in New South Wales .....                                | 21       |
| 8.5      | Finance - Accounts .....   | 25       |
| 8.6      | Administration of 2024 Council Election (Late Covering Report).....  | 30       |
| 8.7      | Development Determinations for Month of December 2022 .....  | 31       |

|           |   |           |
|-----------|---|-----------|
| 8.8       | Council Action List Report .....                              | 36        |
| 8.9       | Aboriginal Land Claim - Finley .....                          | 37        |
| 8.10      | Update on the progress of Berrigan Shire Rebrand .....        | 40        |
| <b>9</b>  | <b>NOTICES OF MOTION/QUESTIONS WITH NOTICE.....</b>           | <b>41</b> |
|           | Nil   |           |
| <b>10</b> | <b>CONFIDENTIAL MATTERS.....</b>                              | <b>41</b> |
|           | Nil   |           |
| <b>11</b> | <b>MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE.....</b> | <b>41</b> |
| <b>12</b> | <b>COUNCILLOR REPORTS .....</b>                               | <b>41</b> |
| 12.1      | Mayor’s Report .....  | 41        |
| 12.2      | Verbal Reports from Delegates .....                           | 41        |
| <b>13</b> | <b>CONCLUSION OF MEETING.....</b>                             | <b>41</b> |

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



KARINA EWER  
CHIEF EXECUTIVE OFFICER

## **1 OPENING OF MEETING**

In the spirit of open, accessible and transparent government, Berrigan Shire Council's meetings are audio recorded. By speaking at a Council Meeting, members of the public agree to being recorded. Berrigan Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Berrigan Shire Council.

Confidential matters of Council will not be audio recorded.

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

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

"We acknowledge the Traditional Owners 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."

## **3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS**

### **3.1 Apologies/Leave of Absence**

Nil

### **3.2 Applications for Leave of Absence**

### **3.3 Attendance Via Audio-Visual Link**

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

**Recommendation:** That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 14 December, 2022 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

## 8 REPORTS TO COUNCIL

### 8.1 NSW State Election Preparation

|                      |  |
|----------------------|--|
| Author:              | Chief Executive Officer, Karina Ewer   |
| Strategic Outcome:   | 2. Good government   |
| Strategic Objective: | 2.2. Strengthen strategic relationships and partnerships with community, business and government   |
| Delivery Program:    | 2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery   |
| Council's Role:      | <b>Advocate:</b> The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign  |
| Appendices:          | <ol style="list-style-type: none"><li>1. BSC Advocacy Document (under separate cover)</li><li>2. LGNSW 2023 Election Priorities (under separate cover)</li><li>3. CMA State Election Priority - March 2023 (under separate cover)</li><li>4. RAMJO Statement of Regional Priorities (under separate cover)</li></ol> |

### Recommendation

That Council confirm endorsement of the current Berrigan Shire Council advocacy document for use in advocacy for the March NSW State Election.

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### Report

The NSW State Election is due to be held on Saturday 25 March 2023. Council already has an advocacy document in place to assist with its advocacy during this period. That document is attached at **Appendix 1** of this report.

Other organisations Council works with and alongside have also sent out their documents for advocacy in the lead up to these elections. Each are included with this report as follows:

- Local Government NSW (**Appendix 2**)
- Country Mayors (**Appendix 3**)
- RAMJO (**Appendix 4**)

When assessing the documents from the above groups, I feel Council's advocacy document remains relevant but would like Council's thoughts. If we are to add items / delete items / change the document it could be reprinted fairly quickly or used only in digital form.

## 8.2 Regional Program for Infrastructure Recovery (Flood Grants)

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Chief Executive Officer, Karina Ewer</b>  |
| <b>Strategic Outcome:</b>   | 1. Sustainable natural and built landscapes  |
| <b>Strategic Objective:</b> | 1.3. Connect and protect our communities   |
| <b>Delivery Program:</b>    | 1.3.1. Coordinate flood levee, local road, sewer and stormwater asset management and planning  |
| <b>Council's Role:</b>      | <b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs |
| <b>Appendices:</b>          | <ol style="list-style-type: none"><li>1. Flood Betterment Priorities Riverina Murray.pdf</li><li>2. RPMO Interface</li><li>3. Draft Regional Program Office Terms of Reference (under separate cover)</li></ol>    |

### Recommendation

That Council:

1. endorse the Regional Flood Recovery Management Program to deliver flood repair works to major infrastructure alongside Murray River, Edward River and Federation Councils.
2. delegate authority to the CEO to determine the funding and resources to be allocated to this project.
3. direct the CEO to report quarterly to Council on the status of relevant infrastructure projects.

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### Purpose

The purpose of this report is to gain Council's endorsement of the Regional Flood Recovery Management Program.

### Summary

Councils affected by recent flooding events have all been declared under the National Disaster Recovery Program (NDRP) and as such are able to apply for works that will need to be undertaken to repair damage to infrastructure caused by those flooding events. Berrigan Shire Council have not been as adversely affected as other Shires around us, however there has been significant damage to a considerable amount of infrastructure, particularly our road network (both sealed and unsealed).

Council has recently endorsed the engagement of SHEPERD to provide engineering assessments of the entirety of our road network. The assessments will allow Council staff to assess the damage to those roads caused by the flooding events and prioritise them for work in the coming year and years.



There are a number of other pieces of infrastructure that will require Council to consider how they will approach the management of this work and in what priority. A number of matters for betterment have been included in the **Attachment 1** that was provided to the NDRP toward the end of November 2022.

## Background

The CEOs of each of the participating Councils have met and agreed to work together to deliver infrastructure replacement / refurbishment across the four Council areas (Murray River, Edward River, Federation and Berrigan Shire Councils). Working together in this way will mean we will not be competing with each other for contractors but also that we may be able to get better pricing by working together for delivery of major infrastructure works.

Edward River Council will work as lead Council by providing the Regional Project Management Office (RPMO). The RPMO will oversee the development of submissions for sealed roads for each of the council including:

- assessment of recorded damage (for Berrigan that record will be provided through SHEPHERD) and selection of treatments;
- estimate of restorations works; and
- structure of the funding submission.

The submission will go to the NDRP and once the joint submission is approved (indications from NDRP are that they are supportive of the approach) then:

- Michael Eddie (who is currently working as A/Director Infrastructure, Edward River but has considerable flood recovery experience in Queensland) will be responsible for managing the RPMO;
- The rest of the resourcing will effectively be part time so having Edward River Council overseeing their use will ensure there is active management of any fluctuations in working requirements and priorities;
- Other Councils will be able to access Project Management assistance through this group if required;
- Edward River will source relevant consultants / contractors (so far, they have engaged two experienced Project Managers in Robert Bolton and George Edwards who both have considerable experience on major infrastructure projects and flood recovery works)
- Each Council will ensure at least one senior manager is engaged with the development of specifications for their Council area and other internal differences.

The CEOs have agreed that the submission phase may easily stretch to 6 months if not focussed on adequately. The timeframe will include 2-3 months for the procurement process and contract signing and engagement.

Therefore, the CEOs agree it is the responsibility of each Council to undertake all emergency road works (pothole management etc) and to prioritise and manage their own unsealed networks.

An outline of the RPMO and its working is provided in **Attachment 2**.

The Draft Terms of Reference for the RPMO is provided at **Attachment 3**.

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

As this is Disaster Recovery it is not specifically included in any of our strategies, however it does meet the requirements of most as it ensure the provision of and increasing resilience of our infrastructure.

**Issues and Implications**

Council can obviously undertake all this work on its own. The CEOs however all agree that each of us trying to replicate the same works individually will not deliver this recovery work efficiently nor effectively to our communities. I feel this is the best option for Council to ensure we can reinstate our sealed road network as quickly as possible.

**Policy**

N/A

**Financial**

Resourcing of the RPMO has been estimated to be 3 months for the submission phase for each Council and approximately 6 months for the regional project. Estimates for funding requirements are included below:

|  |                  |       | Regional Program |       |           |
|--|------------------|-------|------------------|-------|-----------|
|  |                  |       | Hours            | Util. | Amount    |
| Program Manager  | Michael Eddie    | \$200 | 1200             | 25%   | \$60,000  |
| Program Finance/Grant Coordinator                        | Nicole Rogers    | \$80  |                  |       |           |
| Project Engineer (Program Controls)                      | Juan Carrasco    | \$125 | 1200             | 50%   | \$75,000  |
| Project Manager (Sealed Roads and Submissions Interface) | Robert Bolton    | \$190 | 1200             | 50%   | \$114,000 |
| Project Manager (Roads/Capital)                          | George Edwards   | \$160 |                  |       |           |
| Project Manager (Facilities)                             | Joe Gogarty      | \$165 |                  |       |           |
| Road Data Capture  | Warwick Newell   | \$120 |                  |       |           |
| Road Data Capture  | Praveen Kotholla | \$125 |                  |       |           |
|  |                  |       |                  |       | \$249,000 |

It is expected the cost of delivering the Regional Program will be included in the application for funding from the NDRP so should at this time have no cost impact on Council. Should this change however, the cost to Council would be approximately \$62,250 (a fourth share of the overall estimate above). Council will be made aware should Council be required to pay this amount from their own budget.

**Legal / Statutory**

N/A

**Community Engagement / Communication**

A media release has already been issued regarding this project and working together

**Human Resources / Industrial Relations (If applicable)**

This project will require some of the time of the Director Infrastructure. Given he is currently without managers, this may prove difficult for him to deliver. In this way, all of the Executive Team will ensure we are available to offer support where it is needed, to ensure this project is able to relieve some of that pressure at least until the new managers are able to commence.

**Risks**

1. Built Environment

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

A major weather event has already destroyed / damaged critical infrastructure. Adopting a regional approach to recovery will allow focus on the sealed road network at least to be managed outside of Council and relieve pressure on an already significantly reduced workforce.

