



ORDINARY COUNCIL MEETING

Wednesday 15 March, 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 15 March, 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 15 March, 2023 when the following business will be considered:-

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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 Traditional Owners whose country we are gathered on, and we pay respect to the elders, past, present, and future and extend respect to all First Nations People."

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

3.1 Apologies/Leave of Absence

Nil

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 15 February, 2023 be confirmed.

Recommendation: That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 1 March, 2023 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

8 REPORTS TO COUNCIL

8.1 Barooga Tocumwal Shared Footpath

Author:	Director Infrastructure, Rohit Srivastava
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.3. Connect and protect our communities
Delivery Program:	1.3.1. Coordinate flood levee, local road, sewer and stormwater asset management and planning
Council's Role:	Asset Owner: 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:	Nil

Recommendation

That Council:

1. utilise funds under Table 1 towards construction of Barooga Tocumwal Shared Path Project;
2. accept the tender submission from Connex Group for a tendered price of \$374,201.74 (incl. GST) for Barooga and \$476,190.01 (incl. GST) for Tocumwal and award both the projects;
3. delegate CEO to enter into two Contracts for the values mentioned above; and
4. appoint Director Infrastructure as Contract Superintendent.

Report

Council advertised two separate tenders for construction of shared pathways at Barooga and Tocumwal on 08 February 2023 and closed on 01 March 2023.

Council received three submissions (each) for these two tenders.

Council officers have evaluated the tenders and recommend to award two tenders to Tenderer (Connex Group) for a total Contract value of \$773,083.41 (excl. GST) against Council's revised proposed budget of \$847,545 (excl GST).

The submissions were received from the following tenderers (for both the tenders):

1. Kingsline Pty Ltd
2. Millers Pipe & Civil
3. Connex Group

The evaluation team consisted of the following members:

- Director Infrastructure

- Graduate Design Engineer
- Graduate Engineer

and the evaluation of the tenders was done as per the following criteria:

Tendered prices were considerably above the original combined Council budget of \$650,000. Council officers explored options on how we can still deliver the project successfully and reviewed the scope of works and decided to take out removal of existing pathway from tenderer’s scope of works (this work will be done by Council’s internal staff) and negotiated with three tenderers.

All three tenderers were sent an email on 03 March 2023 informing the reduced scope and were asked to re-submit their quotes by 1pm, 07 March 2023.

Summary

Based on the evaluation criteria, the tender assessment panel has selected the tender submission of Connex Group as the preferred tenderer for both the tenders and are proposing to utilise following Council budget to fund the construction of two pathways (Table 1).

Table 1: Proposed project funding

Funding agency	Amount (excl GST)	Job Number (Council reference)
Grant funding (A)	\$600,000	
Grant funding, Contingency (B)	\$54,545	
Council funding		
MR226 footpath	\$64,000	1917-0226-0000
New footpaths, various	\$50,000	1917-0541-0000
Tocumwal Barooga Road	\$39,000	1917-0550-0000
Lawson Dr, Barooga	\$40,000	1917-0667-0000
Total Council Budget (C)	\$193,000	
Total proposed project budget (A) + (B) + (C)	\$847,545	

A detailed tender evaluation is included in the Confidential Item of this Agenda.

Supervisor

The superintendent of the contract will be the Director Infrastructure and the superintendent’s representative will be the Project Manager

8.2 NSW Audit Office - Planning and Managing Bushfire Equipment

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	1. 27.02.2023 FINAL REPORT - Planning and managing BFE.pdf (under separate cover)

Recommendation

That the Council work with Local Government NSW (LGNSW) and Riverina and Murray Joint Organisation (RAMJO) to demand the NSW Government ensure the NSW Rural Fire Service (RFS) bushfire management fleet is operated and maintained effectively by amending the *Rural Fires Act 1997* to give the RFS clear and unambiguous responsibility for the bushfire management fleet in its entirety.

Report

The NSW Audit Office has released its report into Planning and Managing Bushfire Equipment. The report is attached as Appendix 1.

Despite ostensibly being a report intended to find opportunities to improve the manner in which the NSW Rural Fire Service (RFS) “plan and manage firefighting equipment needed to prevent, mitigate, and suppress bushfires”, the scope of the audit specifically excluded giving consideration to the ownership of these assets.

