



# ORDINARY COUNCIL MEETING

Wednesday 6 December, 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:*

[Risk Management Policy and Framework](#)



Ordinary Council Meeting  
Wednesday 6 December, 2023

**BUSINESS PAPER**

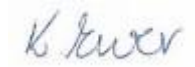
The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 6 December, 2023 when the following business will be considered:-

**ITEMS OF BUSINESS**

|          |  |          |
|----------|--|----------|
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| <b>2</b> | <b>ACKNOWLEDGEMENT OF COUNTRY .....</b>  | <b>6</b> |
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| <b>4</b> | <b>CONFIRMATION OF PREVIOUS MINUTES .....</b>  | <b>7</b> |
| <b>5</b> | <b>DISCLOSURES OF INTERESTS.....</b>   | <b>7</b> |
| <b>6</b> | <b>MAYORAL MINUTE(S).....</b>  | <b>7</b> |
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| <b>7</b> | <b>REPORTS OF COMMITTEES.....</b>  | <b>7</b> |
|          | Nil  |          |
| <b>8</b> | <b>REPORTS TO COUNCIL.....</b>   | <b>8</b> |
| 8.1      | Confirmation of designated persons - ARIC .....  | 8        |
| 8.2      | Continuous Improvement Plan - monthly update.....  | 10       |

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| 8.3       | Reconciliation Action Plan - Final Draft for Submission .....              | 11        |
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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 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."

## **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 Tuesday 28 November, 2023 be confirmed.

**5 DISCLOSURES OF INTERESTS**

**6 MAYORAL MINUTE(S)**

Nil

**7 REPORTS OF COMMITTEES**

Nil



## 8 REPORTS TO COUNCIL

### 8.1 Confirmation of designated persons - ARIC

|                             |   |
|-----------------------------|---|
| <b>Author:</b>              | Deputy Chief Executive Officer, Matthew Hansen  |
| <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<br><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) |
| <b>Appendices:</b>          | Nil   |

### Recommendation

That Council formally identify the following positions and occupants as designated persons as defined in the Berrigan Shire Council Code of Conduct

|   |                 |
|---|-----------------|
| Audit Risk and Improvement Committee Chair  | Linda MacRae    |
| Audit Risk and Improvement Committee Member | Angela Urquhart |
| Audit Risk and Improvement Committee Member | Todd Bentley    |

### Report

At the October Council meeting, Council made the following resolution when confirming its "designated persons" for the purposes of submitting Returns of Interest as per the Council's Code of Conduct.

*Note that the functions of the Audit Risk and Improvement Committee do not involve the exercise of Council's functions and as such members of the committee are not "designated persons" for the purposes of the Code of Conduct.*

This was based on my interpretation of Clause 4.8(d) of the Code of Conduct.





*The CEO and I considered including membership of the Audit Risk and Improvement Committee (ARIC) as designated persons. I note that some Councils require this, including Albury City and City of Wagga Wagga.*

*My interpretation of Clause 4.8(d) of the Code however is that ARIC 's functions specifically exclude the exercise of the Council's functions (such as regulatory functions or contractual functions). ARIC are an advisory committee only.*

However, I have since been advised that – regardless of any interpretation of Clause 4.8(d), the [Guidelines for Risk Management and Internal Audit for Local Government in NSW](#) are clear on the requirement of ARIC members to submit Returns of Interest

*Councils **should** identify the chair and independent members of their audit risk and improvement committee as 'designated persons' for the purposes of the council's code of conduct and require them to complete and submit returns of interests.*

On this basis, Council should:

- identify the independent ARIC members as “designated persons”, and
- require them to submit Returns of Interest to be hosted on Council's website.

This error was mine alone and I apologise to Council for the misunderstanding.

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## 8.2 Continuous Improvement Plan - monthly update

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Deputy Chief Executive Officer, Matthew Hansen</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. Continuous Improvement Plan - Prioritised - 28 November 2023.pdf (under separate cover)   |

### Recommendation

That Council note the monthly progress report on the Continuous Improvement Plan resulting from the Cultural Review and Compliance Audit, attached as Appendix 1

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### Report

At its extraordinary meeting held on 4 October 2023, Council resolved the CEO to provide monthly updates on progress against the Continuous Improvement Plan resulting from the Cultural Review and Compliance Audit held earlier in the year.

Attached as Appendix 1 is the monthly report showing progress against the plan to 28 November 2023.

The short break between meetings and my unplanned absence from work has seen little progress since the November meeting.

Council should note that staff unavailability has had an impact on actions relating to records management, privacy, and public access to records.

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### 8.3 Reconciliation Action Plan - Final Draft for Submission

|                             |  |
|-----------------------------|--|
| <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. BSC_Reconciliation Action Plan (under separate cover)   |

#### Recommendation

That Council adopt the finalised Reconciliation Action Plan and direct the CEO to submit to Reconciliation Australia for final approval.

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#### Report

The finalisation of the Reconciliation Action Plan has taken Council staff some time due to current workloads. The finalisation of the artwork is all that was missing to complete this document. In the end it was more efficient to get the document finalised through our consultants.

None of the words in the document have changed. The timelines have been pushed out to reflect the delay in finalisation.

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## 8.4 Rural Land Use Strategy

|                             |   |
|-----------------------------|---|
| <b>Author:</b>              | Chief Executive Officer, Karina Ewer  |
| <b>Strategic Outcome:</b>   | 1. Sustainable natural and built landscapes   |
| <b>Strategic Objective:</b> | 1.1. Support sustainable use of our natural resources and built landscapes  |
| <b>Delivery Program:</b>    | 1.1.1. Coordinate strategic land-use planning   |
| <b>Council's Role:</b>      | <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) |
| <b>Appendices:</b>          | Nil   |

### Recommendation

Council direction is sought

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### Report

At Council's November Ordinary Meeting, Council adopted the outcomes of the Corporate Workshop which included:

That Council:

1. acknowledge the report to RAMJO requesting interest to undertake a Regional Rural Land Use Strategy
2. request staff bring the outcome of the RAMJO meeting decision to the December Ordinary meeting for consideration.

The report was discussed at the RAMJO meeting but there were no other Councils interested in the concept.

Council's only choice therefore seems to be to either pursue a Rural Land Use Strategy ourselves or to not undertake one, given the clause included in the changes to the LEP will allow staff to make decisions regarding farming on smaller parcels within the parameters noted.

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## 8.5 Tocumwal Foreshore Building - Tenancy 1

|                      |  |
|----------------------|--|
| 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:    | 2.1.3. 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. Lease (Final) (under separate cover)  |

### Recommendation

That Council :

1. note the lease for Shop 1 - 2 Deniliquin Rd, Tocumwal (Tocumwal Foreshore Building)
2. authorises its Seal to be affixed to the lease, in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021.

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### Report

At Council's September Council meeting Council moved the following

#### 10.4 Primary Tenancy - Tocumwal Foreshore Building

**Resolved** OCM 259/23

**Moved:** Cr Edward (Ted) Hatty

**Seconded:** Deputy Mayor Carly Marriott

**That Council**

1. **accept the new proposal offered and allow for a Heads of Agreement to be developed signed outlining the in principle agreement between Council and Rick Shaw for works to be undertaken prior to the signing of the lease and establishment of the corporate body under with the lease of the Tocumwal Foreshore Primary Tenancy will be signed;**
2. **allow the CEO to develop the lease for the primary tenancy of the Tocumwal Foreshore Building subject to the KPIs.**
3. **receive a copy of the lease final approval prior to signing and sealing.**

**CARRIED**



In the pressure to get this agreement done, I have forgotten step 3. Please find attached a copy of the lease agreement which has already been signed by the new tenants.

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## 8.6 Flood affected works - Tenders

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Director Infrastructure, Rohit Srivastava</b>   |
| <b>Strategic Outcome:</b>   | 4. Diverse and resilient business  |
| <b>Strategic Objective:</b> | 4.3. Connect local, regional and national road and rail infrastructure and networks  |
| <b>Delivery Program:</b>    | 4.3.1. Develop and promote Berrigan Shire regional transport and freight infrastructure  |
| <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<br><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>          | Nil  |

### Recommendation

That the Council

1. award T07-23-24 (Package 2) to Olex Civil Construction for the value of \$445,721.34 excl. GST,
2. award T08-23-24 (Package 3) to Lawrence Brothers Quarries for the value of \$ 472,254.93 excl. GST,
3. award T09-23-24 (Package 4) to RECivil for the value of \$ 676,803.48 excl. GST and
4. authorises its Seal to be affixed to the above contracts in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021

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### Purpose

The purpose of the report is to take Council's approval to award of three tenders (packages) towards flood affected road works.

### Summary

Council have been successful in getting a grant of approximately \$4.66million under Natural Disaster Recovery Funding Arrangements (NDRFA) due to flood events of October 2022.

As informed at the October 2023 Ordinary Council meeting, the overall approved works have been categorised and tendered separately under three packages as below:

- Package 2: Works on damaged sealed roads
- Package 3: Works on damaged unsealed roads



- Package 4: Works on damaged unsealed roads

**Package 1: This package is under progress on roads MR363 & MR356.**

The three advertised tenders have been evaluated as per the Council’s Procurement Policy by the tender committee (Manager Transport, Manager Assets and Shepherd Services) and the overall governance have been moderated by the Council’s Deputy CEO.

The evaluation committee proposes to award the three packages as below:

| Tender   | Date advertised | Date closed | Package total upper grant limit | Recommended tender price |
|--|-----------------|-------------|---------------------------------|--------------------------|
| <b>Package 2:</b><br>Works on damaged sealed roads   | 16 Oct’23       | 03 Nov’23   | \$629,235                       | \$445,721.34             |
| <b>Package 3:</b><br>Works on damaged unsealed roads | 16 Oct’23       | 03 Nov’23   | \$1,582,193                     | \$472,254.93             |
| <b>Package 4:</b><br>Works on damaged unsealed roads | 16 Oct’23       | 03 Nov’23   | \$1,790,695                     | \$676,803.48             |
| <b>Total</b>   |                 |             | <b>\$4,002,123</b>              | <b>\$1,594,778</b>       |

**Tender process**

Council officers with the assistance of the appointed consultant (Shepherd Services) tendered the overall approved works into different packages.