2. People and Culture

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

At the time of writing the Infrastructure Team has no middle management meaning the majority of management decisions and directions are coming from the Director Infrastructure. Engaging in this process will relieve a deal of that pressure and allow Rohit to focus on other matters such as the make up of his team and how duties might be better managed in the future.

3. Positive Consequences

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

It is anticipated costs will be able to be kept to a more manageable level where contractors are engaged across the region to deliver a significantly larger sealed road network. It is believed the community will get far better outcomes in this way, particularly given Council’s current staffing levels.

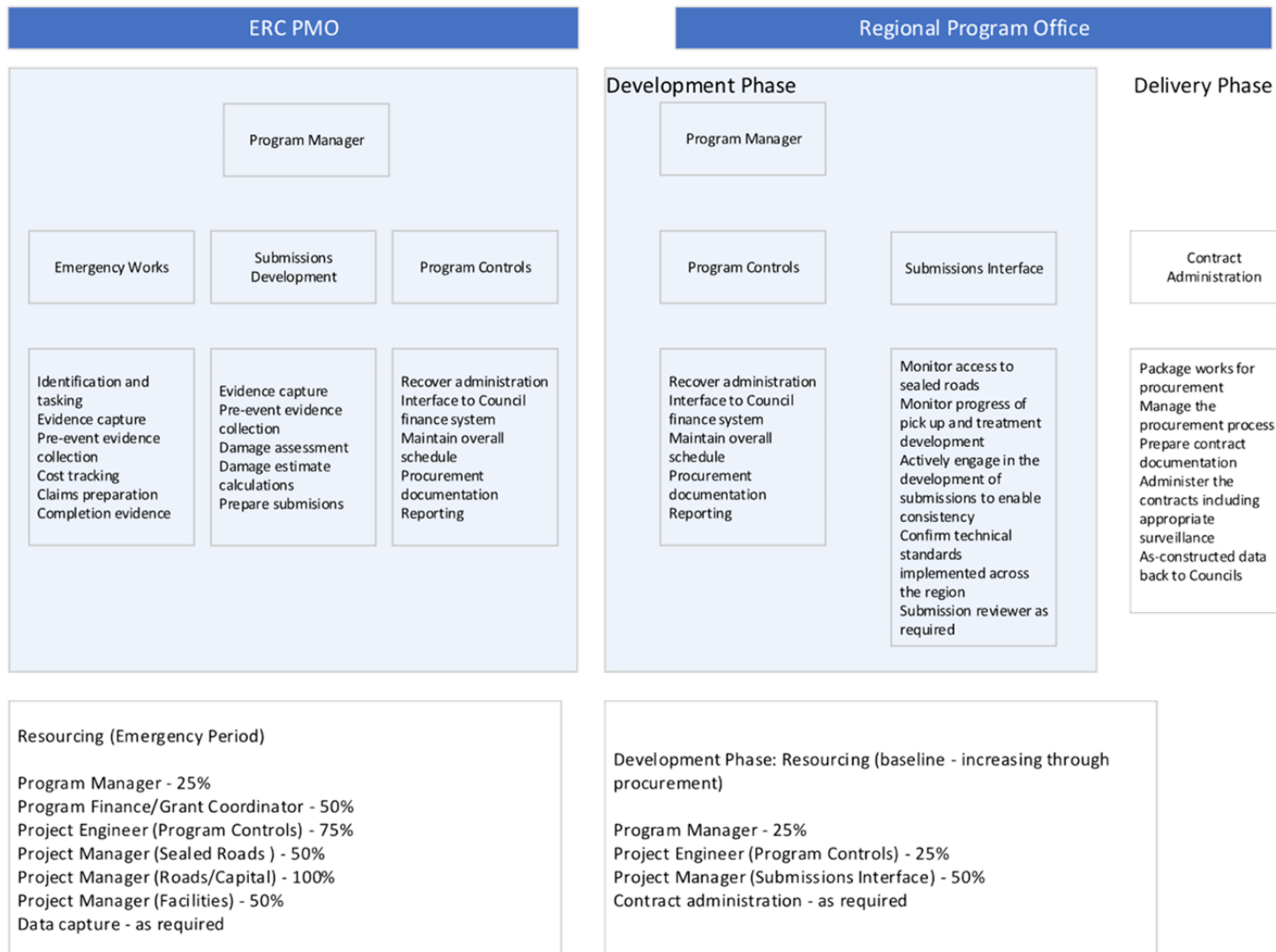
**Options**

1. Council engage with the Regional Flood Recovery Management Program for the delivery of the sealed network upgrades.
2. Council undertake to deliver all flood recovery projects internally
3. Council narrow the works that need to be undertaken for flood recovery, accepting this will mean Council will need to fund these works in the future.

**Conclusions**

I firmly believe engagement with the Regional Flood Recovery Management Program will most effectively address the backlog of sealed network works to be undertaken as Council does not have the physical or financial resources to undertake these works on their own.

|   | Areas of concern (not limited to roads)      | Reasoning   | Cost of Damage (est) | Population Affected | Other information   | Proposed improvements   | Estimated Cost of Betterment |
|---|--|---|----------------------|---------------------|---|---|------------------------------|
| 1 | Seppelt's Levee                              | The levee is showing initial signs of leaking. It currently protects a large area of Barooga and the consistent high water and then flood pressure has placed considerable strain on this important piece of infrastructure   | \$400,000            | 4,000               | Inundation of homes and significant farming lands. Would also impact local roads  | Insertion of concrete key trench along length of levee  | \$800,000.00                 |
| 2 | Barooga Water Treatment Plan                 | The intake pipes from the river for the water treatment plant have been impacted and damaged by the consistent flooding over time. The infrastructure holding the pipes in place has been undermined as well.   | \$50,000             | 2,090               | Water Supply to township would be negatively impacted if the river intake mechanisms are not completely repaired and made more resilient to consistent high water events.   | Moving pumps to more secure locations and replacing infrastructure for intakes to ensure intakes are not as exposed to elements (insertion into river banks rather than being exposed)  | \$500,000.00                 |
| 3 | Riverina Highway between Berrigan and Finley | This road is so damaged now it is dangerous as people are swerving onto the wrong side of the road into oncoming traffic to avoid significant areas of deterioration of the road surface and the significant damage to the road base.   |                      | 4,000               | This road is managed and maintained by Transport for NSW but is a major connecting road and freight corridor  | The road will need complete rebuilding to address the issues now associated with the deterioration of the road base.  |                              |
| 4 | Lower River Road                             | This road is a heavy vehicle route between Berrigan, Edward River and Murray River Councils. It is cut regularly during high water events and the road is now very damaged.   | \$1,800,000.00       |                     | The road is easily cut during high water events meaning productivity losses for the area as other routes need to be utilised to move between Berrigan, Murrar River and Edward River Shire Council areas  | Upgrade Road to High Productivity Vehicle width and replace bridges and culverts to allow for all weather access  | \$6,000,000.00               |
| 5 | Back Barooga Road                            | Back Barooga is a gravel road which is regraded or rehabilitated every year due to flooding and wear and tear. Sealing the road will provide an all weather road, will have increased load capacity and more cost efficient (there wont be any need to strengthen it or rehabilitate each year).<br><br>One of the biggest citrus farming of the Region gets affected by this section of road being unavailable or not-fit for heavy vehicle movements. | \$350,000            |                     | The sealed road will improve safety in many ways. Sealing the road will make it slip/skid resistant during the rain spell. Road will be line marked with traffic signs. Modify geometry of complex intersections and the intersection will be widened to accommodate more turning vehicle and there will be an increased sight distance to safely stop or reduce speed. The new design will have safer slopes and ditches to prevent rollovers. | Sealing the entire road;<br>Upgrade bridge;<br>Drainage improvements;<br>Line markings;<br>Efficiency in transportation of citrus from;<br>Heavy-vehicle compliant.   | \$7,000,000.00               |
| 6 | Winters Road                                 | Winters Road is a gravel road that provides access to one of the biggest citrus farming of the Region. The upgrade of Winters Road would enable productivity improvements, creation of jobs and increased economic activity.  | \$225,000            |                     | Access to citrus farming is through Winters Rd or Back Barooga Rd and these roads are in desperate need of being all-weather. Council spends considerable maintenance costs and get numerous customer complaints to get these roads safe after wet-weather.   | Sealing the road will make it slip/skid resistant during the rain spell. Road will be line marked with traffic signs. Modify geometry of complex intersections and the intersection will be widened to accommodate more turning vehicle and there will be an increased sight distance to safely stop or reduce speed. | \$4,500,000.00               |
| 7 | Tocumwal Aerodrome                           | Closure of aerodrome taxiways, due to flooding  | \$10,000             |                     | Aerodrome users cant access airport   | CCTV of storm water drainage, stormwater pit replacement, fill in open drain and replace with pipe  | \$150,000.00                 |
| 8 | Tocumwal Township                            | Closure of all drainage outlets when river rises to high.   | \$10,000             | 2800                | Water floods out several streets  | Permanent pump at Tuppal road site and Pony Club site   | \$50,000.00                  |
| 9 | Berrigan LGA                                 | Water over road, cutting roadway  | \$25,000             | 500                 | Causes road closures due to water not going through culverts.   | Replacement of broken or blocked culverts throughout the shire.   | \$150,000.00                 |



### 8.3 Council Annual Calendar

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Chief Executive Officer, Karina Ewer</b>  |
| <b>Strategic Outcome:</b>   | 2. Good government   |
| <b>Strategic Objective:</b> | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting |
| <b>Delivery Program:</b>    | 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance                         |
| <b>Council's Role:</b>      | <b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council             |
| <b>Appendices:</b>          | 1. Council Meeting Calendar  |

#### Recommendation

That Council adopt the Council Annual Calendar as presented, noting it will be updated every six months.