While the audit findings and recommendations address some of the operational and organisational inefficiencies in relation to rural firefighting equipment management, they do not question the legislative arrangements that govern them. This is a matter for the NSW Government to consider in ensuring the fleet arrangements are fit for purpose, and are clearly understood by the relevant agencies.

This is a weak evasion by the NSW Audit Office. Auditors-General routinely question legislative arrangements to determine if the legislation is fit for purpose.

Findings

Despite being hamstrung by the limited scope, the audit report did make the following findings.

- The RFS does not have effective oversight of fleet maintenance activity across the State, and is not ensuring the accuracy of District Service Agreements where maintenance responsibilities are described
- The RFS does not have a protocol to review its service agreements with local councils to ensure they are accurate and reflect current fleet servicing and maintenance practices
- The RFS does not have effective systems for communicating with brigades and local councils about fleet management, and as a result, records are not always promptly updated

Recommendations

The clear and obvious recommendation to address all these findings is to amend the Rural Fires Act to make it clear that the RFS is responsible for the purchase, disposition, operation, maintenance, and disposal of the assets it controls.

Instead, the report recommends that the RFS pour more resources into trying to make the fundamentally broken fleet arrangements with Councils work.

The report does mention that RFS has been able to develop an aerial bushfire management arm quickly and effectively. It is not a coincidence that the RFS owns this fleet directly without any inefficient vesting arrangement.

The report does not make any recommendations for Councils to improve their management of the RFS fleet.

Response

The RFS noted in their response that “a new RFS standard Service Level Agreement has been developed for consultation with Councils early in 2023”. At the time of writing, no draft agreement has been sighted by Council staff.

Hawkesbury City Council made the following response

Council's position is that the 'Red Fleet' should not be accounted for by Council ...

Council holds the view that this position is further supported and indeed advanced by the fact that all recommendations within the Final Report are identified to be the responsibility of the RFS. ...

It is acknowledged that the ownership, or accounting recognition using an 'economic substance over legal form' consideration was outside the terms of reference for this audit. However, this is a vitally important issue within the Local Government sector and in the interest of transparency, worth noting that the recommendations and key findings of this audit contrast with the current position of the NSW Audit Office, being that local councils should be recognising Red Fleet assets and paying for their depreciation.

Uralla Shire Council responded

The failure to include a review of the vesting-with-councils requirement has resulted in a situation where the Audit Report has consequently been unable to consider, at all, the extent to

which the forced council-ownership model plays in creating the identified deficiencies in the first place. ...

The Audit Report correctly identifies that a rare departure from the otherwise problematic culture of replacing like with like has been achieved only in the recent instance of the procurement of six new aircraft. The Recommendations were unable to consider (due to the non-inclusion of the vesting question in the audit scope) whether one reason for the rare success was because the aircraft are the only fleet assets which the RFS has been able to acquire without consulting individual local councils, exactly because the aircraft are not vested with any council for ownership.

Conclusion

Despite the restrictive scope of the audit, the report clearly identifies several critical issues with the planning and management of the RFS bushfire management fleet – many of which would be best addressed by clarifying that the RFS has sole responsibility for the management and operation of its fleet.

Council should work with Local Government NSW and RAMJO to ensure that post-election, the NSW Government addresses the major failings of the *Rural Fires Act* to ensure our communities are provided with a Rural Fire Service fit for purpose. The life and property of NSW depends on it.

8.3 Tocumwal Ambulance Station

Author:	Cr, Julia Cornwell McKean
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.2. Facilitate all age healthy lifestyles and ageing in place
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

Recommendation

That Council:

1. write to the new Minister of Health immediately following the election to request a further needs assessment for an ambulance located in Tocumwal considering significant changes in the population trajectory of Tocumwal since the 2020 report and NSW Ambulance's advice to the former Minister that such reviews are conducted at least annually;
2. write to the Victorian and New South Wales Cross Border Commissioners regarding the effectiveness and lack of community understanding concerning the Ambulance Victoria agreement which has operational boundaries that extend to the townships of Finley, Barooga and Tocumwal; and
3. support the Tocumwal Ambulance Steering Committee in a fact based, positive campaign to bring an ambulance service to Tocumwal without jeopardising the services offered from Berrigan and Finley.

Purpose

The purpose of this report is to provide the Tocumwal community surety that Council supports their desire for an ambulance station as long as it can be negotiated without loss of service to our other communities.

Summary

I attended the meeting of the Tocumwal Steering Committee on 2 February 2023.