It was agreed to divide the approved works into three packages as below:

| Package                     | Type   | Package total upper grant limit |
|-----------------------------|--|---------------------------------|
| Package 2                   | Sealed works (across the Shire)                          | \$629,235                       |
| Package 3                   | Unsealed works – predominantly western side of the Shire | \$1,582,193                     |
| Package 4                   | Unsealed works - predominantly eastern side of the Shire | \$1,790,695                     |
| <b>Total approved works</b> |  | <b>\$4,002,123</b>              |

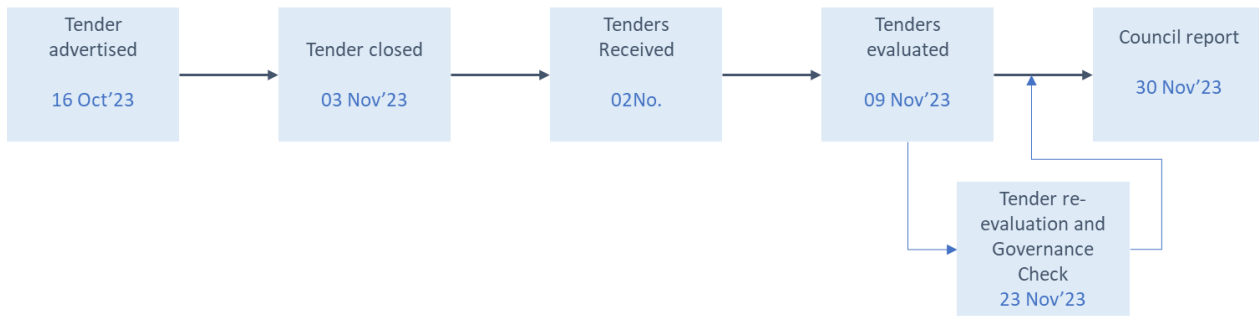
The three tenders (packages) are discussed separately below.





## Package 2: Sealed works (across the Shire)

The tender timeline is presented below:



The tender was evaluated as per the Council's Procurement Policy by the following committee members:

1. Council's Manager Transport
2. Council's Manager Assets
3. Two Consultants from Shepherd Services (appointed Flood works project management consultant)

Upon closing of the tender submission period, the evaluation panel members were informed of the respondent names and provided the opportunity to state any conflicts of interest, that would impact their impartiality in the assessment.

No actual, potential or perceived conflicts of interest were identified by any of the evaluation panel members.

The evaluation panel members each assessed the proposals from the tenderers independently of each other, and later convened on the 9 November 2023 to conduct a moderation session to review any anomalies in the independent evaluations and arrive at a consensus recommendation.

Due to anomalies identified between evaluation criteria listed in the RFT, evaluation matrix and recommendation report, a second session with the evaluation team (with moderator present) was held 23 November 2023. The panel members, as suggested by CEO, conducted a consolidated consensus score to each nominated criteria to remove averages and the possibility of the scores being skewed.

The evaluation and the tender process was moderated by Council's Deputy CEO.

The evaluation score is presented in a separate confidential report to this meeting.

The recommended tenderer's price for Package 2 is \$445,721.34 (excl GST) against the approved upper grant limit under this package of \$629,235. The approved upper grant limit is inclusive of project management costs and any contingencies.

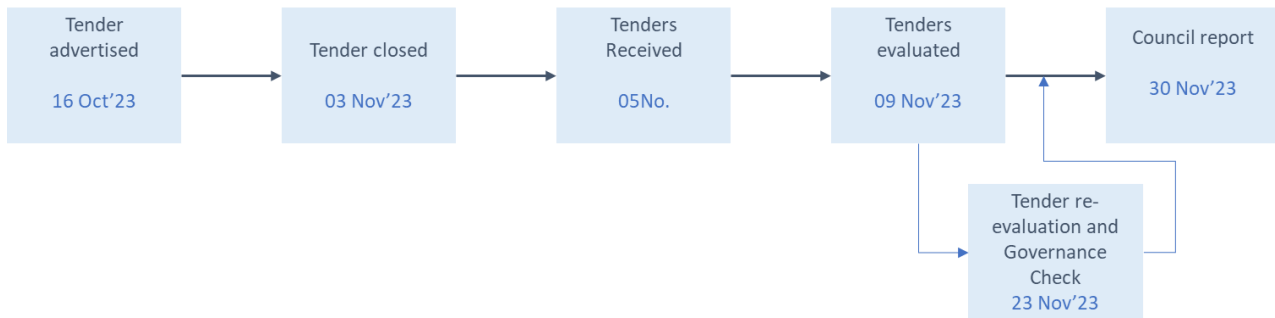
### **Recommendation: Package 2**

The evaluation panel have conducted a thorough review of the responses provided and therefore recommends that Council award the Tender T07-23-24 to Olex Civil Construction for the value of **\$445,721.34 excl. GST.**



### Package 3: Unsealed works (predominantly western-side of the Shire)

The tender timeline is presented below:



The tender was evaluated as per the Council's Procurement Policy but the following committee members:

1. Council's Manager Transport
2. Council's Manager Assets
3. Two Consultants from Shepherd Services (appointed Flood works project management consultant)

Upon closing of the tender submission period, the evaluation panel members were informed of the respondent names and provided the opportunity to state any conflicts of interest, that would impact their impartiality in the assessment.

No actual, potential or perceived conflicts of interest were identified by any of the evaluation panel members.

The evaluation panel members each assessed the proposals from the tenderers independently of each other, and later convened on the 9 November 2023 to conduct a moderation session to review any anomalies in the independent evaluations and arrive at a consensus recommendation.

Due to anomalies identified between evaluation criteria listed in the RFT, evaluation matrix and recommendation report, a second session with the evaluation team (with moderator present) was held 23 November 2023. The panel members, as suggested by CEO, conducted a consolidated consensus score to each nominated criteria to remove averages and the possibility of the scores being skewed.

The evaluation and the tender process was moderated by Council's Deputy CEO.

The evaluation score is presented in a separate confidential report to this meeting.

The recommended tenderer's price for Package 3 is \$472,254.93 (excl GST) against the approved upper grant limit under this package of \$1,582,193. The approved upper grant limit is inclusive of project management costs and any contingencies.

Package 3 received 05No. tender submissions with a large variation in pricing applied to each individual treatment listed within the Bill of Quantities attached to the RFT. Part of the reason for the variation of pricing is due to local contractors submitting rates that did not require mobilisation, travel and/or accommodation costs to be included within their respective tendered rates.

The recommended tenderer (Lawrence Brothers Quarries) submission is 40% of the cost compared to the most expensive submission received due to the fact they are a business located within and



surrounding the Berrigan Shire Council. Their submission demonstrates they have previously delivered similar scope of works and have adequate health, safety and management systems in place.

If any variations are identified during the completion of Package 3, the upper grant limit that has been approved for the Reconstruction Works of this package is almost four times the total of the recommended tenderer. This provides a low risk of Berrigan Shire Council being responsible for any costs incurred due to variations or non-compliance with the scope of works.

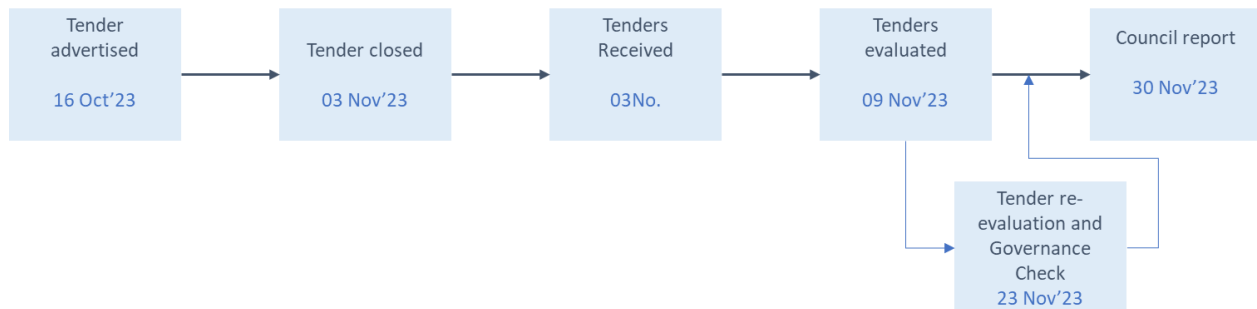
### **Recommendation: Package 3**

The evaluation panel have conducted a thorough review of the responses provided and therefore recommends that Council:

Award the Tender T08-23-24 to Lawrence Brothers Quarries for the value of **\$472,254.93 (excl GST)**.

### **Package 4: Unsealed works (predominantly eastern side of the Shire)**

The tender timeline is presented below:



The tender was evaluated as per the Council's Procurement Policy but the following committee members:

1. Council's Manager Transport
2. Council's Manager Assets
3. Two Consultants from Shepherd Services (appointed Flood works project management consultant)

Upon closing of the tender submission period, the evaluation panel members were informed of the respondent names and provided the opportunity to state any conflicts of interest, that would impact their impartiality in the assessment.

No actual, potential or perceived conflicts of interest were identified by any of the evaluation panel members.

The evaluation panel members each assessed the proposals from the tenderers independently of each other, and later convened on the 9 November 2023 to conduct a moderation session to review any anomalies in the independent evaluations and arrive at a consensus recommendation.

Due to anomalies identified between evaluation criteria listed in the RFT, evaluation matrix and recommendation report, a second session with the evaluation team (with moderator present) was held 23 November 2023. The panel members, as suggested by CEO, conducted a consolidated



consensus score to each nominated criteria to remove averages and the possibility of the scores being skewed.

The evaluation and the tender process was moderated by Council's Deputy CEO.

The evaluation score is presented in a separate confidential report:

The recommended tenderer's price for Package 4 is \$676,803.48 (excl GST) against the approved upper grant limit under this package of \$1,790,695. The approved upper grant limit is inclusive of project management costs and any contingencies.

#### **Recommendation: Package 4**

The evaluation panel have conducted a thorough review of the responses provided and therefore recommends that Council:

Award the Tender T09-23-24 to RECivil for the value of **\$676,803.48 excl. GST.**

#### **Funding gap**

There is no funding gap in any of the three tenders (packages). The surplus funds would be utilised for project management, contingencies.

Any unused approved upper limit funds would not be claimed against the grant fund allowable limits.

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

These works would assist Council in creating safe, friendly and accessible communities.

#### **Issues and Implications**

##### **Policy**

Council has complied with its Tender Policy

##### **Financial**

There is no funding gap of financial implications on the Council. Council officers would need to work with the consultant and TfNSW staff to ensure cashflow is maintained. Monthly claims are therefore being submitted to TfNSW.

##### **Legal / Statutory**

Council has complied with its obligations under the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and the NSW Local Government Tendering Guidelines.

##### **Community Engagement / Communication**

Council officers with assistance of the Consultant (Shepherd Services) have created a Management Dashboard which shows status of approved works.

The same is recommended to be put on Council's website for wider community awareness towards status of flood affected works.



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

The works will be done by external contractors and project managed by the appointed Consultant (Shepherd Services).

Council’s Director Infrastructure would manage these works as Council’s appointed Superintendent, with the help of the consultant.

**Risks**

The following risks have been assessed as per the Council’s [Risk Management Framework](#):

1. Financial

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

Council’s upper limit approved works under flood works are well above the recommended tender prices.

2. Reputation (positive)

|            | Consequence |             |        |           |           |
|------------|-------------|-------------|--------|-----------|-----------|
| Likelihood | 1           | 2           | 3      | 4         | 5         |
| A          | Medium      | <b>High</b> | 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      |

Council would award the three packages within the approved upper limit. The timeline to get these works done is before Jun’25. Council officers with the help of the consultant and the recommended contractors are expecting the works to be complete by Jun’24.