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#### Report

At Council's self-assessment meeting in December 2022, Council asked that staff create an Annual Calendar so that Councillors would have a better understanding of the core documents that would be provided to them at each meeting for adoption.

As there are numerous unforeseen issues that come up for Council from month to month, only those matters that are either definite due to a previous motion or set around matters like Integrated Planning and Reporting have been included.

It should be noted that, at the time of writing this Calendar, Council's Audit Risk and Improvement Committee had not set their workplan for the year. Once this is complete, the reports expected for each of those meetings will be included in Annual Calendar.

So that Council is kept up to date, it is anticipated an information report go to Council each month reminding Council of the reports to come to the next meeting and highlighting any known changes (such as reports being pushed to the next meeting etc).

A full review of the Calendar is then possible every six months in order for Council to continue planning up to 18months ahead.

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## Council Meeting Calendar 2023 – 2024

| Month / Date     | Meeting Type                | Items for Consideration   |
|------------------|-----------------------------|---|
| 18 January 2023  | Ordinary                    | Flight Place Auction<br>National General Assembly Motions<br>State Election Preparation <ul style="list-style-type: none"> <li>• Advocacy Document Review</li> <li>• NSWLG Priorities</li> <li>• Country Mayors Priorities</li> <li>• RAMJO Priorities</li> <li>• MRT Priorities</li> </ul> Councillor Talking Posts<br>Regional Flood Recovery |
| 1 February 2023  | Strategic Planning Workshop | Draft Annual Capital Works Program<br>Mid Year Budget Review Discussion<br>Organisational Structure Review<br>Housing Strategy Presentation (Griffith GM)   |
| 15 February 2023 | Ordinary                    | Adoption of Draft Annual Capital Works Program<br>Mid Year Budget Review<br>December Quarter Review and Delivery Program Progress Report<br>Election Administration Decision  |
| 21 February 2023 | ARIC Meeting                |   |
| 1 March 2023     | Strategic Planning Workshop | Valuer General Information Session  |



|               |                             |  |
|---------------|-----------------------------|--|
|               |                             | Draft Delivery Program 2023-2027 discussion<br>HR Scan<br>Finley Hospital Redevelopment  |
| 15 March 2023 | Ordinary                    | Draft Delivery Program 2023-2027 for initial comment<br>HR Scan Summary  |
| 5 April 2023  | Strategic Planning Workshop | Review Rating and Revenue Policy 2023-2024<br>Review Fees and Charges<br>CEO Performance Plan Update   |
| 19 April 2023 | Ordinary                    | Adoption of Draft Rating and Revenue Policy 2023-2024<br>Adoption of Draft Fees and Charges  |
| 3 May 2023    | Strategic Planning Workshop | Draft Resourcing Strategy 2023-2024 (including: <ul style="list-style-type: none"> <li>• Long Term Financial Plan – 2023 – 2033</li> <li>• Workforce Development Plan 2023 – 2027</li> <li>• Asset Management Strategy 2023 – 2033</li> </ul> Draft Delivery Program 2023-2027 (with community feedback)<br>Draft Annual Operational Plan 2023-2024 (including annual operating budget)<br>Draft Rating and Revenue Policy 2023-2024 (with community feedback)<br>Draft Fees and Charges 2023-2024 (with community feedback) |
| 17 May 2023   | Ordinary                    | Adoption of Draft Resourcing Strategy 2023-2024 (including: <ul style="list-style-type: none"> <li>• Long Term Financial Plan – 2023 – 2033</li> <li>• Workforce Development Plan 2023 – 2027</li> <li>• Asset Management Strategy 2023 – 2033</li> </ul> Adoption of Delivery Program 2023-2027<br>Adoption of Draft Annual Operational Plan 2023-2024 (including annual operating budget)  |

|              |   |  |
|--------------|---|--|
|              |   | Adoption of Rating and Revenue Policy 2023-2024 (with community feedback)<br>Adoption of Fees and Charges 2023-2024<br>March Quarter Review and Delivery Program Progress Report<br>Financial Review January to March 2023<br>Update of Council Calendar   |
| 22 May 2023  | ARIC Meeting                                    |  |
| 7 June 2023  | Strategic Planning Workshop                     | HR Scan  |
| 21 June 2023 | Ordinary  | HR Scan Summary<br>Mayoral and Councillor Allowances<br>Carry forwards to 2023-2024 financial year<br>Adoption of FINAL Resourcing Strategy 2023-2024 (including: <ul style="list-style-type: none"> <li>• Long Term Financial Plan – 2023 – 2033</li> <li>• Workforce Development Plan 2023 – 2027</li> <li>• Asset Management Strategy 2023 – 2033</li> </ul> Adoption of FINAL Annual Operational Plan 2023-2024 (including annual operating budget)<br>Making and levying of rates and charges |
|              | Possible Extraordinary Meeting for IP&R Program |  |
| 5 July 2023  | Strategic Planning Workshop                     | CEO Performance Review discussion<br>Community Strategic Plan Engagement Strategy  |
| 19 July 2023 | Ordinary  | CEO Performance Review<br>Sign and Seal Rates and Charges<br>Revotes   |

|                   |                             |   |
|-------------------|-----------------------------|---|
| 2 August 2023     | Strategic Planning Workshop |   |
| 16 August 2023    | Ordinary                    | End Year Review and Delivery Program Progress Report  |
| 24 August 2023    | ARIC Meeting                |   |
| 6 September 2023  | Strategic Planning Workshop | HR Scan   |
| 20 September 2023 | Special                     | Election of Mayor and Deputy Mayor  |
| 20 September 2023 | Ordinary                    | HR Scan Summary   |
| 4 October 2023    | Strategic Planning Workshop | CEO Performance Plan Update   |
| 5 October 2023    | Corporate Workshop          | Annual Strategic Plan<br>Aerodrome Strategic Plan<br>Resource Recovery Strategy                             |
| 6 October 2023    | Corporate Workshop          | Community Strategic Plan<br>Draft Financial Statements  |
| 18 October 2023   | Ordinary                    | Corporate Workshop Outcomes<br>Financial Statement<br>Christmas Closure                                     |
| 24 October 2023   | ARIC Meeting (TBC)          |   |
| 1 November 2023   | Strategic Planning Workshop | Annual Report Draft   |
| 15 November 2023  | Ordinary                    | Annual Report including financial statements<br>Investment Policy Review<br>Agency Information Guide Review |
| 13 December 2023  | Ordinary                    | Council Calendar Update<br>HR Scan Review   |

|                           |                             |   |
|---------------------------|-----------------------------|---|
|                           |                             | Community Strategic Plan Draft for Public Exhibition  |
| <b>2024 Calendar Year</b> |                             |   |
|                           |                             |   |
| February 2024             | Ordinary                    | Community Strategic Plan endorsement  |
| March 2024                | Strategic Planning Workshop | Resourcing Strategy (Long Term Financial Plan, Workforce Plan and Asset Management Strategy) – alignment to new CSP |
| March 2024                | Ordinary                    | Resourcing Strategy Endorsement   |
| April 2024                | Strategic Planning Workshop | Delivery Program (new format – integrated with CSP)   |
| April 2024                | Ordinary                    | Delivery Program Endorsement  |
| May 2024                  | Strategic Planning Workshop | Operational Plan (new format – integrated with DP and CSP)  |
| May 2024                  | Ordinary                    | Operational Plan for Public Exhibition including Resource Strategy and DP<br>Council Calendar Update                |
| June 2024                 | Ordinary                    | Adopt new suite of plans  |

## 8.4 Independent Report - Councillor Conduct Accountability in New South Wales

|                      |  |
|----------------------|--|
| Author:              | Deputy Chief Executive Officer, Matthew Hansen   |
| Strategic Outcome:   | 2. Good government   |
| Strategic Objective: | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting   |
| Delivery Program:    | 2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting   |
| Council's Role:      | <b>Regulator:</b> The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)  |
| Appendices:          | <ol style="list-style-type: none"><li>18.01.2023 - OLG Councillor Misconduct Consultation-Guide-MCR_FINAL.pdf (under separate cover)</li><li>18.01.2023 Initial submission Councillor Conduct and Accountability 2022 - .pdf (under separate cover)</li><li>NSW-Councillor-Conduct-Accountability-Report_Oct-2022_Final.pdf (under separate cover)</li></ol> |

### Recommendation

The direction of the Council is sought.

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### Report

The NSW Minister for Local Government has released an independent report (The "Keller Report" - **Appendix 1**) into the system of managing Councillor conduct in NSW.

The report makes a series of recommendations to the NSW Government regarding reforms.

The Office of Local Government is seeking submissions relating to this report and has released a Consultation Guide (**Appendix 2**) to assist.

Submissions must be made by 3 February 2023.

The writer of this report recognises the Council wishes to limit staff time spent on submissions to panels, reviews and the like. The view of the Council on any submission is sought.

### Background

In November 2021, the previous Minister for Local Government initiated an independent review of the framework for dealing with Councillor misconduct in NSW.

The Minister appointed Mr Gary Keller PSM who conducted a review of the Queensland Councillor misconduct framework in 2017.

Stakeholders were invited to make submissions prior to the review. Council made a submission at the time (**Appendix 3**).

The Council's submission made four main points

1. The standards of conduct required of Councillors in the Model Code are largely appropriate
2. All Councillors should be required to participate in mandatory training on the Code of Conduct in the immediate period following election.
3. The process for managing complaints against Councillors is flawed with the major flaw the involvement of the General Manager in the process.
4. Complaints against Councillors should be handled by a board or panel established by the Office of Local Government. The Office of Local Government should be responsible for disciplinary action against councillors.

## **Keller Report**

Mr Keller released his report in October 2022.