Attendees included Mayor Peta Betts of Edward River, who is also the Nationals candidate for Murray in the upcoming state election. She was accompanied by an advisor to Senator Perin Davey.

I declared at the start of the meeting that I am a Director of Goulburn Valley Health and on the Procurement Governance Committee for Ambulance Victoria and that I was not representing either

of these organisations at the meeting but that I may have some information/knowledge as a result which may be helpful.

The Committee is looking to step up its campaign to have an ambulance station in Tocumwal placed back on the State government agenda. The intention was to increase advocacy during the lead up to the State government election, however I feel this is an advocacy area Council may be able to assist with in the longer term.

The Committee advises that there is land available for an ambulance station.

Coolamon were successful in getting an Ambulance and the Committee is considering approaching them to find out how this was achieved. The last budget included recommendations for 19 Ambulance Stations in NSW but Tocumwal was not one of them.

A petition was previously distributed in 2019/20 and the Committee subsequently had an opportunity to meet with the Minister for Health.

I asked if the Committee had knowledge of Ambulance Victoria's (AV) operational boundaries which include Barooga, Tocumwal and Finley. Residents of those towns may have AV membership, however, there was no knowledge of this arrangement. I advised that I would forward information, but that this may be a good avenue of enquiry to find out how this is working and whether it is working well. There was general discussion that the information about AV and how that should be more well known/communicated to the community.

Background

The report that went to Minister Hazzard in 2020 is promising in that it identifies that Tocumwal will likely require an ambulance within 10 years – so by 2030 according to the statistical data used at the time. The report indicated that the use of first responders was at the high end. The cover letter also indicated that a review of the situation would occur annually. I suggested the Committee may like to follow up on the report and ask if any reviews have happened since and also about the next review – particularly given current and predicted growth in the area, post-COVID etc. Senator Perin Davey's advisor agreed that such an approach would be sensible. The Committee noted Minister Hazzard is retiring and that perhaps it would be best to tackle this when the new Health Minister in place.

Subsequently on Friday 3 February I received a call from a Tocumwal resident who was not at the meeting asking Council to write to all candidates for the seat of Murray at the State election asking them to support an Ambulance in Tocumwal.

Whilst it may be difficult to secure an Ambulance in Tocumwal there is a strong community desire. The concerns of the First Responders NSW personnel, I believe, can be managed if clarification is sought regarding their ongoing role when an Ambulance is called. Notwithstanding this, the report of 2020 indicates that an ambulance will be required within 10 years. Three years have already passed and a lot has occurred since the report was written. There is an argument to be made in support of the ambulance.

It is important to steer any future campaign to some positive messaging.

Irrespective of whether a campaign for an ambulance is successful, enquiries could be made about the effectiveness of the arrangement with Victoria and how that arrangement may be leveraged for Tocumwal.

Council might consider writing to the new Minister for Health asking for an update on any reviews that have taken place, or when they might be given the changes to population data.

Council might also consider writing to the Cross Border Commissioners about the effectiveness of the Victoria arrangement.

Staff Notes

Council did have staff and a councillor attend these meetings for some time. Jo Ruffin was Council's administrative representative at the time.

When the noted report from 2020 was provided to the Committee, Council asked for a copy for our records and consideration. That report has not been provided to Council. However, Council does now have a copy of the report.

Council staff and the elected body have always been supportive of a station at Tocumwal however are concerned about the loss of stations at both Berrigan and Finley as a result.

Both Coolamon and Cootamundra have secured new ambulance stations; noting both have strong Federal and State representatives who advocated strongly for their communities.

Council staff agree that advocacy to a new Minister to review the current report would be a good place to start any campaign to have a station allocated to Tocumwal sooner rather than later. With significant improvements in access to data sets we may be able to provide some real assistance in population expectations and trend data in Tocumwal and Barooga in particular.

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

N/A

Issues and Implications

Council will need to ensure any advocacy undertaken to support the Tocumwal Steering Committee does not affect the removal of services from other townships.

Policy

N/A

Financial

N/A

Legal / Statutory

N/A

Community Engagement / Communication

Some work with the Committee may be required to ensure Council are supporting their efforts in a positive way.