**Options**

1. Reject all the tenders.
2. Award the three packages as recommended.



## Conclusions

It is recommended that Council award:

- **Package 2** T07-23-24 to Olex Civil Construction for the value of \$445,721.34 excl. GST
  - **Package 3** T08-23-24 to Lawrence Brothers Quarries for the value of \$ 472,254.93 excl. GST
  - **Package 4** T09-23-24 to RECivil for the value of \$ 676,803.48 excl. GST
-



## 8.7 Finley Hospital Redevelopment

|                             |   |
|-----------------------------|---|
| <b>Author:</b>              | <b>Chief Executive Officer, Karina Ewer</b>   |
| <b>Strategic Outcome:</b>   | 4. Diverse and resilient business   |
| <b>Strategic Objective:</b> | 4.1. Strengthen and diversify the local economy and invest in local job creation and innovation   |
| <b>Delivery Program:</b>    | 4.1.1. Partner with government and industry to promote strategic investment in the development of economic assets and infrastructure needed to create jobs  |
| <b>Council's Role:</b>      | <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 |
| <b>Appendices:</b>          | <ol style="list-style-type: none"><li>1. Finley-Service-Plan-Version-1-0-draft-28062022-FINAL.pdf (under separate cover)</li><li>2. 04-10-22-Finley-CSP-Update.pdf</li></ol>  |

### Recommendation

That Council receive and note this report.

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### Report

This report is to present the Council with the most current information available regards the Finley Hospital Redevelopment. The information provided will assist Council in preparing for the presentation from the NSW Infrastructure Team.

Attached is the Draft Finley Health Service Plan (Appendix 1) which was provided to us and the community for comment prior to its adoption.

Appendix 2 is the press release stating the Draft Finley Health Service Plan was endorsed by the MLHD Executive and Board in October 2022. It should be noted that the finalised Plan cannot be found on MLHD's website, nor amongst the information provided to us post this date.

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## MURRUMBIDGEE LOCAL HEALTH DISTRICT Media Release



4 October 2022

### COMMUNITY THANKED FOR CONTRIBUTING TO FINLEY CLINICAL SERVICE PLAN

Murrumbidgee Local Health District thanks stakeholders and the community for providing input into the Clinical Services Plan for Finley Health Service.

Jill Ludford, Murrumbidgee Local Health District Chief Executive thanked all stakeholders including consumers, community representatives, staff and health organisations who gave their time to contribute their thoughts to the plan.

“Thank you to everyone who provided input. There were 65 surveys received, and almost 100 people participated in face-to-face, virtual and phone meetings. On top of that, 22 people also provided feedback about the draft Plan which was on public exhibition for one-month,” Ms Ludford said

“We value the feedback from every sector of the community. This thorough consultation process ensures a robust plan for future Murrumbidgee Local Health District services in Finley.”

The Clinical Service Plan has now been endorsed by the MLHD Executive and Board. It will soon be publicly available on the Murrumbidgee Local Health District website.

The Clinical Service Plan will be used to inform planning for the NSW Government’s \$25 million investment in the Finley Hospital redevelopment, which will enhance the current health facility and ensure health care services are carefully planned to meet the health needs of the community into the future.

Murrumbidgee Local Health District will continue to work closely with Health Infrastructure, staff and the community as planning for the redevelopment progresses.

Information about the Finley Redevelopment, including Frequently Asked Questions is available here: <https://www.mlhd.health.nsw.gov.au/about-us/our-building-projects/finley-hospital-redevelopment>

**ENDS**

### MURRUMBIDGEE LOCAL HEALTH DISTRICT

Tel. 02 5943 2009 Mob. 0412 324 122 Email. [MLHD-News@health.nsw.gov.au](mailto:MLHD-News@health.nsw.gov.au)



@MurrumbidgeeLHD



/MurrumbidgeeLHD



@Murrumbidgee\_LHD



/MLHD



/MurrumbidgeeLHD



– 24 hour health advice and information you can count on 1800 022 222.





## 8.8 Finance - Accounts (Late Covering Report)

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Finance Manager, Genevieve Taylor</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             |

Report not available at time of publishing the agenda as end-of-month financial processing was only possible on Friday, 1 December 2023.

The intention is to have this report ready for the meeting.

## 8.10 Council Action List 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:    | 2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032   |
| 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:          | <ol style="list-style-type: none"><li>1. Outstanding Council Actions as of 01.12.2023 (under separate cover)</li><li>2. Completed Council Actions from 15.11.2023 - 30.11.2023 (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 01.12.2023
- Completed Council Actions from 15.11.2023 – 30.11.2023



## 8.11 Riverina Murray Housing Report

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Chief Executive Officer, Karina Ewer</b>  |
| <b>Strategic Outcome:</b>   | 1. Sustainable natural and built landscapes  |
| <b>Strategic Objective:</b> | 1.1. Support sustainable use of our natural resources and built landscapes   |
| <b>Delivery Program:</b>    | 1.1.1. Coordinate strategic land-use planning  |
| <b>Council's Role:</b>      | <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)<br><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 |
| <b>Appendices:</b>          | 1. Riverina Murray Housing Report - Council initiatives (November 2023 FINAL).pdf (under separate cover)   |

### Recommendation

That Council receive and note this report.

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### Report

This report is to present the Council with the Riverina Murray Housing Report.

The report was commissioned by the Department of Regional New South Wales, Riverina Murray office as a direct result of the Riverina Murray Regional Leadership Executive. The report was intended to capture some of the innovative work Councils in the region are doing to address housing challenges.

The case studies are not meant to be definitive, nor a full list of all activities being undertaken by Councils. The aim was more to pull together examples of innovative thinking and share them. They may provide us ideas as we work towards a housing strategy of some form.

Staff do caution the tiny house matter included in this report. The issue is many tiny houses do not comply with building regulations (fire safety, structural building requirements etc). They cannot be registered as vehicles (despite there being wheels under them) and therefore cannot be treated as caravans. IF a tiny house meets the definition of a dwelling (as per the LEP) then it may be a second dwelling on a property and will require Development Approval. IF they are treated as caravans, then Council does not have a Local Order in relation to enforcing the numbers of caravans on a property at any one time, nor how long they can stay. The issue is complex and requires great consideration if Council wish to consider this type of development and how we might go about it.

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## 8.12 Roads and Funding Report

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | Chief Executive Officer, Karina Ewer   |
| <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>          | Nil  |

### Recommendation

That Council receive and note this report.

### Report

Council requested as much of an update as I could with regards to what roads would be funded under the various programs to ensure we meet obligations such as own source funding for the Roads to Recovery Program, noting we were at risk of not meeting those obligations.

This has not been easy to pull together and I thank Darron Freund for essentially taking over the project and getting it to a place we can manage for the rest of the financial year at minimum.

Note, the report does not include roads subject to flood recovery works. These roads will be dealt with separately and the works undertaken by contractors as they are extra to what we can manage. Any major projects below that our Overseers and Managers do not believe we can fit in with our normal schedules will also be attended to by contractors.

**Note: R2R – Roads to Recovery, RLRRP – Regional and Local Roads Repair Program**

### Construction – 23-24

| Funded Under | Road Name            | Date     | Plant       | Payroll     | Creditors | Total       | Estimate  |
|--------------|----------------------|----------|-------------|-------------|-----------|-------------|-----------|
| R2R          | MR 226               |          |             |             |           |             | \$800,000 |
| R2R          | Barnes Rd            |          |             |             |           |             | \$494,000 |
| R2R          | Tuppall Rd Shoulders | 28/08/23 | \$2,516.58  | \$1,603.86  |           | \$4,120.44  |           |
|              |                      | 11/09/23 | \$18,767.96 | \$18,181.30 |           | \$36,949.26 |           |
|              |                      | 25/09/23 | \$6,749.07  | \$5,642.28  |           | \$12,391.35 |           |



| Funded Under | Road Name   | Date     | Plant    | Payroll  | Creditors   | Total       | Estimate           |
|--------------|-------------|----------|----------|----------|-------------|-------------|--------------------|
|              |             | 13/10/23 |          |          | \$37,149.90 | \$37,149.90 |                    |
|              |             | 9/10/23  | \$902.39 | \$657.64 |             | \$1,560.03  |                    |
|              |             | 30/09/23 |          |          | \$3,806.32  | \$3,806.32  |                    |
|              |             |          |          |          |             | \$95,977.30 |                    |
|              | Maxwells Rd |          |          |          |             |             | \$250,000          |
|              | Melrose Rd  |          |          |          |             |             | \$417,000          |
|              |             |          |          |          |             |             | <b>\$1,961,000</b> |

There are resheets that are included to a total of \$78,000 against R2R funding as well but for the purposes of this report I have included only construction.

### Construction – 24-25

| Funded under | Road Name               | Works Completed | Estimate              |
|--------------|-------------------------|-----------------|-----------------------|
| R2R          | Bushfield Rd 00-2957    |                 | \$900,000.00          |
| R2R          | Woolshed Rd 4956 -7365  |                 | \$750,000.00          |
|              |                         | <b>Total</b>    | <b>\$1,650,000.00</b> |
| RLRRP        | Murray St, Finley       |                 | \$1,500,000.00        |
| RLRRP        | Denison St, Finley      |                 | \$500,000.00          |
|              |                         | <b>Total</b>    | <b>\$2,000,000.00</b> |
|              | Rural Resheets          |                 | \$500,000.00          |
|              | Reseals - Rural & Urban |                 | \$669,750.80          |

### Construction – 25-26

| Funded Under | Road Name                | Works Completed | Estimate              |
|--------------|--------------------------|-----------------|-----------------------|
| R2R          | Chinamans Rd 00 - 4000   |                 | \$1,200,000.00        |
| R2R          | The Rocks Rd 2000 - 3000 |                 | \$300,000.00          |
| R2R          | Tuppall Rd 2852 - 3852   |                 | \$300,000.00          |
|              |                          | <b>Total</b>    | <b>\$1,800,000.00</b> |
| RLRRP        | Ngawe Rd, Barooga        |                 | \$1,500,000.00        |
| RLRRP        | Rural Resheets           |                 | \$500,000.00          |
| RLRRP        | Reseals - Rural & Urban  |                 | \$881,556.01          |
|              |                          | <b>Total</b>    | <b>\$2,881,556.01</b> |



### Construction – 26-27

| Funded Under | Road Name                   | Works Completed | Estimate              |
|--------------|-----------------------------|-----------------|-----------------------|
| R2R          | Golf Course Rd 800 - 2000   |                 | \$350,000.00          |
| R2R          | Peppertree Rd 7200 - 8358   |                 | \$400,000.00          |
| R2R          | Yarrowonga Rd 00 - 1250     |                 | \$400,000.00          |
| R2R          | South Coree Rd 1100 - 12132 |                 | \$450,000.00          |
|              |                             | <b>Total</b>    | <b>\$1,600,000.00</b> |
|              |                             |                 |                       |
| RLRRP        | Rural Resheets              |                 | \$500,000.00          |
| RLRRP        | Reseals - Rural & Urban     |                 | \$896,909.51          |
|              |                             | <b>Total</b>    | <b>\$1,396,909.51</b> |

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## 8.13 Bullying and Harassment Cultural Audit

|                             |  |
|-----------------------------|--|
| <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. Bullying and Harassment Cultural Assessment - FINALISED.pdf (under separate cover)  |

### Recommendation

That Council receive and note this report.