The report found that, while Councillor conduct was not a problem for all Councils, it was a serious problem for a few. The current accountability framework contains "structural, strategic and operational deficiencies that act against its effectiveness".

The report includes recommendations addressing all key points made by the Council submission in March. However, the report goes further and recommends a major and sweeping overhaul of the Council conduct framework.

Mr Keller determined:

*Key stakeholders in the sector have lost confidence in the current arrangements. Further 'tinkering' with the current framework will not bring about the quantum change required. Strong leadership through a truly independent model is required.*

## **Proposed framework**

The Keller report proposes the following framework for managing Councillor conduct.

1. Create a separate code of conduct for councillors, covering all forms of meetings.
2. Introduce mandatory councillor training and Continuing Professional Development (CPD), including pre-election training with avenues for enforcement.
3. Revise the Code of Meeting Practice – strengthening the mayor's/chair's powers and obligations.
4. Introduce a new complaints management process involving Independent Councillor Conduct Review Panels, removing the role of the General Manager and the Council from the process.
5. Provide formal accreditation of panel chairs and conduct reviewers.
6. Codify offences and enforcement options (increased penalties for serious and repeat offences).
7. Streamline appeal options.
8. Introduce independent and authoritative oversight by a Councillor Conduct Commissioner.

## Recommendations

The Keller report makes 49 separate recommendations to the Minister, spread over nine different categories.

These recommendations can be found in the Consultation Guide.

Councillors are encouraged to read the Keller Report in full to consider each of the recommendations in context.

From a staff perspective, there are some matters relating to the report which the Council may wish to consider.

Recommendation 2 calls for the separation of the Code of Conduct for Councillors and employees.

The report states that “it is inappropriate for Councils to direct the behaviour of ordinary employees by their own mandated code of conduct.”

Recommendations 5, 6 and 7 call for serious breaches of the Code of Conduct to be treated as breaches of the Councillor’s Oath of Office.

It is unclear how a breach of the Oath would be treated.

Recommendation 8 calls for mandatory pre-nomination training for candidates for election.

This may have an impact on the willingness of candidates to nominate for election. However, Queensland has a system of pre-nomination training in place now.

Recommendations 10 and 11 call for mandatory Councillor induction training for new and re-elected Councillors and Mayors. Recommendation 12 calls for mandatory CPD. Recommendation 14 calls for penalties and sanctions for non-attendance at mandatory training.

Further training would certainly be of value however there needs to be some recognition that most Councillors, at least in rural NSW, are essentially volunteers paid an allowance little more than an honorarium. The report compares Councillors to company directors – company directors are well remunerated. The report fails to recognise this as an issue.

There is also an issue of denying representation to people who vote for a Councillor who, for whatever reason, is unable or unwilling to attend mandatory training.

Recommendations 18 and 19 significantly strengthens the power of the Mayor and/or chair of a meeting including the power to direct Councillors to refrain from participating in debate and/or be present at the meeting – without a resolution of Council required.

While Recommendation 20 calls for sanctions for Mayors misusing this power, this is a significant move from the Mayor being “first among equals” to a more powerful position vis-à-vis their Council colleagues.

Recommendation 23 removes the General Manager/CEO from all consideration of Councillor conduct complaints. It also removes the Council’s power to set sanctions and outcomes relating to Councillor conduct complaints

These actions are strongly supported by staff

Recommendation 33 and 34 call for monetary penalties for some breaches of the Code of Conduct and recovery of investigation costs from Councillors in some circumstances.

Again, monetary penalties and recovery of costs from Councillors in rural areas who are already poorly remunerated does not appear equitable.

A monetary penalty is essentially a fine and should be subject to criminal standards of proof and evidence. The proposed model does not appear to allow for appeals to anywhere other than the NSW Civil and Administrative Tribunal (NCAT).

Recommendation 42 limits the avenues for appeal for Councillors against an adverse decision to matters of denial of natural justice.

The reasoning behind this recommendation is to reduce the cost of managing a complaint and is understandable. It is however a limitation of the rights available to a Councillor to seek relief from a finding they consider unfair.

Recommendation 43 calls for costs for the new independent model to be recovered from Councils on a fee-for-service basis.

This does not address one of the major concerns of the sector – the financial burden placed on Council.

This cost should be borne by the NSW Government as part of its obligation to provide adequate oversight of local government. There could be provision for the panel to charge the equivalent of “court costs” where Council’s action (or inaction) has been found to be contributing to a complaint.

## Options

There is no obligation to make a submission and the current direction of the Council is to limit time and resources spent on making submissions of this nature.

Submissions are due by 3 February 2023 which leaves limited time to prepare a detailed submission as per the Consultation Guide. The writer circulated the Keller Report to the Councillors in December seeking direction on making a submission prior to the Council meeting – only one response was received.

As such, a draft submission was not prepared for consideration at this meeting

The Council can make a “brief” submission should – addressing only the points of interest to it.

Alternatively, the Council may choose not to make a submission.

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## 8.5 Finance - Accounts

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Finance Manager, Tahlia Fry</b>   |
| <b>Strategic Outcome:</b>   | 2. Good government   |
| <b>Strategic Objective:</b> | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting |
| <b>Delivery Program:</b>    | 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance                         |
| <b>Council's Role:</b>      | <b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council             |
| <b>Appendices:</b>          | 1. Berrigan_Monthly Investment Review_December 2022.pdf (under separate cover)   |

**Recommendation:** that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 December 2022,
- b) Confirm the accounts paid as per Warrant No. 12/22 totaling \$4,299,692.78 and
- c) Note the report on investments attached

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### Purpose

This report is designed to inform Council of its cash and investments as at 31 December 2022 and for Council to authorise expenditure for the month ending 31 December 2022.

### Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 December 2022 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 December 2022.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 December 2022, totaling \$4,299,692.78 and will be submitted for confirmation of payment as per Warrant No. 12/22
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
  - i. [Council's Investment Policy](#),
  - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
  - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),

- iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and
- v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) December has seen a decrease in total funds compared to last month of \$3.2M due to large payments for capital projects such as the Water Treatment Plants and the purchase of the associated property in Barooga. Funds are expected to continue to decrease over the remainder of the financial year with the completion of large-scale capital projects.

**Statement of Bank Balances as at 31 DECEMBER 2022**

**Bank Account Reconciliation**

|   |                               |
|---|-------------------------------|
| Cash book balance as at 01 DECEMBER 2022                  | \$ 8,213,797.70               |
| Receipts for DECEMBER 2022                                | \$ 1,079,546.12               |
| Term Deposits Credited Back                               | \$ -                          |
|   | <b><u>\$ 9,293,343.82</u></b> |
| <br>  |                               |
| <i>Less Payments Statement No 12/22</i>                   |                               |
| Bank Transfers  | \$ -                          |
| Electronic Funds Transfer (EFT) payroll                   | \$ 780,671.82                 |
| Electronic Funds Transfer (EFT) Creditors E041278-E041538 | \$ 3,452,671.06               |
| Term Deposits Invested                                    | \$ -                          |
| Loan repayments, bank charges, etc                        | \$ 66,349.90                  |
| Total Payments for DECEMBER 2022                          | <u>\$ 4,299,692.78</u>        |
| <b>Cash Book Balance as at 31 DECEMBER 2022</b>           | <b><u>\$ 4,993,651.04</u></b> |
| <br>  |                               |
| <i>Bank Statements as at 31 DECEMBER 2022</i>             | \$ 4,992,848.96               |
| Plus Outstanding Deposits                                 | \$ 802.08                     |
| Less Outstanding Cheques/Payments                         | \$ -                          |
| <b>Reconciliation Balance as at 31 DECEMBER 2022</b>      | <b><u>\$ 4,993,651.04</u></b> |

**INVESTMENT REGISTER**

| INSTITUTION          | FUND    | DEPOSIT NO. | TERM (days) | RATE    | MATURITY DATE | INSTITUTION TOTAL              | S&P RATING |
|----------------------|---------|-------------|-------------|---------|---------------|--------------------------------|------------|
| AMP                  | SEWER   | 144/19      | 365         | **1.25% | 23/03/2023    | \$ 2,000,000.00                | BBB+       |
| AMP                  | GENERAL | 133/17      | 365         | **2.90% | 23/05/2023    | \$ 1,000,000.00                | BBB+       |
| AMP                  | GENERAL | 125/16      | 365         | **2.90% | 31/05/2023    | \$ 2,000,000.00                | BBB+       |
| AMP                  | WATER   | 136/18      | 243         | **4.35% | 19/06/2023    | \$ 2,000,000.00                | BBB+       |
| AMP                  | GENERAL | 149/23      | 730         | **5.00% | 25/10/2024    | \$ 2,000,000.00                | BBB+       |
| Bank Of Queensland   | GENERAL | 147/22      | 365         | 3.15%   | 29/05/2023    | \$ 2,000,000.00                | BBB+       |
| Bank Of Queensland   | WATER   | 153/23      | 731         | 4.60%   | 18/11/2024    | \$ 2,000,000.00                | BBB+       |
| Bendigo Bank         | WATER   | 142/18      | 365         | *2.50%  | 26/09/2023    | \$ 2,000,000.00                | BBB+       |
| Bendigo Bank         | GENERAL | 146/20      | 365         | *2.50%  | 28/09/2023    | \$ 5,054,653.00                | BBB+       |
| Defence Bank Limited | WATER   | 138/18      | 365         | 0.70%   | 10/01/2023    | \$ 2,000,000.00                | BBB        |
| NAB                  | WATER   | 152/23      | 92          | 3.52%   | 19/01/2023    | \$ 5,000,000.00                | AA-        |
| NAB                  | SEWER   | 151/23      | 214         | 4.20%   | 1/05/2023     | \$ 2,000,000.00                | AA-        |
| NAB                  | WATER   | 148/23      | 365         | 4.50%   | 28/09/2023    | \$ 2,000,000.00                | AA-        |
| WESTPAC              | GENERAL | 150/23      | 365         | 4.55%   | 29/09/2023    | \$ 2,000,000.00                | AA-        |
|                      |         |             |             |         |               | <b><u>\$ 33,054,653.00</u></b> |            |