Human Resources / Industrial Relations (If applicable)

N/A

Risks

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

1. Community

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

There is an inherent risk that successfully gaining an ambulance station at Tocumwal could lead to the closure of another service in the Shire. It will be important therefore Council assist the Steering Committee with positive messaging which will reinforce the desire to keep the current service levels. The request for a station at Tocumwal should therefore be focused on population data and planning for the future using current, post Covid data sets.

2. Positive Consequences

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

Should the Steering Committee with Council’s assistance, be successful in gaining support for an ambulance station in Tocumwal, this will achieve a long held community goal. It is likely therefore both the Steering Committee and Council would enhance their reputation through this advocacy process.

Options

1. Council support the Tocumwal Steering Committee in their advocacy to gain approval for the construction of an ambulance station in Tocumwal, provided no loss of service to other townships are affected.
2. Council support the Tocumwal Steering Committee in their advocacy to gain approval for the construction of an ambulance station in Tocumwal, noting service loss in other townships may be possible.
3. Council do not support the Tocumwal Steering Committee in their advocacy to gain approval for the construction of an ambulance station in Tocumwal, noting the loss of service to other townships may be too high a risk to take.

Conclusions

I believe there is a good case to be built for an ambulance station to be provided to Tocumwal. I believe with careful consideration, Council can help drive a positive campaign based on fact that supports the desired outcomes of the Tocumwal Steering Committee, without having an adverse effect on services already provided in Berrigan Shire.

8.4 Berrigan Shire Council Draft Logo

Author:	Executive Assistant, Keelan McDonald
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:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

Recommendation

That Council;

1. endorse the draft Berrigan Shire Logo; and
2. authorise Executive Assistant to liaise with Tactical Directions Pty Ltd on the next steps of the rebrand, that being consultation on the suite of documents.

Report

In September 2021, the Communications Coordinator, Keelan McDonald, submitted a report to Council with the recommendation to endorse a Rebrand of the Berrigan Shire. It was recognised the current brand identity had remained untouched for over 20 years and needed a refresh that pays homage to our history and can bring Berrigan Shire into the future.

From this decision, background work commenced and workshops were held with Councillors and key staff. It was essential the Community had an input into their new Shire brand. As such, a survey was conducted through social media, local paper, Berrigan Shire Council website and hard copies at each Town Library. The questions were centred around gaining an understanding of what our Community considered the key pillars and values of our Shire. The community rallied and over 100 responses were sent to Council. The overwhelming consensus being that our key assets are: The Murray River, Agriculture, Landscapes, Tourism, and our People.

An Expression of Interest was sent out in April 2022, with a solid number of applicants applying to work with the project team on the creative and design on the rebrand.

At the June Council Meeting, Councillors adopted the following:

8.24 Berrigan Shire Council Rebrand

175 Resolved Cr Marriott and Cr Paine that the Council:

- 1. proceed with Option 1 of the rebranding proposal – a full rebrand, including consideration of the Council name;*
- 2. delegate authority to the CEO to appoint a suitable Creative Agency to conduct the rebrand, based on submissions received through the EOI process.*

The Expression of Interest evaluation panel consisting of Keelan McDonald, Bianca Bourke and Jacq-Lyn Davis met on Friday 24 June 2022 to assess all submissions received through the Expression of Interest process for the rebrand. Tactical Direction Pty Ltd was the highest scoring Creative Agency in this process.

A recommendation from the evaluation panel to appoint Tactical Direction was presented to the Chief Executive Officer on Tuesday 28 June 2022. The Chief Executive Officer accepted the recommendation Tactical Direction Pty Ltd undertake the rebranding project on Friday 1 July 2022.

Following initial introductions and discussions with Tactical Direction, at the September Council Meeting the following Notice of Motion was carried:

9.2 Notice of Rescission - Berrigan Shire Council Rebrand - Option 1

Resolved OCM 001/22

Moved: Cr Matthew Hannan

Seconded: Cr Sarah McNaught

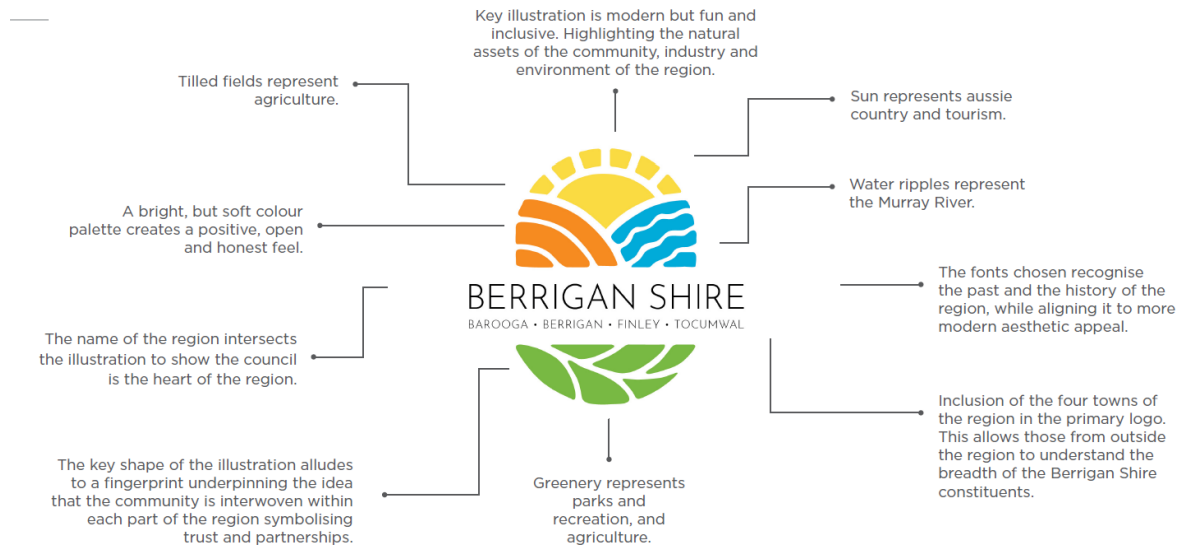
That

- 1. Council Rescind Motion Number 175 Title 8.24 Berrigan Shire Council Rebrand passed at the Ordinary Meeting held on 15 June 2022, and*
- 2. Proceed with Option 2 of the rebranding proposal, a full rebrand without consideration of the Council name, and*
- 3. Delegate authority to the CEO to negotiate with the appointed creative agency a suitable variation to the agreed contract and report back to Council on the outcome.*

CARRIED

The elected Council felt there was not a groundswell of support in the community for a change of name at this time and that pursuing a change of name may be divisive.

The Project Team and Tactical Directions Pty Ltd were given updated direction and could now begin the process of conducting the rebrand. All community feedback received via the survey was given to Tactical Directions Pty Ltd, and formed the basis of the values and key assets that were to be depicted through the updated logo. From this, the following logo came to life;



The proposed logo represents the key pillars as depicted by our Community: The Murray River, Agriculture, Landscapes, Tourism, and our People. It pays homage to our past and enables the Berrigan Shire to modernise into the future.

The Project Team and Tactical Directions Pty Ltd are extremely proud of the logo that has been created and look to Council for endorsement.

8.5 Finance - Accounts

Author:	Finance Manager, Tahlia Fry
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:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Berrigan_Monthly Investment Review_February 2023.pdf (under separate cover)

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 28 February 2023,
- b) Confirm the accounts paid as per Warrant No. 02/23 totaling \$2,768,194.71 and
- c) Note the report on investments attached

Purpose

This report is designed to inform Council of its cash and investments as at 28 February 2023 and for Council to authorise expenditure for the month ending 28 February 2023.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 28 February 2023 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 28 February 2023.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 28 February 2023, totaling \$2,768,194.71 and will be submitted for confirmation of payment as per Warrant No. 02/23
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
 - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and

v. Third Party Investment requirements of the Office of Local Government Circular 06-70

e) Funds have increased in February with the receipt of the third rates instalment, as well as multiple grant programs in relation to roads repair.

Overall funds have increased by \$2.7M compared to the same period last year, mainly due to the recent receipt of grant funding made available to council.

Statement of Bank Balances as at 28 FEBRUARY 2023

Bank Account Reconciliation

Cash book balance as at 01 FEBRUARY 2023	\$11,382,348.91
Receipts for FEBRUARY 2023	\$ 6,022,028.61
Term Deposits Credited Back	\$ -
	<u>\$17,404,377.52</u>
<i>Less Payments Statement No 02/23</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 651,558.33
Electronic Funds Transfer (EFT) Creditors E041661-E041892	\$ 2,052,328.13
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 64,308.25
Total Payments for FEBRUARY 2023	\$ 2,768,194.71
Cash Book Balance as at 28 FEBRUARY 2023	<u>\$14,636,182.81</u>