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### Report

Council commissioned a Cultural Audit in early 2023 with the Cultural Review and Compliance Audit provided to Council at the September Ordinary Council meeting.

Council then asked for an assessment of bullying and harassment at Council as there were some respondents who noted concerns about the potential of such behaviours. Council asked for the assessment noting they wanted to be sure all areas were thoroughly investigated.

The results of the Bullying and Harassment Cultural Audit are provided at Appendix 1.

This report has been shared with all staff for their information.

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## 8.14 Local Government NSW Annual Conference 2023

|                      |  |
|----------------------|--|
| 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:    | 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance                         |
| 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  |

*This report is for information only.*

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### Report

This report will provide Council with a dot point outline of presentations and discussions held at the LGNSW Annual Conference.

### Day 1

#### Housing Crisis

##### *Panel Members:*

- *Rose Jackson MLC, Minister for Homelessness and Housing, Minister for Water, Minister for Mental Health, Minister for Youth and Minister for the North Coast*
- *Scott Farlow MLC, Shadow Minister for Planning and Public Spaces, Shadow Minister for Housing, Shadow Minister for Cities*
- *Emeritus Prof Peter Phibbs, Henry Halloran Research Trust, University of Sydney (presentation)*
- *David Reynolds, Chief Executive LGNSW, MC and Facilitator*

Our flight was at 1.30pm instead of the originally planned 10.00am so we missed much of this presentation. The questions were good from the audience and the responses informative. There was not much though that we had not heard or read previously.

### Day 2

#### Minister Hoenig

- Local Government is the vital tier of government





- Mr Hoenig stated he was “Inspired by the innovation of rural councils” – he has recently been working with rural and remote councils and realised his perspective had been limited to the experience of city councils
- Local government has been “hamstrung and handcuffed” by consistent statutory regime that does not allow us to perform the tasks communities want us to do
- Place shapers - rural councils more involved in community than others
- Increasingly seen and described as a Board of Directors (should not be) - should be body politic as per the legislation – elected and the State should not be able to remove.
- Not removing rate pegging at this time due to the cost of living crisis – IPART review will provide a fairer determination and he did commit to adopting those recommendations, most importantly the ESL will be separated from the equation
- ESL – local government have been paying to since 1800s – included in IPART considerations – major increases should not occur again (being reviewed)
- Council financial sustainability – revenue and expenditure are to be reviewed – he is interested in knowing / understanding why so many are having issues with financial sustainability.
- Code of Conduct – Mr Hoenig described as a “shambles of a mechanism” with huge costs to Councils. He said he wanted to ensure that it cannot be weaponised in the future as it is being used as a system when you don't like the views of others. Said those councils who were partaking in those kinds of actions where not acting responsibility to manage councillor interpersonal issues.
- Stated firmly he will not accept the Kellar Report (<https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/review-of-councillor-misconduct-framework/>)
- A Strategic Policy Unit in OLG is being set up. OLG has not traditionally been funded well.
- Need to work together to repair the reputation of local government.
- Georges River and Hills reports have tarnished that reputation.
- Red Fleet – Mr Hoenig wants to ensure councils comply with Australian Accounting Standards (have them on books) – he has therefore referred the matter to the Public Accounts Committee who will conduct a review of Accounting Standards as they apply to Red Fleet – he felt this was the best way to make sure the matter could be completely reviewed and judged independently.
- One theme where problems through local government is when you disempower Mayors and Councillors then take away their ability to make decisions – Mr Hoenig wants to ensure mayors and councillors decision making powers are restored so they can solve problems locally.

#### **Cr Linda Scott, President, Australian Local Government Association (ALGA)**

- ALGA is a signatory to Federal Housing Accord so local government has seat at table.



- Local government can apply for local community infrastructure to build communities (\$500m) – parks, gardens, public spaces.
- Invite Federal MPs to see what are spending FAGs on - including staff employed through.
- \$3.1B in FAGs this year (0.5% of commonwealth tax revenue). ALGA will continue to advocate for 1% of tax revenue, which is \$6B so there is a long way to go.
- LRCI is not continuing.
- Several new grant programs out however
- Grattan Report – “Potholes and Pitfalls” – strongly advise councils to move motions to support recommendations of report.
- Natural Disasters and Resilience – 46 declared disasters last year alone in 300 local government areas (537 LGs – 56%) – \$200m Disaster Ready Fund to build infrastructure that mitigates disaster impacts.
- Disaster impacted councils- \$200m extra in preparation for this year - build back better - need State gets to agree.
- Research about State of our Assets Report – must be back by end of month.
- Emissions Reductions Fund - \$100M community energy upgrades Fund - guideline open in Dec and closes in March 2024

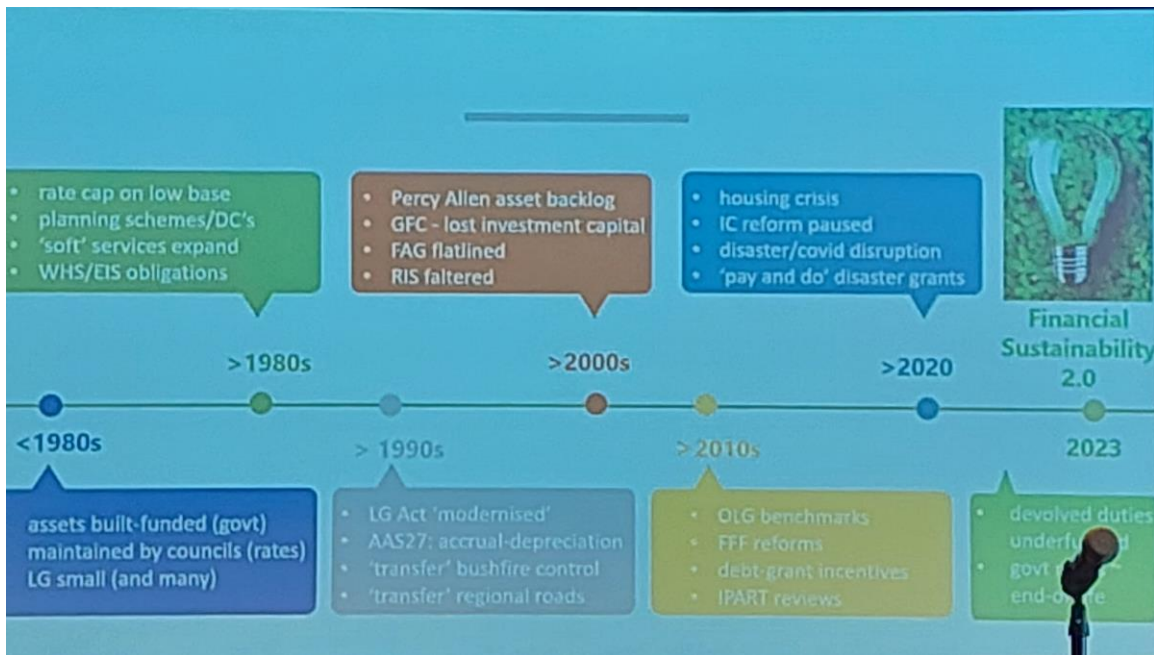
## Day 3

### Financial Sustainability for Councils – Plenary Session

- ***Carmel Donnelly PSM: Chair IPART***
- ***Dr Amanda Cohn MLC: Greens spokesperson for Local Government***
- ***David Mehan MP: Parliamentary Secretary to the Treasurer***
- ***Peter Tegart: Always-Thinking Advisory and Facilitator***

Peter Tegart presentation:

Regular reports have found the governance and funding of councils is poor.



- Need to think differently and not focus only on FAGs and the rate peg as issues for financial sustainability.
- Councils can't be everything to everyone. Councils often choose to do other things that are not within their remit.
- Councils forced to manage Crown lands and it is those lands that are the subject of the ESL.
- Transport infrastructure has suffered most from lack of sustainability.
- Successive reports and their recommendations have been ignored.
- IPART Review – states clearly that most Councils having issues with financial sustainability. Appendix looks at increasing deficit budgets and infrastructure backlogs across the industry. IPART has called for a full review of the financial position of local government.

**David** – State government is again reviewing local government financial sustainability. The ESL will be considered separately to the rate peg. The State government supports the IPART Review and will undertake the review as recommended.

**Amanda** – Asset funding is only ever for new capital project. That funding does not consider the maintenance nor staffing cost required over the life of the asset. The ESL impacts residents who pay through rates and then pay through insurance and in rural and remote areas they are also the first responders. Emergency Services should be funded by the State government.

### *Population Growth*

Stimulation grant funding has meant new shiny assets were encouraged by this has increased assets local government are required to fund.



**David** – local government tends to provide services communities need including things like the Rural Fire Service. Public Accounts Committee for analysis of the Australian Accounting Standards and how red fleet is or isn't affecting the financial sustainability of Councils is important. Realise funding new assets puts burden on councils into the future. Renewal grants should be offered more regularly.

**Carmel** – Financial health of local government is complex. Diversity of councils is makes it difficult to assess. Review will look at current situation and make recommendations for future. What is financial sustainability? Is there reliable revenue to meet the agreed needs of the community? Realise that is different for each council. Rural areas often must step in as provider of last resort in communities that can't afford to pay more. It is not all about rates. Are there other income sources that can be made more reliable?

What recommendations are in the Terms of Reference (ToR) for a new financial model? IPART willing to review and work on. Will have formal input in ToR.

IPART Report - rates - concerns about fairness - community not understanding how the rate peg is set - not everything can be addressed through the rate peg. Services of local government now has to do without funding - including market failure (i.e., banking and health)

**Amanda** - extraordinary work in the gaps left by other levels of government. If local government don't do it, who will? If State wants to stop local government delivering services not in their remit, then how will they (State Government) fund it?

#### *Resource OLG*

**David** – \$4.5M to set up Strategic Policy Unit. State government wants an OLG that assists local government to do their job. New Minister is experienced in local government. Financial sustainability review is a big piece of work. The review will need to define who is paying for what. The Code of Conduct will also be reviewed. New government means a new opportunity to be heard.

#### *Regulatory Impact Statements*

Should there be consideration of what the impact of regulation various pieces of legislation has on local government

ESL – will be calculated as true increase in costs each year (retrospective by one year). The LG Act still says the ESL needs to come from the general income of Councils. It may be possible to uncouple that nexus in the next phase of reviews.