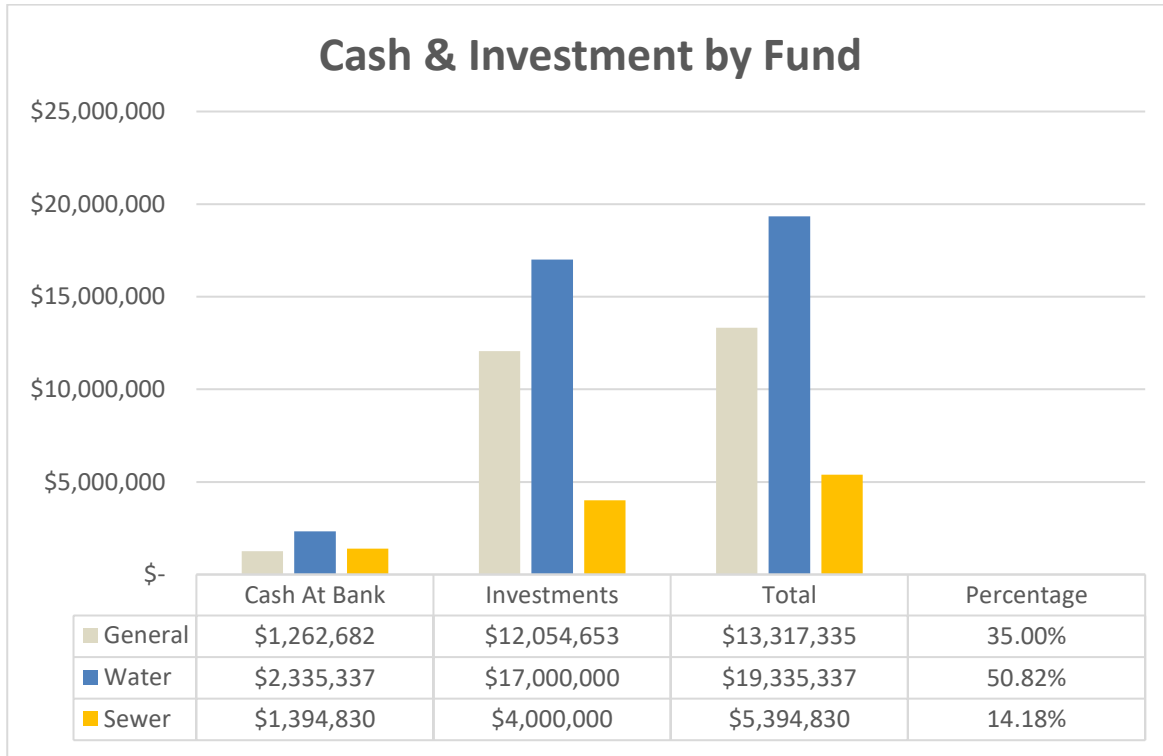
**Total Funds Held at 31 DECEMBER 2022**

**\$38,048,304.04**

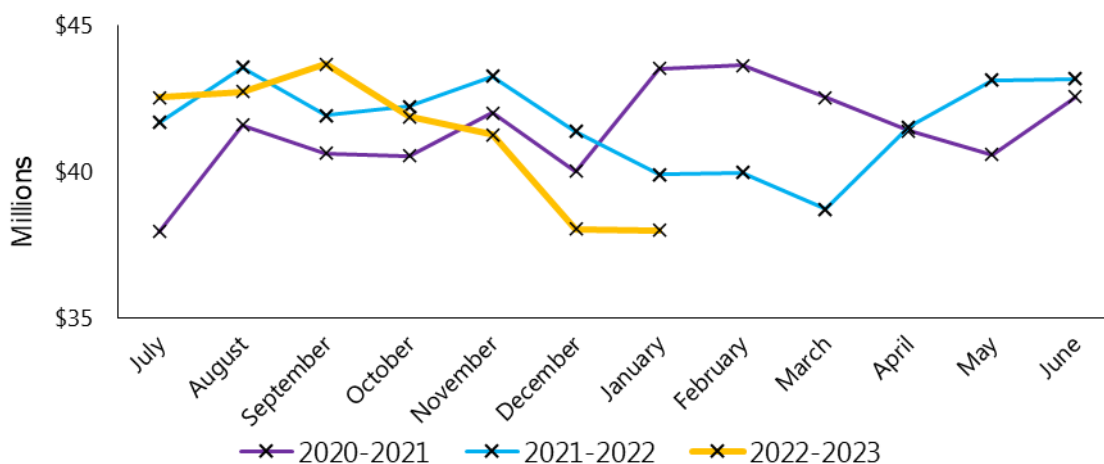
**Tahlia Fry - Finance Manager**

\*The Council also receives an additional 0.25% commission  
\*\*The Council also receives an additional 0.20% commission

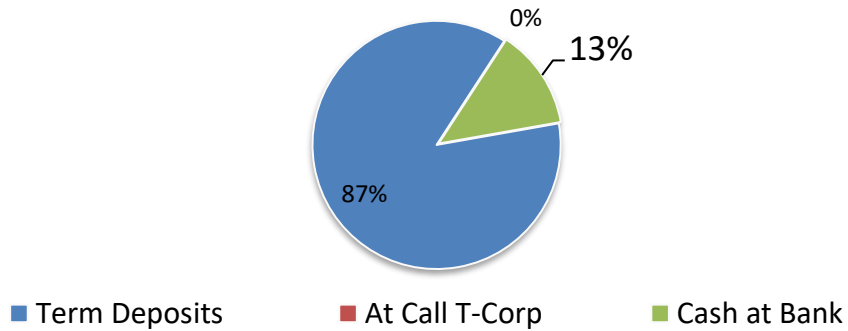
Total Funds held between General, Water and Sewer are as follows:



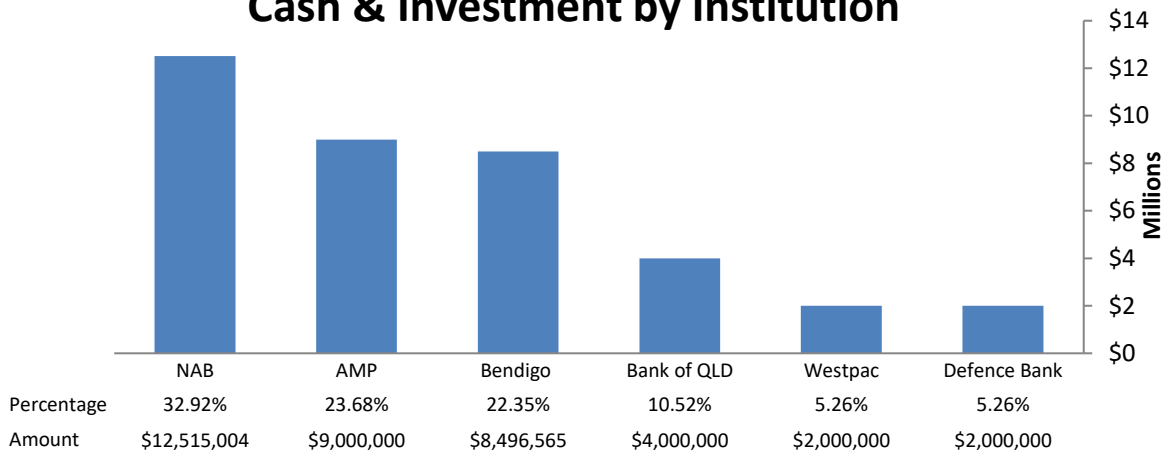
### Total Cash and Investments



### Cash & Investment by type



### Cash & Investment by Institution



#### Term Deposits Credited Back

| Prior Financial Institution           | Term (Days) | Amount | Interest Rate | Maturity Date |
|---------------------------------------|-------------|--------|---------------|---------------|
| NIL CHANGES FOR THE MONTH OF DECEMBER |             |        |               |               |

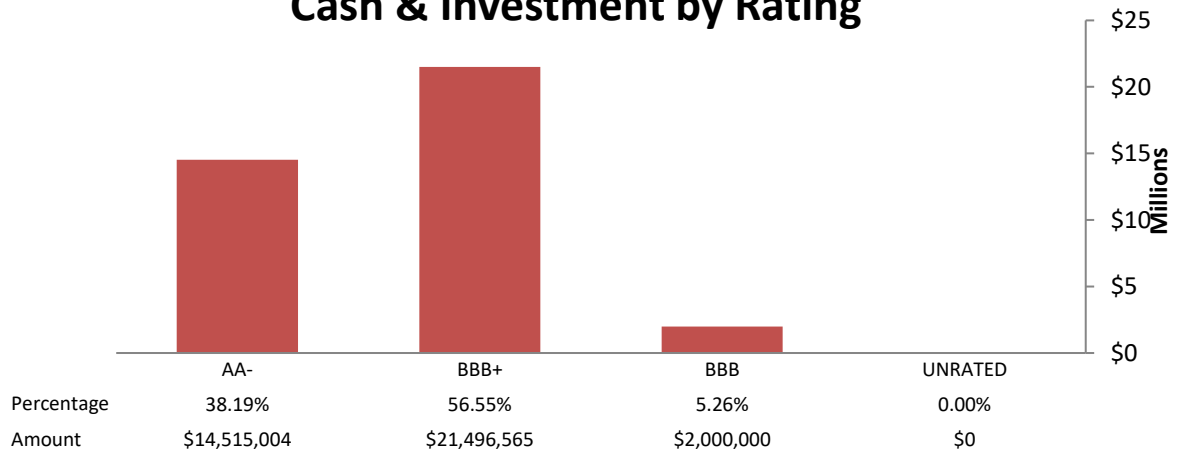
#### Term Deposits Invested / Reinvested

| Current Financial Institution         | Term (Days) | Amount | Interest Rate | Maturity Date |
|---------------------------------------|-------------|--------|---------------|---------------|
| NIL CHANGES FOR THE MONTH OF DECEMBER |             |        |               |               |

\*The Council also receives an additional 0.25% commission

\*\*The Council also receives an additional 0.20% commission

### Cash & Investment by Rating



## 8.6 Administration of 2024 Council Election (Late Covering Report)

|                      |  |
|----------------------|--|
| Author:              | Chief Executive Officer, Karina Ewer   |
| Strategic Outcome:   | 2. Good government   |
| Strategic Objective: | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting |
| Delivery Program:    | 2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting                           |
| Council's Role:      | <b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council             |

Report not available at time of publishing the agenda; will be provided prior to the meeting.