<i>Bank Statements as at 28 FEBRUARY 2023</i>	\$14,630,018.93
Plus Outstanding Deposits	\$ 6,163.88
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 28 FEBRUARY 2023	<u>\$14,636,182.81</u>

INVESTMENT REGISTER

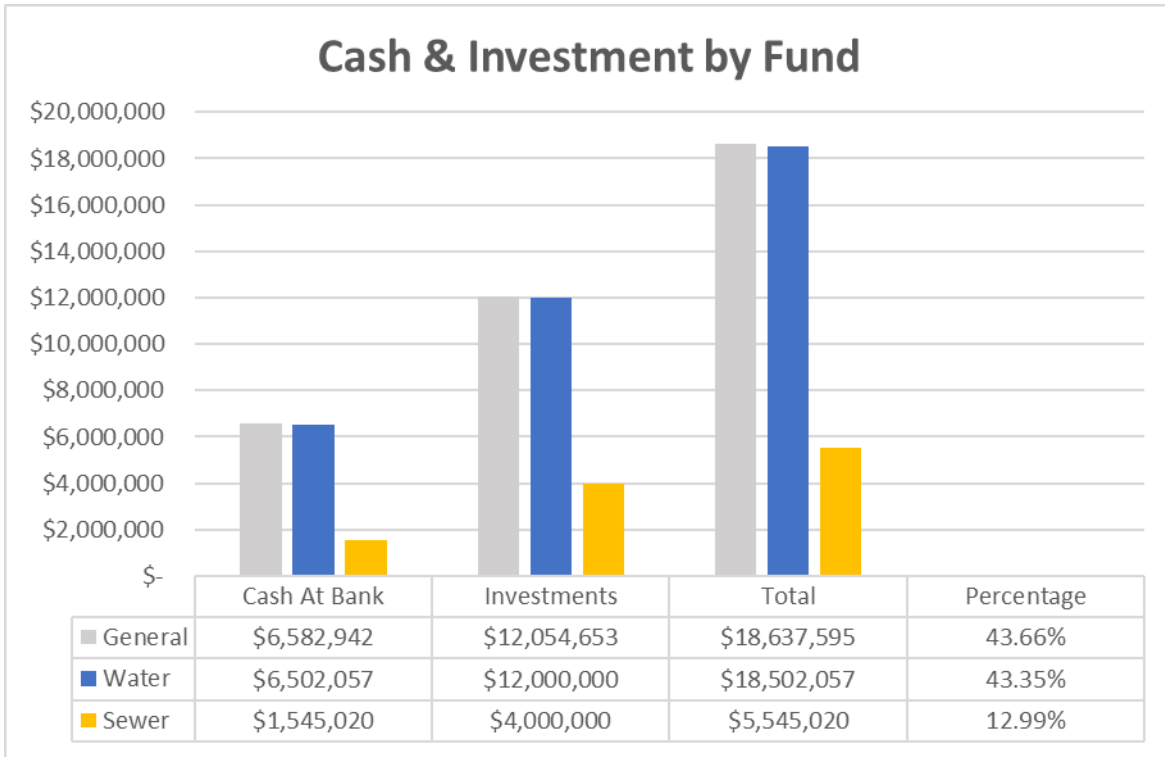
INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	SEWER	144/19	365	**1.25%	23/03/2023	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	365	**2.90%	23/05/2023	\$ 1,000,000.00	BBB+
AMP	GENERAL	125/16	365	**2.90%	31/05/2023	\$ 2,000,000.00	BBB+
AMP	WATER	136/18	243	**4.35%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