### Mark Speakman MP – Leader of the Opposition

- Housing affordability - in Aust major cities houses are 8 time the median wage - in Sydney it is 13 times (world is 5 times)
- Availability and price of rents are a function of supply and demand. No solutions being offered deal with the now.
- Need infrastructure to support supply.
- Betterment is most important function of disaster funding and essential to resilience.

### Sourcing our Future Workforce from Under-employed Markets – Panel Session

- **Tig Armstrong:** Project Manager “Work and Stay”
- **Helen McCabe:** Managing Director Future Women Jobs Academy
- **Jane Spring AM:** Chair Disability Council NSW
- **Mark McCrindle:** Facilitator

### Mark McCrindle Presentation

- **Population** - census data helps to plan - significant growth across state and nation - natural growth does not change much but immigration is volatile - pandemic adversely affected (equivalent only to World Wars).
- Not only is immigration back but it is enormous 450,00K this year estimated to be 500K - demanding housing etc.
- **Cultural Diversity** - those born overseas are growing part of population - now 30% - second generation is 50.3%. NSW is migrant majority state.
- Linguistically diverse as well - 30% in NSW speak language other than English at home
- Defines our nation and state.
- Source countries have changed - India now the largest source country - Nepal, Philippines round out top three.
- Generational language also has an impact.
- Gender gaps and gender diversity has impact.
- **Migration** - NSW is not really getting migration from other states (in negative)
- Sydney losing significant numbers to the rest of Australia.
- Two thirds of population live in capital cities - starting to leave cities to regions.
- Growth in regional areas is unprecedented.
- Expect trend to continue as decoupling of place-based work continues.
- Seeing increase in multi-generational houses - kids staying home due to cost-of-living pressures
- Health and ageing - life expectancy increasing - increasing quality of life as well - active later - need to consider older people in the workplace as people can work longer - networks and knowledge valuable.
- 1 in 3 living with long term health conditions (63% 65 plus - 22% 34 and below)
- Mental health conditions increasing
- Lowest birth rates ever recorded - fertility rate also dropping.
- **Intergenerational Report 2023**



- Median age in regional NSW higher than in cities
- Less people paying tax - going from 1:7 to 1:2.5 in next 4 decades.
- Workforce age therefore must expand.
- **Generations** - Builders - Boomers - Gen X - Gen Y - Gen Z and Gen Alpha
- Gen Alpha is the largest generation ever - most connected generation - not formally educated - most materially endowed - most technologically supplied - longest life expectancy.
- “The great screenage” - would rather interact with a chat bot than wait for a human in a call centre.
- Transitions are taking place to new generations - their learning pathways are not linear like ours were - Gen Z will have 18 jobs and 6 careers in their life.
- 65% of kids entering school today will be working in jobs that currently don't exist.
- 62% of Australians want the opportunity to have hybrid working models - work can be a social interaction lifeline for people so still has important place.
- Leadership needs to be collaborative into the future.

#### **PANEL SESSION**

HELEN

- Women tended to be the first sacked (in pandemic).
- Waste of resources if we are not using women (10% less engaged in work than men)
- Incredibly qualified - opportunities are limited when come back to workforce after children.

JANE

- Disability Inclusion Access Plan (DIAP) - LG mostly works in built environment.
- Achievements in employment have been limited - mostly in apprenticeships rather than in leadership etc.
- Diversity will make the services LG provide more suitable for entire community.
- RETIREMENT AGE - women tend to retire earlier but live longer - not much research around this for women but women over forty tend to be invisible - digital skills etc can limit - over 60 is even more difficult.

#### **Marion Terrill - Transport and Cities Program Director - Grattan Institute**

- Grattan Institute are a public policy think tank - independent.
- Not enough funding in the system
- Problems with the way grant funding operates.
- Need for support to manage roads better (data etc)
- Report has made many recommendations.
- Made recommendations that were cost neutral - apparent there is not enough money in the system.
- Demand for roads have increased, including trucks, but funding for roads has stalled.

Delayed maintenance leads to increasingly poor-quality roads and impacts on communities

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## 8.15 Correspondence Incoming and Outgoing November - December 2023

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | Chief Executive Officer, Karina Ewer   |
| <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>          | <ol style="list-style-type: none"> <li>Incoming All Correspondence (under separate cover)</li> <li>Outgoing All Correspondence (under separate cover)</li> </ol> |

*This report is for information only.*

### Report

The report is intended to ensure our work, such as advocacy, of the Mayor and CEO is more transparent to the Council and the community.

All correspondence is grouped into on attachment (incoming and outgoing) to ensure appendices are manageable.

### Incoming

| DATE             | FROM  | TO          | TYPE   | RESPONDED DATE |
|------------------|---|-------------|--|----------------|
| 13 November 2023 | The Hon Rose Jackson MLC                                | Mayor Julia | Letter – Housing Crisis Response   | N/A            |
| 13 November 2023 | Rajan Marin, Assit Sec Access and Equity, Dep Education | Mayor Julia | Letter – CUC Response to letters to The Hon Anthony Chisolm and The Hon Brendan O'Connor | N/A            |
| 14 November 2023 | Gail Horan  | Mayor Julia | Thank you – Toc Town Hall Meeting  | N/A            |
| 14 November 2023 | Gail Horan  | Karina Ewer | Thank you – Toc Town Hall Meeting  | N/A            |



|                  |                          |                     |   |  |
|------------------|--------------------------|---------------------|---|--|
| 14 November 2023 | The Hon Fiona Nash       | Mayor Julia         | Letter – Support CUC  | Forwarded to CUC Steering Committee            |
| 18 November 2023 | The Hon Paul Scully      | Mayor Julia         | Letter – Response to meeting follow up (Planning Portal and Population Calculation) | N/A  |
| 20 November 2023 | Tocumwal Public School   | Karina Ewer         | Award Presentation Night  | Cr XX to attend                                |
| 21 November 2023 | MLHD                     | Karina Ewer         | Summer Preparedness   | Requested Masks – will do some media           |
| 23 November 2023 | The Hon Penny Sharpe MLC | Helen Dalton MP     | Corella Management  | Included in discussions with Helen 27 Nov 2023 |
| 29 November 2023 | The Hon Ryan Park        | Minister for Health | Tocumwal Ambulance  | Forwarded to Helen Dalton MP                   |

## OUTGOING

| DATE             | FROM         | TO           | REGARDS   | TYPE   |
|------------------|--------------|--------------|---|--------|
| 20 November 2023 | Giles Butler | Karina Ewer  | Letter sent by Minister Scully regards Housing Crisis                   | Email  |
| 21 November 2023 | Karina Ewer  | Helen Dalton | Confirming have not had response from Minister Park                     | Email  |
| 22 November 2023 | Karina Ewer  | Peter Bisset | Amalgamation of titles to complete Tocumwal Foreshore Crown Land Parcel | Letter |





|                     |             |                           |                                  |        |
|---------------------|-------------|---------------------------|----------------------------------|--------|
| 27 November<br>2023 | Mayor Julia | Premier Chris<br>Minns MP | Tocumwal<br>Ambulance<br>Station | Letter |
|---------------------|-------------|---------------------------|----------------------------------|--------|

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## 8.16 The Grattan Report - Potholes and Pitfalls

|                             |   |
|-----------------------------|---|
| <b>Author:</b>              | <b>Chief Executive Officer, Karina Ewer</b>   |
| <b>Strategic Outcome:</b>   | 4. Diverse and resilient business   |
| <b>Strategic Objective:</b> | 4.3. Connect local, regional and national road and rail infrastructure and networks   |
| <b>Delivery Program:</b>    | 4.3.1. Develop and promote Berrigan Shire regional transport and freight infrastructure   |
| <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<br><br><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<br><br><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 |
| <b>Appendices:</b>          | 1. Potholes and Pitfalls: How to fix local roads - Grattan-Report (under separate cover)  |

*This report is for information only.*

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### Report

The purpose of this report is to alert Council to a report entitled "Potholes and Pitfalls: How to fix local roads", known as the Grattan Report.

The report is from the Grattan Institute who are an independent body. It was presented at the LGNSW Conference. Since the release of this report, the federal government have agreed to increase Roads to Recovery Funding from the current \$500M to \$1B over the next four years. This is a non-competitive, non-tied grant and therefore allow Council to choose which roads and relevant infrastructure will be included in this funding. I expect to hear more about the R2R increases shortly.

Similarly, the Black Spot funding will increase from its current annual commitment of \$110M to \$150M. Black Spot funding is competitive in that data is required to demonstrate the need for funding in particular areas and support from Transport for NSW. This funding does not usually require Council co-contribution.

Also, the Heavy Vehicle Safety and Productivity Program and the Bridges Renewal Program will be merged into a new fund called Safer Local Roads and Infrastructure and be increased. The quantum means this amount will increase over the same four-year period from \$150M to \$200M. Again, it is expected this will be competitive rounds of funding which will require Council co-contribution.

Attached to this report is Grattan Report, at Appendix 1.

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## 8.17 LGNSW Cost Shifting Report

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | Chief Executive Officer, Karina Ewer   |
| <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. ML_Report-LGNSW-Annual_Cost_Shifting.pdf (under separate cover)<br>2. 2023_Cost_shifting_survey Berrigan Shire Council.pdf                |

### Recommendation

That Council receive and note this report.

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### Report

This report (included at Appendix 1) is provided for Council to consider the actual cost to Council of State and Federal government cost shifting. The report, provided by Morrison Low and commissioned by Local Government NSW, highlights over all how much cost shifting is affecting Councils and therefore, our communities.

This reports estimates that the quantum of cost shifting is costing each and every rate payer in NSW an average of \$460.67 from their rates. For Rural Councils like ours however, that amount rises to \$590.80 per rateable property. Worked out on averages, the cost for Berrigan Shire rate payers is \$3,065,070.40.

Council participated in the survey and found that in fact, of our \$45M budget, approximately \$5.9M is due directly to cost shifting (\$1,137.24 per rate payer) or 65% of Council's rate revenue. This is an estimate and we intend in future to keep a closer eye on how much this is as I think it forms an important part of Council's budget management and advocacy platforms. Our submission in included at Appendix 2. As you will see there are a number of areas for which I did not have sufficient data to provide any reliable information.

It should be noted this report only considers the costs to Councils as a result of State and Federal policy settings. It does not consider where Councils, particularly in rural and remote areas, are forced to step in as provider of last resort to provide for private market failures, such as housing, health, digital connectivity, banking etc. I intend to make some attempt in future years to keep a track of these costs to Council for the Bendigo Bank and as any other matters emerge.





SURVEY QUESTIONS

**LGNSW COST SHIFTING SURVEY FOR THE FINANCIAL YEAR 2021/22**

**FDR data inclusion when submitting the survey**

Please provide the FDR together with this survey when you submit the survey.

| Included (Yes/No)<br>(Please select) | Reason for not providing FDR |
|--------------------------------------|------------------------------|
|                                      |                              |

**Cost Shifting Examples**

**Emergency Services Levy: Fire & Rescue NSW, Rural Fire Service NSW and State Emergency Service**

In this section, it is expected to include the amount of the emergency services levy as invoiced from Revenue NSW.