## 8.7 Development Determinations for Month of December 2022

|                      |  |
|----------------------|--|
| Author:              | Administration Support - Building & Planning, Melissa Kennedy  |
| Strategic Outcome:   | 1. Sustainable natural and built landscapes  |
| Strategic Objective: | 1.1. Support sustainable use of our natural resources and built landscapes   |
| Delivery Program:    | 1.1.1. Coordinate strategic land-use planning  |
| Council's Role:      | <b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council |
| Appendices:          | Nil  |

### Recommendation

That Council receive and note this report.

## Report

### APPLICATIONS DETERMINED FOR DECEMBER 2022

| APPLICATION      | DESCRIPTION                                  | PROPERTY LOCATION  | APPLICANT                  | OWNER                                | STATUS                 | VALUE         | DAYS TAKEN          |                    |
|------------------|--|--|----------------------------|--------------------------------------|------------------------|---------------|---------------------|--------------------|
| 108/20/DA/D1-M-M | BV DWELLING & ATTACHED GARAGE - MODIFICATION | 58-62 SNELL ROAD, BAROOGA NSW 3644 (Lot25//DP1049419)    | MR & MRS N DEMAIO          | MRS T & MR NA DE MAIO                | Approved<br>08-12-2022 | \$ 1300000.00 | <i>Active</i><br>29 | <i>Total</i><br>29 |
| 3/22/DA/D2-M     | HANGAR                                       | 19 WIRRAWAY COURT, TOCUMWAL NSW 2712 (Lot41//DP1233177)  | KATTY EAST ENGINEERING     | MR JT BALL                           | Approved<br>09-12-2022 | \$ 230000.00  | <i>Active</i><br>23 | <i>Total</i><br>23 |
| 105/22/DA/D5-M   | RESIDENTIAL STORAGE SHED                     | 76-78 FINLEY STREET, FINLEY NSW 2713 (Lot1//DP200744)    | DARREN JOHN                | MR D JOHN & MRS JN JOHN              | Approved<br>08-12-2022 | \$ 18000.00   | <i>Active</i><br>11 | <i>Total</i><br>11 |
| 166/22/DA/D5-M   | RESIDENTIAL STORAGE SHED                     | 4 MURRAY GROVE, BAROOGA NSW 3644 (Lot18//DP1092267)      | TYSON CAMPBELL             | MR TM CAMPBELL & MRS EL CAMPBELL     | Approved<br>01-12-2022 | \$ 60000.00   | <i>Active</i><br>16 | <i>Total</i><br>16 |
| 15/23/DA/D3      | INDUSTRIAL STORAGE SHEDS                     | SILO ROAD, TOCUMWAL NSW 2714 (Lot3//DP1024841)           | FD BUILDS                  | WILSON STOCKFEEDS (TOCUMWAL) PTY LTD | Approved<br>12-12-2022 | \$ 979000.00  | <i>Active</i><br>94 | <i>Total</i><br>94 |
| 34/23/DA/D5      | RESIDENTIAL STORAGE SHED                     | 9 ANTHONY AVENUE, TOCUMWAL NSW 2714 (Lot12//DP1068277)   | MATTHEW MILLER             | MR MJ WHITTAKER                      | Approved<br>08-12-2022 | \$ 9000.00    | <i>Active</i><br>0  | <i>Total</i><br>52 |
| 35/23/DA/D9      | 3 LOT SUBDIVISION                            | 16-22 JERSEY STREET, TOCUMWAL NSW 2714 (Lot50//DP752296) | OVENS & MURRAY LAND SURVEY | MR TE GORMAN & MRS M GORMAN          | Approved<br>01-12-2022 | \$ 0.00       | <i>Active</i><br>47 | <i>Total</i><br>47 |
| 41/23/DA/D2      | EXTENSION TO CLUB                            | 42 BAROOGA ROAD, TOCUMWAL NSW 2714 (Lot228//DP752296)    | KENNEDY BUILDERS           | TOCUMWAL GOLF CLUB                   | Approved<br>02-12-2022 | \$ 486403.00  | <i>Active</i><br>47 | <i>Total</i><br>47 |
| 45/23/DA/D5      | PATIO  | 3 RUSSELL COURT, BAROOGA NSW 3644 (Lot22//DP1102913)     | APOLLO PATIOS              | MRS MC LANGWORTHY                    | Approved<br>01-12-2022 | \$ 19842.00   | <i>Active</i><br>35 | <i>Total</i><br>35 |
| 46/23/DA/D3      | WASH BAY                                     | 2 HARLEY COURT, FINLEY NSW 2713 (Lot13//DP713898)        | TB & KL MARSHALL           | MR TB MARSHALL & MRS KL MARSHALL     | Approved<br>12-12-2022 | \$ 50000.00   | <i>Active</i><br>42 | <i>Total</i><br>42 |

| APPLICATION | DESCRIPTION                       | PROPERTY LOCATION                                       | APPLICANT               | OWNER                              | STATUS              | VALUE         | DAYS TAKEN    |                    |
|-------------|-----------------------------------|---|-------------------------|------------------------------------|---------------------|---------------|---------------|--------------------|
| 49/23/DA/D5 | RESIDENTIAL STORAGE SHED          | 16 QUIRK STREET, FINLEY NSW 2713 (Lot21/33/DP239173)    | LEONIE DARLING          | MR KJ DARLING & MRS LM DARLING     | Refused 14-12-2022  | \$ 28900.00   | <i>Active</i> | <i>Total</i><br>43 |
| 53/23/DA/D1 | BV DWELLING & ATTACHED GARAGE     | 28 FLYNN STREET, BERRIGAN NSW 2712 (Lot17/1/DP3329)     | SIMONDS HOMES           | MR R RAMAH                         | Approved 19-12-2022 | \$ 255454.00  | <i>Active</i> | <i>Total</i><br>37 |
| 55/23/DA/D5 | CARPORT                           | 37 FINLEY STREET, FINLEY NSW 2713 (Lot151//DP1066665)   | TABATHA SMITH           | MR SW MAHER                        | Approved 07-12-2022 | \$ 9220.00    | <i>Active</i> | <i>Total</i><br>29 |
| 56/23/DA/D7 | INGROUND FIBREGLASS SWIMMING POOL | 734 LOGIE BRAE ROAD, FINLEY NSW 2713 (Lot1//DP803106)   | CSKY SERVICES PTY LTD   | BOOROOBANILLY NOMINEES PTY LTD     | Approved 06-12-2022 | \$ 62000.00   | <i>Active</i> | <i>Total</i><br>28 |
| 58/23/DA/DM | SEPARATION WALLS FOR PISTOL RANGE | 1795 NEWELL HIGHWAY, FINLEY NSW 2713 (Lot228//DP704355) | FINLEY PISTOL CLUB INC. | FINLEY GUN CLUB INC.               | Approved 20-12-2022 | \$ 154000.00  | <i>Active</i> | <i>Total</i><br>38 |
| 59/23/DA/DO | RURAL STORAGE SHED                | 194 MARSHES ROAD, BERRIGAN NSW 2712 (Lot26//DP752275)   | ENTEGRA TRADING         | NAMARANG NOMINEES PTY LTD          | Approved 06-12-2022 | \$ 412357.00  | <i>Active</i> | <i>Total</i><br>27 |
| 62/23/DA/D1 | BV DWELLING & ATTACHED GARAGE     | 354 NOLANS ROAD, LALALTY NSW 3644 (Lot46//DP752287)     | MARCIA NOLAN            | MR T B NOLAN                       | Approved 09-12-2022 | \$ 350000.00  | <i>Active</i> | <i>Total</i><br>30 |
| 65/23/DA/D5 | STORAGE SHED                      | 25 HAMILTON STREET, FINLEY NSW 2713 (Lot7//DP1262202)   | KAREN DANIEL            | MR RJ DANIEL & MRS K DANIEL        | Approved 08-12-2022 | \$ 40000.00   | <i>Active</i> | <i>Total</i><br>20 |
| 66/23/DA/D1 | 2 X UNITS                         | 16 HUGHES STREET, BAROOGA NSW 3644 (Lot1//DP1271152)    | MELANIE BOWDEN          | MR JP THOMSON & MRS EA THOMSON     | Approved 20-12-2022 | \$ 714200.00  | <i>Active</i> | <i>Total</i><br>28 |
| 69/23/DA/D5 | RESIDENTIAL STORAGE SHED          | 14 WILLIAM STREET, FINLEY NSW 2713 (Lot106//DP261753)   | HARRY DUNBAR            | MR HA DUNBAR & MS MJ SPARKE        | Approved 21-12-2022 | \$ 25000.00   | <i>Active</i> | <i>Total</i><br>16 |
| 16/23/CD/M5 | INGROUND FIBREGLASS SWIMMING POOL | 21 ANZAC AVENUE, TOCUMWAL NSW 2714 (LotC//DP358840)     | POOLSIDE COBRAM         | MR IM SINGLETON & MRS MA SINGLETON | Approved 13-12-2022 | \$ 64530.00   | <i>Active</i> | <i>Total</i><br>2  |
| 73/23/DA/D3 | EXTENSION OF RAIL LINE            | SILO ROAD, TOCUMWAL NSW 2714 (Lot314//DP1121397)        | KM & WM KELLY & SONS    | KELLY (FINLEY) SUPER PTY LTD       | Approved 15-12-2022 | \$ 1200000.00 | <i>Active</i> | <i>Total</i><br>1  |

**Key Performance Indicator – Development Assessment:**

|  | Berrigan Shire Council (Dec 2022) | NSW (Dec 2022)   |
|--|-----------------------------------|------------------|
| Average time taken to determine a Development Application <sup>1</sup> | 33                                | 109 <sup>2</sup> |

<sup>1</sup> The average determination day figure is calculated by dividing the total number of days taken to determine all applications by the total number of determined applications. Determination days are measured as gross days – the total number of days lapsed between the lodgement and the determination of the application. Determination days includes the time taken for applicants to respond to requests for information from consent authorities.