**Emergency services levy:** as invoiced from Revenue NSW.

| Question number | Estimate of Annual Net Ongoing Operational Cost (\$) | Select a reason when an estimate is not provided (Please select) | Comments (A comment is required when an estimate is not provided)   |
|-----------------|--|--|---|
| Q1              | \$221,554  |  | This is the assessment notice amount without the rebate applied for the 2021/22 financial year. Council was provided a \$7,409 rebate at that time. I have responded with the current costs as being significantly higher for the 2023/24 financial year. |

**Pensioner Rebates**

This section captures the costs to councils of the pensioner concession rebates, both through the net cost to council of the mandatory pensioner rate rebate and the other voluntary pensioner rate rebates that Council have voluntarily implemented.

**Mandatory pensioner rate rebate:** Net cost incurred by Council due to the mandatory pensioner rebates for rates and charges. That is the total amount of the mandatory concession minus the State reimbursement. Do not include any additional rebate that Council has resolved to apply to rates in addition to the mandatory amount.

|    |           |  |  |
|----|-----------|--|--|
| Q2 | \$182,000 |  |  |
|----|-----------|--|--|

**Voluntary pensioner rate rebate:** Net cost incurred by Council for voluntarily increasing the pensioner rate rebate above the mandatory amount.

Council's Financial Data Return (FDR) provides the total amount of the total cost of the pension rate rebate to Council and the amount of the subsidy received. Please provide only the amount of the rebate for pensioners on rate only that Council has determined to provide to pensioners in excess of the mandatory amount.

|    |  |                |  |
|----|--|----------------|--|
| Q3 |  | Not applicable | Council does not offer rebate above what is required |
|----|--|----------------|--|

**Funding Programs**

This section captures the net additional cost to councils of programs that commenced with partial or full funding from State or Federal Government. Over time these funding commitment have reduced or ceased, but the expectation for councils to continue to deliver the associated service have remained.

**Public library operations:**

Total operational expenditure for libraries (include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure).

|    |           |  |  |
|----|-----------|--|--|
| Q4 | \$700,000 |  |  |
|----|-----------|--|--|

State Government subsidy received for library services.

|    |          |  |  |
|----|----------|--|--|
| Q5 | \$85,000 |  |  |
|----|----------|--|--|

**Flood mitigation program:** Cost representing the proportion of expenditure that was not funded by other levels of government but would have been funded had the original funding arrangement been applied (originally the Australian Government and State Government provided 80% of the required funds; whereas now the Australian Government provides one third and the State Government is required to provide another one third, and the rest has to be made up by council). Please estimate shortfall in actual funding from other levels of government in comparison with what council would have obtained under the original funding arrangement.

Please only include activities that are eligible for or receive funding from other levels of government under the flood mitigation program. Please include in your calculation funding for infrastructure projects. Do not include the costs and funding associated with any flood recovery programs.

|    |             |  |   |
|----|-------------|--|---|
| Q6 | \$3,000,000 |  | The assets damaged were meeting the levels of Service Council has with community. The damaged assets were inspected by external experts to assess their condition and a claim is under preparation as per Natural Disaster Rural Assistance Program. The issue for us will be, the funding will not be towards 100% of the renewed assets but will be only for about 65-70%. The gap in funding is expected to be borne by the Council. |
|----|-------------|--|---|

**Road safety:** Net cost of road safety officer/road safety program incurred due to the NSW Government's (TfNSW) withdrawal of funding or cost of net contribution to other authorities that provide such officer/program.

|    |          |  |  |
|----|----------|--|--|
| Q7 | \$75,000 |  | The cost to engage external consultant to assess road safety and prepare a report for about 15 sites across the Shire. |
|----|----------|--|--|

**Regulatory Functions**

This section captures the costs to councils of being restricted in seeking full cost recovery on regulatory functions imposed by State legislation, either through the absence of a fee, inability to increase ordinary rates (except through a Special Rate Variation

**Rural fire service obligations:** Operating cost of services/functions under the Rural Fires Act (NSW) 1997 less any revenue related to them (fees, state government payments/subsidies). Only includes necessary costs that cannot be recovered as a result of regulatory constraints.

Includes net cost of assistance provided to the Rural Fire Service to fight bushfires declared under s44 of the Rural Fires Act (NSW) 1997 on any land within the council area.

Do not include Emergency Services Levy (already covered in question above). Do not include depreciation expense on red fleet assets (the question will be covered below).

Note: Councils are required to administer and remedy complaints about fire hazards on council property, and to map and administer bushfire prone land (e.g. asset protection work, fire trails).

|    |  |                |   |
|----|--|----------------|---|
| Q8 |  | Not applicable | None for the year in question, though this is not true for all years. |
|----|--|----------------|---|

**Rural fire service depreciation:** Please include depreciation expenses on red fleet assets.

|    |  |                |  |
|----|--|----------------|--|
| Q9 |  | Not applicable | Berrigan Shire Council has continued to refuse to account for Red Fleet assets. Despite this we did not receive a qualified audit finding. |
|----|--|----------------|--|

**Onsite sewer facilities:** Operating cost of services/functions less any revenue related to them (fees, state government payments/subsidies). Only includes necessary costs that cannot be recovered as a result of regulatory constraints.

Note: Councils are required to regulate the installation, approve and monitor the operation and keep a register of all on-site sewage management systems (section 68 of the Local Government Act (NSW) 1993).

|     |  |                |   |
|-----|--|----------------|---|
| Q10 |  | Not applicable | Not resourced to adequately provide an estimate |
|-----|--|----------------|---|

**Companion animals:** Operating cost of services/functions under the Companion Animals Act (NSW) 1998 less any revenue related to them (fees, state government payments/subsidies). Only includes necessary costs that cannot be recovered as a result of regulatory constraints.

Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure.

Note: Councils' role was expanded from a pure enforcement role to a regulatory body with functions including preparation of companion animal management plan, operation of lifetime registration system, separation of cats and dogs, maintaining facilities, enforcement, and the collection of fees for the Office of Local Government which returns only a small proportion of those fees to Local Government.

|     |           |  |   |
|-----|-----------|--|---|
| Q11 | \$172,390 |  | Does not include depreciation of the facility |
|-----|-----------|--|---|

**Contaminated land management:** Operating cost of services/functions under the Contaminated Land Management Act (NSW) 1997 less any revenue related to them (fees, state government payments/subsidies). Only includes necessary costs that cannot be recovered as a result of regulatory constraints.

Note: Councils are required to respond to contaminated land issues, undertake the administration, registration and mapping of contaminated sites not regulated by the NSW Environment Protection Authority, develop policies, and consider contamination in land-use planning processes.

|     |  |                             |  |
|-----|--|-----------------------------|--|
| Q12 |  | Unable to reliably estimate | We really are not resourced to deal much with this. We are not sure we can go back and find accurate data. |
|-----|--|-----------------------------|--|

**Protection of environment operations:** Cost of services/functions under the Protection of the Environment Operations Act (NSW) 1997 less any revenue related to them (fees, state government payments/subsidies). Only includes necessary costs that cannot be recovered as a result of regulatory constraints.

Note: Councils are required to administer the licensing system and enforce protective regulation (issuing of environmental notices, prosecution of environmental offences, undertaking of environmental audits) in relation to all non-scheduled activities not regulated by the NSW Environment Protection Authority.

|     |  |                             |                   |
|-----|--|-----------------------------|-------------------|
| Q13 |  | Unable to reliably estimate | As per the above. |
|-----|--|-----------------------------|-------------------|

**Noxious weeds:** Operating cost of services/functions as the control authority for noxious weeds less any revenue related to them (fees, state government payments/subsidies) or cost of net contributions to other authorities for reasonably necessary regulation of noxious weeds (including the required red spray program). Do not include depreciation on assets used directly in the provision of the service.



SURVEY QUESTIONS

**LGNSW COST SHIFTING SURVEY FOR THE FINANCIAL YEAR 2021/22**

**FDR data inclusion when submitting the survey**

Please provide the FDR together with this survey when you submit the survey.

| Included (Yes/No)<br>(Please select) | Reason for not providing FDR |
|--------------------------------------|------------------------------|
| Yes                                  |                              |

**Cost Shifting Examples**

Noxious weeds on and under state Council land and Council managed Crown land. Only includes necessary costs that cannot be recovered as a result of regulatory constraints. For Councils who are a member of a County Council please include contribution cost amounts.

Does not include cost of other environmental weeds control or general bushland care.

Note: Councils are required to regulate and control noxious weeds pursuant to the Noxious Weeds Act (NSW) 1993 and s183 of the Local Government Act (NSW) 1993.

**Development applications:** Cost of processing development applications under the Environmental Planning and Assessment Act (NSW) 1979 and associated regulations less any revenue related to this function (e.g. development application fees, state government payments/subsidies). Please estimate the amount of costs of processing development applications that cannot be recovered through development application fees or any other related income. Please include costs associated with services by other agencies (e.g. initial fire safety reports from the NSW Fire Brigades, s144 of the Environmental Planning and Assessment Regulation (NSW) 2000).

| Question number | Estimate of Annual Net Ongoing Operational Cost (\$) | Select a reason when an estimate is not provided (Please select) | Comments (A comment is required when an estimate is not provided)                 |
|-----------------|--|--|---|
| Q14             | \$250,000  |  | Council received a \$62,000 grant which has been taken out of the costs provided. |
| Q15             |  | Unable to reliably estimate                                      | Our Development Applications have increased exponentially since the pandemic.     |

**Filling a service gap**

This section captures costs incurred by councils in providing services as a result of insufficient service provision by another level of government or a market failure of a subsidised or privatised public service.

For each cost shifting example that is relevant to your council, please provide a brief description on the service shortfall that the council is providing.

**Immigration and citizenship services:** Net cost providing immigration and citizenship services necessary on behalf of other levels of government (e.g. citizenship ceremonies). Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service).

**Crime prevention / policing:** Net cost providing crime and policing services necessary because of insufficient services by other levels of government (i.e. CCTV surveillance, security patrols, other crime prevention actions or strategies in place). Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service).

Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure.

Note: only applies to crime prevention or policing activities that should have been undertaken by other spheres of government (e.g. police). It should not include council activities to protect community from other risks (e.g. surfer and swimmer injuries (beach patrols), safety at council events, or security of council facilities).

**Medical services:** Net cost providing medical services necessary because of insufficient services by other levels of government or private or non-profit organisations. Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service).

Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure.

**Aged care:** Net cost providing aged care services necessary because of insufficient services by other levels of government or private or non-profit organisations. Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service).

Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure.

**Disability care:** Net cost providing disability care services necessary because of insufficient services by other levels of government or private or non-profit organisations. Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service).

Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure.

**Childcare:** Net cost providing childcare services necessary because of insufficient services by other levels of government or private or non-profit organisations. Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service).

Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure.

**Transport services:** Net cost providing transport services necessary because of insufficient services by other levels of government. Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service).

Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure.

Note: only applies to transport activities that should have been undertaken by other spheres of government (e.g. Transport for NSW). It should not include council activities that are the functions of council (e.g. roads and transport infrastructure).

**Other services description:**

|                                |
|--------------------------------|
| ePlanning Portal               |
| UPSS                           |
| Crown Land Plans of Management |
| Pest Animal Management         |
| Swimming Pool Regulation       |

|     |           |                             |   |
|-----|-----------|-----------------------------|---|
| Q32 | \$129,434 |                             | This cost has increased significantly since the year in question. This amount represents, 1.5 Administration FTE. A building surveyor has since come on and the cost of implementing the middleware to work with the API has not been factored in. FTE listed includes overheads. |
| Q33 |           | Not applicable              | I have listed this as not applicable. We do not have the resource to implement the model policy and are not sure how that can be achieved.  |
| Q34 | \$860,000 |                             | Crown Lands provided \$86,000 for us to undertake the development of Crown Lands Plans of management. This will cover about 4 plans to be developed. Council still have another 40 to develop on their own. Calculation is done as a straight line \$21,500 x 40 plans            |
| Q35 | \$40,000  |                             | This is for increasing work in the area of foxes, rabbits, etc. This year Council is looking at a \$250,000 cost of Corella management that is not included   |
| Q36 |           | Unable to reliably estimate | We have to inspect every 3 years under the new regulations. No reimbursement to Council is provided.  |

**Rate exemptions**

This section captures the cost of provide rate exemptions on government and other properties.

**Government-owned property exemptions:** Estimation of the rates revenue that would be applied to government owned properties within the LGA. Do not include National Parks.

**Non-government-owned property exemptions:** Estimation of the rates revenue that would be applied to non-government owned properties within the LGA (churches/religious institutions, private schools, private hospitals, private retirement villages, etc).

**Voluntary conservation agreements:** Estimation of rates revenue that would apply to rate exempted properties as a result of voluntary conservation agreements. Note: Pursuant to section 555 of the Local Government Act (NSW) 1993, land (or the proportion of the landholding) that is subject to a voluntary conservation agreement between the landowner and the relevant NSW Minister (environment portfolio) under section 69 of the National Parks and Wildlife Act (NSW) 1974 is exempt from all council rates.

**Community housing:** Estimation of rates revenue that would apply to rate-exempted properties managed by Community Housing Providers.

**Other cost-shifting examples**

This section captures the cost shifting examples that do not fit into any of the above categories.

**TNSW road reclassifications:** Net operational cost associated with all roads transferred to council under the Transport for NSW (formerly RMS) reclassification of regionally important roads as local roads or state-important roads as regional or even local roads (since the significant reclassifications in the early 1990s). This is supposed to measure the ongoing maintenance and depreciation cost (or annualised renewal cost) associated with all roads so transferred since the 1990s – not about the cost associated with transfers in any one year. Any compensation received in association with a reclassification need to be deducted for a net operational cost.

**Waste levy:** Cost of raising levy to the NSW Government dependent on the amount of waste received by council less any amounts

|     |           |                             |   |
|-----|-----------|-----------------------------|---|
| Q23 | \$130,000 | Unable to reliably estimate |   |
| Q24 | \$32,000  | Unable to reliably estimate |   |
| Q25 |           | Not applicable              |   |
| Q26 |           | Not applicable              |   |
| Q27 |           | Not applicable              | Berrigan has five regional roads. All works are currently funded by TNSW however the amounts provided are not expected to cover costs in the future as they are not allowing for CPI and other cost increases for resources across the board. |





SURVEY QUESTIONS

**LGNSW COST SHIFTING SURVEY FOR THE FINANCIAL YEAR 2021/22**

**FDR data inclusion when submitting the survey**

Please provide the FDR together with this survey when you submit the survey.

| Included (Yes/No)<br>(Please select) | Reason for not providing FDR |
|--------------------------------------|------------------------------|
| Yes                                  |                              |

**Cost Shifting Examples**

recovered through "Waste Less Recycle More" program grants. The waste levy applies to the Sydney metropolitan area; the Illawarra, Hunter and Central Coast area (extended regulated area); and the area including the Blue Mountains, Wollondilly and local government areas along the coast north of Port Stephens to the Queensland border (regional regulated area).

**Waste management site license fee:** Cost of license fee (administrative fee, no load based fee) to be paid to State Government. Note: Councils are required to pay this fee council as polluter under the Protection of the Environment Operations Act (NSW) 1997.

**Crown land reserve management:** Cost associated with the NSW Government taking over allowable revenue raising activities on council managed crown reserve land (does not include national parks) or with requirements to transfer revenue from council managed crown reserve land to the State Government. This does not represent the total net cost of managing (maintaining) crown lands. Does not include in transfers associated with the caravan park levy. Under the Crown Land Act (NSW) 1989, councils have full responsibility to maintain crown reserves under council management and are expected to subsidise shortfalls in maintenance cost from general revenue. This is considered appropriate as the benefits from crown reserves under council management generally accrue to the local community. However, as a result, councils should also be entitled to any current or potential revenue from crown reserves that is required to cover maintenance and improvement cost (e.g. revenue from refreshment facilities, telecommunication facilities). Any action by the State Government to limit revenue raising capacity or require the transfer revenue to the State Government are considered cost shifting. Does not include any surplus revenue over and above the total amount of maintenance and improvement cost for all of your crown reserve land.

**Additional committee governance:** Cost of increased governance and administration associated with the requirements of council to establish and run an Audit Risk & Improvement Committee (ARIC), a Local Planning Panel (LPP), or other required oversight

**Other ideas for future consideration**

Management of overabundant native species (Corellas for Berrigan Shire). These are costing a fortune in damage to infrastructure already. They are a State government function but they do nothing to manage them. If nothing is done Council have a quote to install a non-lethal solution that will cost \$250,000 to install and \$5,000 pre month to maintain.

Increasing regulatory areas such as Fire Safety Regulation (requires compliance certificates to be issued) Food Regulation (regular inspections required of Councils) - all require training and specialist legal advice as well to implement and manage

| Question number | Estimate of Annual Net Ongoing Operational Cost (\$) | Select a reason when an estimate is not provided (Please select) | Comments (A comment is required when an estimate is not provided)  |
|-----------------|--|--|--|
| Q28             |  | Not applicable   | Berrigan Shire's landfill at Berrigan is unlicensed so no levy is charged.   |
| Q29             |  | Not applicable   | Berrigan Shire's landfill at Berrigan is unlicensed so no levy is charged.   |
| Q30             |  | Unable to reliably estimate                                      | Town Beach is the only Crown Land parcel that actively collects fees. It is difficult to estimate in the current operating conditions. Will endeavour to have estimates for next year's assessments. |
| Q31             | \$35,000   |  | This is sitting fees only. The estimate does not include internal administration time to prepare agendas, arrange travel, prepare minutes etc.   |
| Q37             |  |  |  |
| Q38             |  |  |  |
| Q39             |  |  |  |

**Flagged items for future research/inclusion in future surveys**

This section captures a number of items that are flagged for future research and/or inclusion in future surveys. Please provide your feedback on these items.

| Description  | Data collection (Please select) | Include (Yes/No) | Comments   |
|--|---------------------------------|------------------|--|
| <b>Social and affordable housing:</b> Net cost providing required social and affordable services necessary because of insufficient services by other levels of government. Does not include cost of increase in the baseline service level provided in the rest of the state (if NSW govt service) or nation (if federal govt service). Include annual depreciation on assets used directly in the provision of the service, do not include capital expenditure. Note: only applies to required social and affordable that should have been undertaken by other spheres of government (e.g. Housing NSW). It should not include council activities that are discretionary or functions of councils (e.g. land-use planning, development assessment). |                                 | Q40 Yes          | Council are looking to engage with a private provider to develop a social housing strategy as none have been provided in this Shire. This will be a considerable cost to Council                               |
| <b>Other regulated/statutory fees and charges:</b> excluding development assessment, capture the costs to councils of being restricted in seeking full cost recovery on other regulatory functions imposed by State legislation that include strategic planning, environmental health, compliance, animals, building, corporate governance, Filming and events, community services and other road related regulations, etc   |                                 | Q41 Yes          | As above UPSS has not been factored in here. Also the transfer of responsibility for Councils to build, implement and maintain pedestrian crossings  |
| <b>Development and Planning Assessment:</b> To capture the net cost of the ongoing use of the Planning Portal, imposed by state government   |                                 | Q42 Yes          | We were provided \$80,000 by the DPE to develop the middleware to allow the API to interface with Council systems. Current estimates indicate the ongoing cost will be between \$10,000 and \$20,000 per year. |





## 8.18 Public Accounts Committee - Rural Fire Services (Red Fleet) Bill 2023

|                             |   |
|-----------------------------|---|
| <b>Author:</b>              | Chief Executive Officer, Karina Ewer  |
| <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>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     |
| <b>Appendices:</b>          | <ol style="list-style-type: none"><li>1. Ron Honeig Speech Part 1 (under separate cover)</li><li>2. Ron Hoenig Speech Part 2 (under separate cover)</li><li>3. BSC Submission - RFS Assets (under separate cover)</li></ol> |

*This report is for information only.*

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### Report

The *Rural Fires Amendment (Red Fleet) Bill 2023* went to its second debate in parliament on 12 October 2023 (following from the first debate on 14 September 2023). The transcripts of the two sessions, where Minister for Local Government, The Hon Ron Hoenig spoke for so long it stifled actual debate is included in Appendix 1 and 2 of this report.

The Bill has been referred to the Public Accounts Committee, so it is not “dead in the water”.

At the LGNSW Conference, Minister Hoenig spoke about the referral to the Public Accounts Committee (PAC) and urged all Councils to make submissions by 30 November 2023. On searching the PAC data base, I cannot find this matter listed. The submissions due 30 November 2023 is for “Accountability measures for decision-making for the delivery of major infrastructure, contracting public services and/or privatisation of public assets in NSW.” That matter was referred on 28 September 2023 so the referral of the RFS assets matter may not yet be listed. I will continue to watch for it.

Matt Hansen proofed the document before it was sent and added some information. Mayor Julia approved its submission, given the tight turnaround times I believed I had.

I have however submitted the attached document (Appendix 3) to PAC in an email in case something has gone awry. I will notify Council if that is the case.

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## 8.19 IPART - Review of the Rate Peg methodology

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Deputy Chief Executive Officer, Matthew Hansen</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. Final-Report-Review-of-the-rate-peg-methodology-August-2023.pdf (under separate cover)  |

*This report is for information only.*

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### Report

The NSW Government has finally released the Independent Pricing and Regulatory Tribunal's (IPART) final report on its review of the methodology of setting the rate peg. This report is attached as Appendix 1.

The IPART report makes significant changes to the methodology of the rate peg. While the new methodology is more complex than the current method, it is a major improvement.