<sup>2</sup> Source: <https://www.planningportal.nsw.gov.au/eplanningreport> accessed 10 January 2023



**APPLICATIONS PENDING DETERMINATION AS AT 31/12/2022**

| Application No. | Date Lodged | Description                                  | Property Location   |
|-----------------|-------------|--|---|
| 208/21/DA/D3    | 26-05-2021  | INSTALLATION OF 68KL UNDERGROUND LP GAS TANK | 94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)   |
| 24/22/DA/D9     | 03-09-2021  | 10 LOT SUBDIVISION                           | LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)              |
| 108/22/DA/D2    | 21-03-2022  | HIGHWAY SERVICE CENTRE                       | NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)          |
| 7/23/DA/DM      | 13-07-2022  | MURRAY RIVER ROD RUN 2023                    | 2 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot422//DP1253984)       |
| 21/23/DA/D9     | 16-08-2022  | 19 LOT SUBDIVISION                           | 29-37 SHORT STREET, TOCUMWAL NSW 2714 (LotB//DP403751)        |
| 31/23/DA/D9     | 09-09-2022  | 7 LOT SUBDIVISION                            | BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1275427)            |
| 48/23/DA/D1     | 14-10-2022  | BV DWELLING & ATTACHED GARAGE                | 277 LOWER RIVER ROAD, TOCUMWAL NSW 2714 (Lot4//DP594655)      |
| 50/23/DA/DM     | 18-10-2022  | SHIPPING CONTAINERS                          | 24-30 VERMONT STREET, BAROOGA NSW 3644 (Lot5/5//DP758057)     |
| 51/23/DA/DM     | 26-10-2022  | STRAWBERRY FIELDS FESTIVAL 2023-2027         | 467 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot4//DP752296)           |
| 54/23/DA/D9     | 27-10-2022  | 6 LOT SUBDIVISION                            | 66 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot2//DP270154)           |
| 57/23/DA/DM     | 27-10-2022  | MUSEUM SHED                                  | 300-320 MURRAY STREET, FINLEY NSW 2713 (Lot7005//DP1019585)   |
| 60/23/DA/D1     | 28-10-2022  | DWELLING                                     | SEPPELTS ROAD, BAROOGA NSW 3644 (Lot4//DP659936)              |
| 61/23/DA/D1     | 28-10-2022  | BV DWELLING & ATTACHED GARAGE                | 1 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot41//DP270154)           |
| 68/23/DA/D2     | 15-11-2022  | CARPORT                                      | 21-23 JERILDERIE STREET, TOCUMWAL NSW 2714 (Lot1//DP1167182)  |
| 13/23/CD/M5     | 28-11-2022  | INGROUND FIBREGLASS SWIMMING POOL            | RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot11//DP1256121)         |
| 70/23/DA/D1     | 08-12-2022  | BV DWELLING & ATTACHED GARAGE                | 23 WIRRAWAY COURT, TOCUMWAL NSW 2714 (Lot42//DP1233177)       |
| 74/23/DA/D5     | 15-12-2022  | CARPORT                                      | 22-24 BRUTON STREET, TOCUMWAL NSW 2714 (Lot4//DP851337)       |
| 75/23/DA/DM     | 15-12-2022  | INSTALLATION OF FLAGPOLE                     | 50-54 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7/24//DP758981) |
| 17/23/CD/M5     | 21-12-2022  | INGROUND FIBREGLASS SWIMMING POOL            | 143-155 HAMILTON STREET, FINLEY NSW 2713 (Lot4//DP535621)     |
| 18/23/CD/M4     | 21-12-2022  | RESIDENTIAL STORAGE SHED                     | 23 TAKARI STREET, BAROOGA NSW 3644 (Lot66//DP1123204)         |
| 76/23/DA/D9     | 21-12-2022  | SUBDIVISION                                  | 4 WIRRAWAY COURT, TOCUMWAL NSW 2714 (Lot50//DP1246486)        |
| 77/23/DA/D5     | 22-12-2022  | RESIDENTIAL STORAGE SHED                     | 10 COLLIE STREET, BAROOGA NSW 3644 (Lot14//DP571683)          |
| 19/23/CD/M1     | 22-12-2022  | BV DWELLING & ATTACHED GARAGE                | 7 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot40//DP270154)           |

|             |            |                    |  |
|-------------|------------|--------------------|--|
| 78/23/DA/D9 | 22-12-2022 | 17 LOT SUBDIVISION | CADDY CLOSE, BAROOGA NSW 3644<br>(Lot2//DP1120769) |
|-------------|------------|--------------------|--|

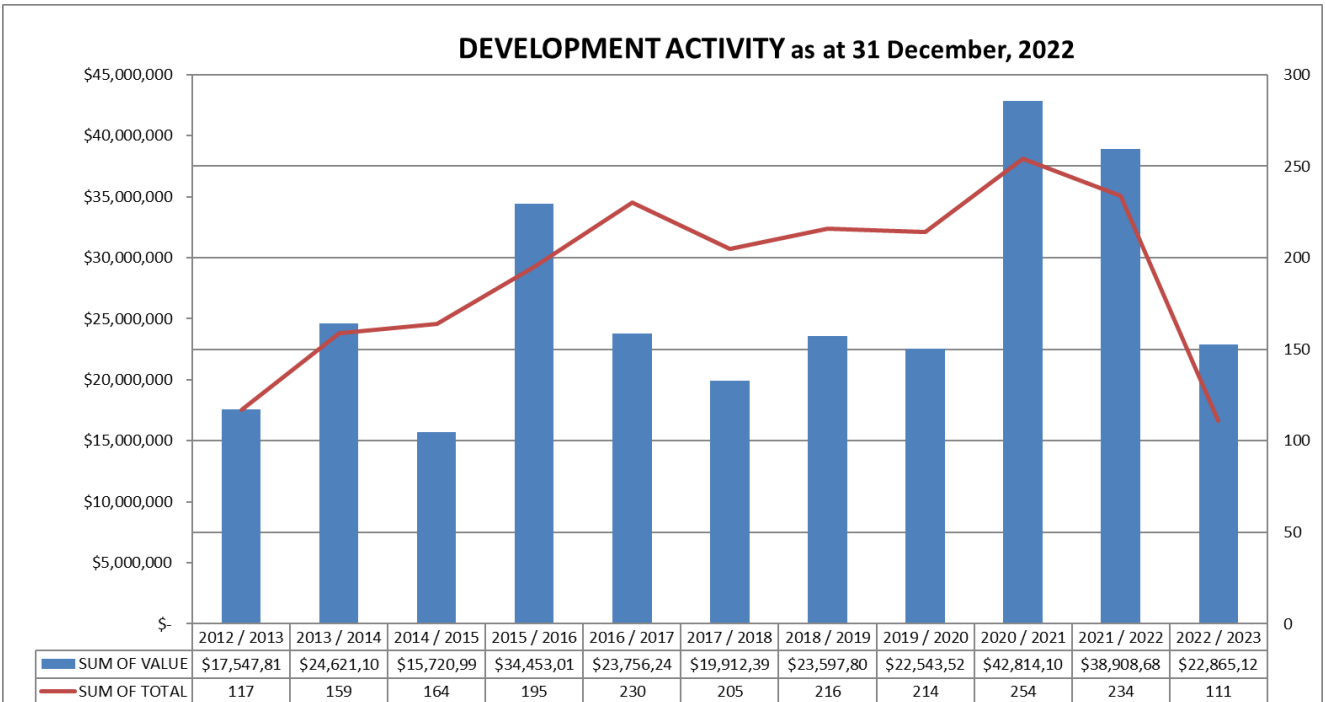
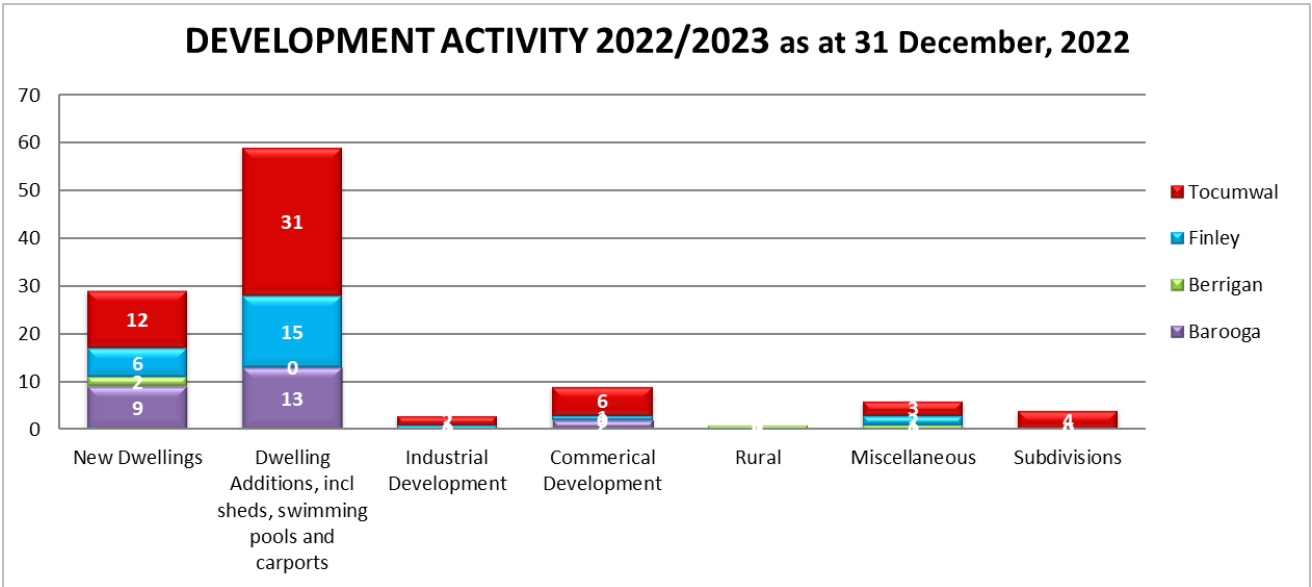
| TIME TAKEN FOR ASSESSMENT OF APPLICATIONS<br>LODGED AND <u>PENDING</u> DETERMINATION | Development Applications<br>Pending Determination |
|--|---|
| <i>Less than 40 days</i>   | 9   |
| <i>41 – 99 days</i>  | 9   |
| <i>100+ days</i>   | 6   |
| <i>Total Number of Development Applications Pending Determination</i>                | 24  |

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

|   | This Month<br>(Dec) | Year to<br>Date | This Month's Value<br>(Dec) | Year to Date<br>Value |
|---|---------------------|-----------------|-----------------------------|-----------------------|
| <i>Development Applications (DA)</i>                | 20                  | 94              | \$6,343,376                 | \$20,284,445          |
| <i>Construction Certificates (CC)</i>               | 13                  | 81              | \$3,643,912                 | \$19,601,178          |
| <i>Complying Development<br/>Certificates (CDC)</i> | 1                   | 17              | \$64,530                    | \$2,580,678           |
| <i>Local Activity (s.68)</i>                        | 13                  | 47              | 0                           | 0                     |

**OTHER CERTIFICATES ISSUED FOR DECEMBER 2022**

|              | s10.7(2)<br>Planning Certificate |            | s10.7(5) Certificate |            | 735A Certificate |            | s9.34<br>Certificate |            | s6.24<br>Building Certificate |            | Swimming Pool<br>Certificate |            |
|--------------|----------------------------------|------------|----------------------|------------|------------------|------------|----------------------|------------|-------------------------------|------------|------------------------------|------------|
|              | DEC                              | Year Total | DEC                  | Year Total | DEC              | Year Total | DEC                  | Year Total | DEC                           | Year Total | DEC                          | Year Total |
| BAROOGA      | 5                                | 31         | 1                    | 2          | 0                | 1          | 0                    | 0          | 0                             | 1          | 0                            | 2          |
| BERRIGAN     | 8                                | 30         | 0                    | 1          | 1                | 4          | 1                    | 3          | 0                             | 1          | 0                            | 1          |
| FINLEY       | 12                               | 71         | 0                    | 0          | 1                | 2          | 1                    | 2          | 0                             | 0          | 0                            | 0          |
| TOCUMWAL     | 10                               | 81         | 0                    | 5          | 0                | 3          | 0                    | 2          | 0                             | 0          | 0                            | 4          |
| <b>TOTAL</b> | <b>35</b>                        | <b>213</b> | <b>1</b>             | <b>8</b>   | <b>2</b>         | <b>10</b>  | <b>2</b>             | <b>7</b>   | <b>0</b>                      | <b>2</b>   | <b>0</b>                     | <b>7</b>   |



## 8.8 Council Action List Report

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Chief Executive Officer, Karina Ewer</b>  |
| <b>Strategic Outcome:</b>   | 2. Good government   |
| <b>Strategic Objective:</b> | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting   |
| <b>Delivery Program:</b>    | 2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032  |
| <b>Council's Role:</b>      | <b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council   |
| <b>Appendices:</b>          | <ol style="list-style-type: none"><li>1. Completed Council Actions from 14.12.2022 to 11.01.2023 (under separate cover)</li><li>2. Outstanding Council Actions as of 11.01.2023 (under separate cover)</li></ol> |

### Recommendation

That Council receive and note the Council Action List Report.

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### Report

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

The following reports have been generated from your information:

- Outstanding Council Actions as of 11.01.2023
- Completed Council Actions from 14.12.2022 to 11.01.2023

## 8.9 Aboriginal Land Claim - Finley

|                      |  |
|----------------------|--|
| Author:              | Deputy Chief Executive Officer, Matthew Hansen   |
| Strategic Outcome:   | 2. Good government   |
| Strategic Objective: | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting   |
| Delivery Program:    | 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance   |
| Council's Role:      | <b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs |
| Appendices:          | 1. 30.11.2022 Tony Burt ALC 48512 - Reference to Stakeholders (002).pdf (under separate cover)   |

*This report is for information only.*

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### Report

Crown Lands NSW Aboriginal Land Claim Assessment Team (ALCAT) have advised the Council that they are assessing an Aboriginal Land Claim for Lot 151 DP752299 on Killeens Road, near Finley.

A copy of this advice is attached as **Appendix 1**.

This land is a 5ha piece of Crown Land for which the Council is the Crown Land Manager. A diagram showing this parcel is below.

The land itself is the former Finley nightsoil depot.

ALCAT requested evidence from Council that might support, at the date of claim the land was:

- lawfully used or occupied; and / or
- needed or likely to be needed for an essential public purpose.

I conducted a search of Council's records and was unable to find any evidence to support either of the above statements. This advice was provided to ALCAT in December 2022.

The property file contains the notice shown below. Also below is a notice relating to this land published in the NSW Government Gazette in 1977.

From here, ALCAT will make a recommendation to the Minister who will then make a determination on the land claim in due course. This determination can be appealed in the Land and Environment Court.





**URGENT**

as at 28 FEBRUARY 2003 – Laurie Stevens, Town Planner

THE FOLLOWING **NOTE** SHOULD BE INCLUDED AT THE END OF THE CONDITION "Matters arising under the Contaminated Land Management Act 1997." ON ALL 149(2) CERTIFICATES PRODUCED FOR THIS PROPERTY, BEING:

- LOT 151; DP752299 KILLEENS ROAD, FINLEY

UNTIL FURTHER NOTICE.

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**NOTE:**  
The land is affected by the Unhealthy Building Land Policy, adopted by the Environment Protection Authority. Development of this land may be restricted because of landfilling, chemical, biological or radioactive hazards or spontaneous combustion.

Further investigation and/or management of the land may be required to ensure that the land is suitable for its proposed uses.

**PUBLIC HEALTH ACT, 1902 (SECTION 55)  
UNHEALTHY BUILDING LAND IN THE SHIRE OF BERRIGAN:  
AREA No. 861**

**THE Health Commission has reported that after due inquiry it is of the opinion that it would be prejudicial to health if certain land situated in the Shire of Berrigan and described in the Schedule hereunder were built upon in its present condition.**

**The Health Commission has further reported that in order to render the land fit to be built upon it is necessary that a period of at least 15 years from 1st October, 1976, shall elapse.**

**Now, therefore, in pursuance of the power and authority vested in me by section 55 (1) of the Public Health Act, 1902, I hereby declare that such land shall not be built upon until the measure above referred to which is also specified in a document accompanied by a plan of the area deposited in the office of the Local Authority (The Council of the Shire of Berrigan) and open to the inspection of any person has been complied with or until this notice has been revoked by me.**

**KEVIN STEWART, Minister for Health.**

**SCHEDULE**

**All that land in the Shire of Berrigan, being portion 151 of the Parish of Ulupna, County of Denison. (5948)**

## 8.10 Update on the progress of Berrigan Shire Rebrand

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Executive Assistant, Keelan McDonald</b>  |
| <b>Strategic Outcome:</b>   | 2. Good government   |
| <b>Strategic Objective:</b> | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting   |
| <b>Delivery Program:</b>    | 2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032  |
| <b>Council's Role:</b>      | <b>Strategic Partner:</b> The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program. |
| <b>Appendices:</b>          | Nil  |

*This report is for information only.*

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### Report

In late 2022, Council staff decided to place the rebrand process on hold until the Communications Coordinator, Keelan McDonald returned from Parental Leave in January 2023. Keelan was the officer responsible for the delivery of this project.

Keelan returned to Council in January and subsequently met with the Acting Communications Coordinator Bianca Bourke and the creative agency TD to discuss the rebrand of Berrigan Shire.

All parties agreed that TD now have all relevant materials needed to start designing three potential logos, with the aim to have a first draft to Council staff by early February 2023.

Three draft logo options will be provided:

- Option One: Revamp of the current logo, using current colours and assets.
- Option Two and Three: Complete change in creative from what Council has currently

Council will be updated at the February Council meeting.

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**9 NOTICES OF MOTION/QUESTIONS WITH NOTICE**

Nil

**10 CONFIDENTIAL MATTERS**

Nil

**11 MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE**

**12 COUNCILLOR REPORTS**

**12.1 Mayor's Report**

**12.2 Verbal Reports from Delegates**

**13 CONCLUSION OF MEETING**

The next Ordinary Council Meeting will be held on Wednesday 25 December 2030 from 11:00pm in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Mayor, closed the meeting at [type time](#).