IPART have replaced the Local Government Cost Index (LGCI) – a tool that looks back at past costs – with the Base Cost Change (BCC) a forward-looking model that reflects known cost increases Council will have to bear. This includes:

- employee costs as per the Local Government (State) Award, and superannuation increases,
- asset costs as measured by the Reserve Bank of Australia's forecast increase in the Consumer Price Index (CPI) – adjusted for local circumstances and
- operating costs as measured by the forecast increase in the CPI.

The BCC will be calculated separately for three groups of Councils – Urban, Regional, and Rural.

The Emergency Services Levy (ESL) will be factored in individually for each Council. The population factor has been retained.

The new methodology has been used to set the 2024/25 rate peg. This is detailed in a separate report.

IPART have also recommended the NSW Government commission an independent review of the financial model for local government to identify improvements. Areas suggested by IPART for consideration in this review are:



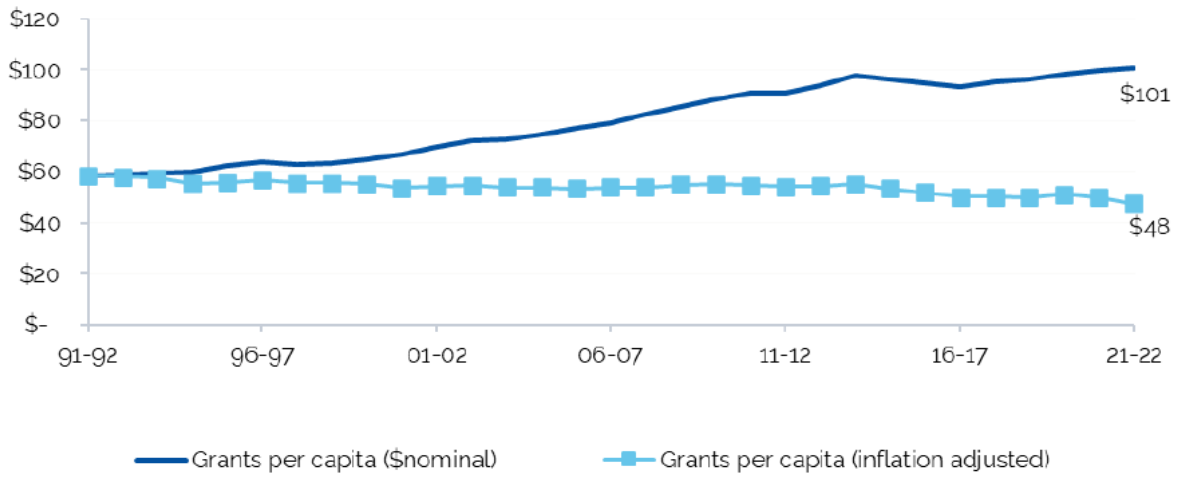
1. Better targeting eligibility criteria for rates exemptions. This would help to ensure ratepayers do not subsidise the costs of providing council services to properties where it is not justified on efficiency and equity grounds.
2. Allowing councils to use the Capital Improved Value method to set the variable component of rates to ensure they can set equitable and efficient rates for all residential and business ratepayers, regardless of their property type.
3. Ensuring statutory charges reflect the efficient costs incurred by councils in providing statutory services, so councils do not need to use rates income to cover the costs of providing these services.
4. Developing a mechanism to enable councils found to have insufficient base rates income to achieve financial sustainability.
5. Supporting councils to serve their communities more effectively to build community trust in councils. This could include improvements in how councils undertake and implement their integrated planning and reporting.
6. Alternative funding mechanisms, such as targeted grants, should be considered to support councils to provide essential social services to disadvantaged or vulnerable communities, with special attention to the unique challenges faced by rural and regional areas.
7. A comprehensive state-wide evaluation of existing pensioner concessions should be conducted, along with the exploration of additional initiatives to enhance support for vulnerable ratepayers. Clear communication and proactive promotion of available assistance options offered by councils are essential.
8. Methods to increase the confidence ratepayers have in the rating system should be explored, which could involve introducing additional constraints (i.e., conditions) on the rate peg.

The IPART report clearly shows that local government has been squeezed by many factors, including:

- inadequate indexing of statutory fees – e.g., building and planning fees – inhibiting the ability of Councils to fully recover the cost of providing these services and
- a decline in real terms of Financial Assistance Grants (FAG) per capita over the past 30 years.



Figure D.2 Financial Assistance Grants per capita



Source: NSW Local Government Grants Commission, Tables of Financial Assistance Grant Allocations for NSW Councils 1992-2022 and IPART analysis.



## 8.20 Rate Peg 2024-25

|                             |  |
|-----------------------------|--|
| <b>Author:</b>              | <b>Revenue Coordinator, Michael Millar</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. Information-Paper-Rate-peg-for-NSW-councils-for-2024-25-21-November-2023.PDF (under separate cover)                                       |

*This report is for information only.*

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### Report

The Independent Pricing and Regulatory Tribunal (IPART) have released their determination of the Variation of General Income for Local Government for 2024/25 – the “Rate Peg”.

For Berrigan Shire, IPART has set the rate peg as 4.5%.

An information paper on the setting of the 2024/25 Rate Peg is attached as Appendix 1

This rate peg is the maximum percentage that the Council can increase its overall General Rate income for the 2024/2025 financial year (this Rate Peg percentage does not apply to Council's service charges), other than an increase derived from growth in assessable properties. The Council is not required to take up the entire amount of the rate peg when setting its rates.

The rate peg does not apply to individual ratepayers' rates. The rate peg applies to the council's General Rate in total. The Council has significant discretion to determine how to allocate this increase between different ratepayer categories.

Individual rates are also affected by other factors, such as individual land valuations. The current base date for valuations is 01/07/2022. The next revaluation will take effect from 01/07/2025.

IPART recently completed a review and released recommendations of the Rate Peg Methodology. The Final Report set out the new methodology which will result in rate pegs which accurately effect council cost changes by using forecasts to measure changes in base cost changes (BCC) and better account for Council diversity through the inclusion of Council specific factors and adjustments. IPART classified Councils into 3 specific groups Metropolitan, Regional and Rural based on Council types used by the Office of Local Government.

The rate peg of 4.5% for Berrigan Shire has been calculated as follows:

- The BCC which measures annual changes in base costs in providing local government goods and changes is set at 3.9%



- The productivity factor was set at a default of 0.00%
- The Superannuation adjustment was set at 0.4% for all Councils to reflect the increases in the Superannuation guarantee rate between 2021-2022 and 2023-2024.
- The Emergency Services Levy (ESL) factor for Berrigan Shire has been set at 0.3%. the ESL factor is included to assist Council recover the cost of the ESL increases which were previously not covered by the rate peg due to being subsidised by the NSW Government. The ESL factor captures the annual change in the councils ESL contributions.
- The “population factor” for Berrigan Shire has been calculated by comparing the change in Berrigan Shire population with the change in Berrigan Shire’s change in rateable land value. A population factor before “true up” and a Census “true up” has seen Berrigan Shire receive a 0.0% Population factor.

This resulted in a rate peg of 4.5% for 2024/2025. This calculates to a nominal increase in overall rates and charges for 2023/24 of approximately \$250,000.

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## 9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

### 9.1 Notice of Motion - Finley Hospital

**Author:** Mayor, Matthew Hannan

**Council's Role:** **Advocate:** 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:** Nil

I, Councillor **Matthew Hannan**, hereby submit the following Notice of Motion to the Berrigan Shire Council's Ordinary Meeting of Council to be held on 6 December 2023.

#### Motion

That Council contact:

1. the Department of Health Infrastructure,
2. NSW Premier Chris Minns,
3. Minister for Health, The Hon Ryan Park MP and
4. State Member for Murray, Helen Dalton MP,

demanding that Finley Hospital upgrades be delivered in full as per the agreed Clinical Services Plan, including pre and post operative rehabilitation and mental health services.

---

#### Background

I am aware information has been provided, including the draft Clinical Services Plan (CSP) to the December Strategic Planning Workshop. I also understand no finalised version of the CSP can be found, other than a press release in October 2022 stating the CSP had been adopted by the Executive.

Finley Hospital have been waiting for these upgrades for over 40 years and for the government to deliver substandard upgrades now will be a kick in the guts for the Finley community and the greater Berrigan and Murrumbidgee area. The growth of Tocumwal and Barooga should be factored in to the importance of this upgrade in supporting our community.

The NSW government have lauded the Murrumbidgee Health delivery model of a medical hub. Finley already has this through their medical centre, age care, independent living accommodation. The missing link is the hospital upgrades.



This generational infrastructure upgrade must be delivered in full!

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## 9.2 Notice of Motion - Water Buy Back Opposition

|                 |   |
|-----------------|---|
| Author:         | Mayor, Matthew Hannan   |
| Council's Role: | Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council |
| Appendices:     | Nil   |

I, Councillor **Matthew Hannan**, hereby submit the following Notice of Motion to the Berrigan Shire Council's Ordinary Meeting of Council to be held on 6 December 2023.

### Motion

That Council call on the NSW State government to support the communities of the Southern Riverina in their fight against the federal government's intention to enact the *Water Amendment (Restoring our Rivers) Bill 2023* and further call on the NSW government to withdraw from the Murray Darling Basin Plan like the Victorian government did under Dan Andrews.

---

### Background

The communities of the Berrigan Shire are deeply concerned about the impacts the Water Amendment (Restoring our Rivers) Bill 2023 will have on the agricultural sector and therefore the rest of the community. These water buy back have the potential to decimate our communities by ensuring water security is a thing of the past.

The Millenium Drought severely decimated our communities. We cannot wait for the same thing or worse to happen by allowing these buy back to go through parliament without a fight.

It is important our Council is seen to be supporting the work our Victorian counterparts are doing to stand as one against the Bill and ensure it does not go any further.

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### 9.3 Notice of Motion - Change to April Ordinary Council Meeting Date

|                        |  |
|------------------------|--|
| <b>Author:</b>         | Cr, Julia Cornwell McKean  |
| <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>     | Nil  |

I, Councillor **Julia Cornwell McKean**, hereby submit the following Notice of Motion to the Berrigan Shire Council's Ordinary Meeting of Council to be held on 6 December 2023.

#### Motion

That Council change the date of its 17 April 2024 Ordinary Meeting to be 24 April 2024.

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#### Background

The 17 April 2024 date clashes with my Australian Rural Leadership Program sessions as I will be in South Australia at that time.

Staff have asked we consider that moving the date to 10 April 2024 would mean they would have 1 day between the Strategic Policy Workshop and the due date of the Agenda to have reports written and submitted. Moving the meeting to 24 April 2024 has the inverse effect with having reduced time to prepare for the May SPW, however that is potentially less problematic.

Further, the CEO was hoping to have 22-26 April as a week's Annual Leave and she has a prior commitment on the evening of 24 April 2024 that would mean she would not be available for a 24 April meeting. The Deputy CEO can take her place if the 24 April 2024 date however.

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## 10 CONFIDENTIAL MATTERS

### Recommendation

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

#### 10.1 Flood Affected Works - Tenders - Assessment

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.



**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](#).