Total Funds Held at 28 FEBRUARY 2023 **\$42,690,835.81**

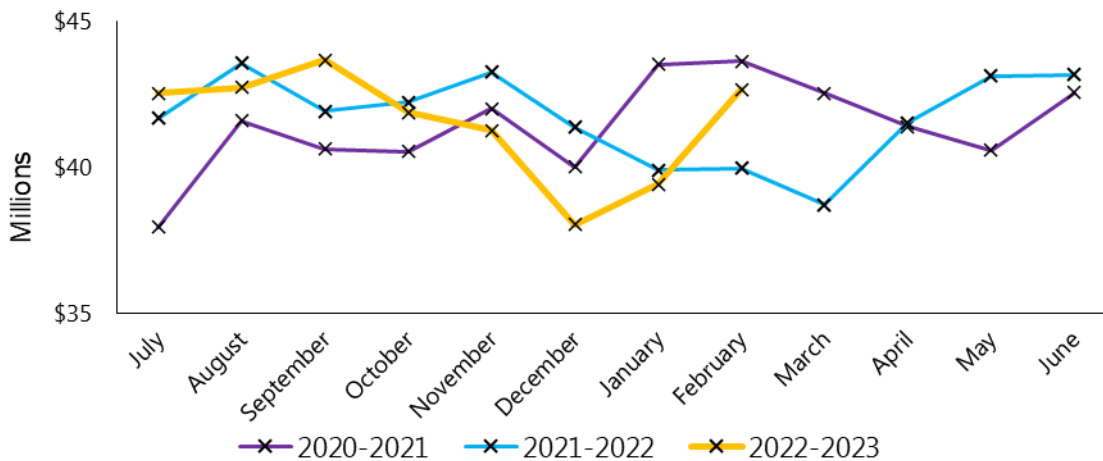
Tahlia Fry - Finance Manager

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

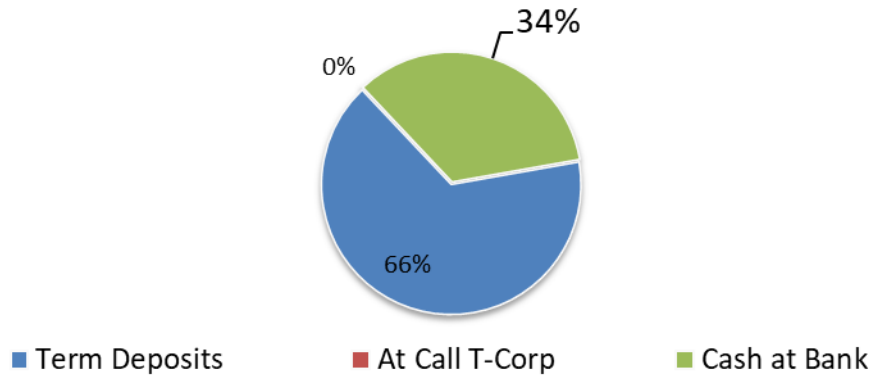
Total Funds held between General, Water and Sewer are as follows:



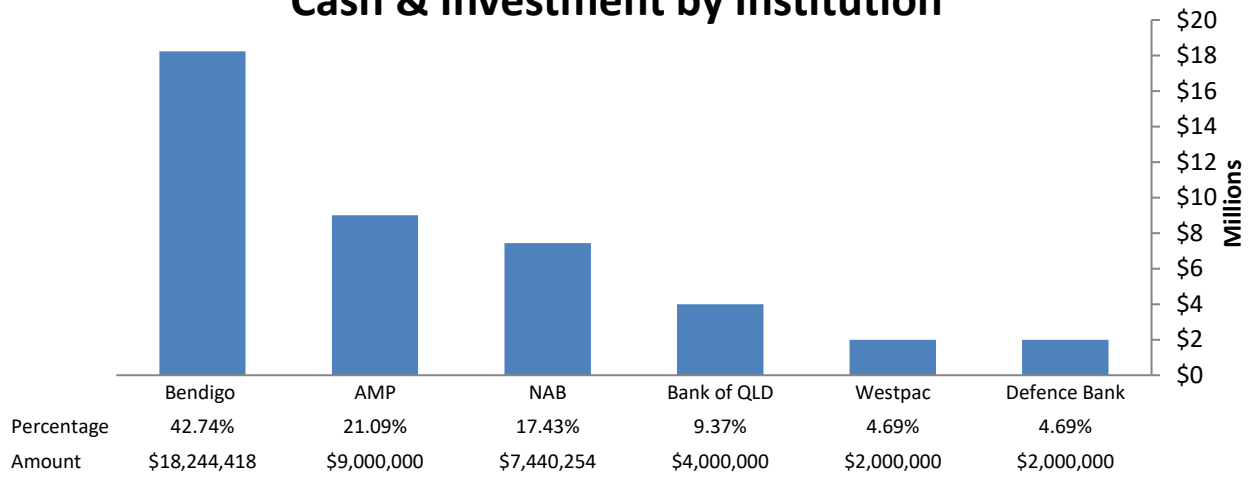
Total Cash and Investments



Cash & Investment by type



Cash & Investment by Institution



Term Deposits Credited Back

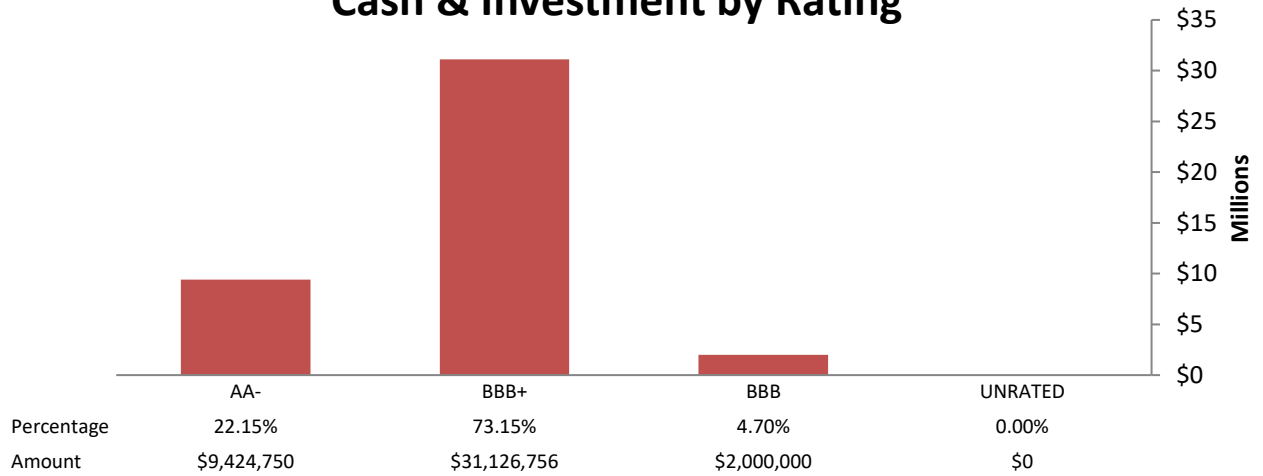
Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NIL CHANGES FOR THE MONTH OF FEBRUARY				

Term Deposits Invested / Reinvested

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

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

Cash & Investment by Rating



8.6 Reconciliation Action Plan

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.3. Strengthen the inclusiveness and accessibility of our community
Council's Role:	<p>Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area</p> <p>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</p> <p>Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.</p>
Appendices:	1. Reflect Reconciliation Action Plan for Finalising.docx (under separate cover)

Recommendation

That Council endorse the draft Reconciliation Action Plan for submission to Reconciliation Australia. Once approved the Plan may be prepared for publishing.

Purpose

The purpose of this report is for Council to endorse the draft Reconciliation Action Plan so it may be submitted to Reconciliation Australia for final approval.

Summary

Reconciliation Action Plans (RAPs) enable organisations to sustainably and strategically take meaningful action to advance reconciliation. They are based on the core pillars of relationships, respect and opportunities.

There are four types of RAP – Reflect, Innovate, Stretch and Elevate. They provide a framework therefore in which organisations can continuously develop and a structured approach to advance reconciliation.

Each RAP is designed to suit an organisation at different stages of their reconciliation journey and organisations can repeat the same type of RAP if that is appropriate.

As Council is at the first stage of its reconciliation journey, we have started with a Reflect RAP. This is a document which will assist us to scope the capacity of our organisation for reconciliation. Generally these RAPs are for 12 months and assist organisations to get started.

Our Reflect RAP out the steps to prepare Council for reconciliation initiatives in future RAPs.

Committing to this Reflect RAP means scoping and developing relationships with First Nations stakeholders in our area, deciding on our vision for reconciliation and exploring our sphere of influence.

I believe this RAP is achievable by Council. It should be noted it is quite internally focussed as there is a great deal of work to be done on the organisation before we can start to look to our community and its needs.

Background

Council has already taken a number of steps towards developing a Reconciliation Action Plan. At the May 2022 Ordinary Council meeting the following motion was resolved:

- 137** **Resolved** Cr Cornwell McKean and Cr Marriott that Council prepare a Reconciliation Action Plan for Berrigan Shire.

At Council's July 2022 Ordinary meeting further progress was made in the following resolution:

8.21 Uluru Statement from the Heart

- 215** **Resolved** Cr Cornwell McKean and Cr Paine that Council calls on the Australian Government to continue to demonstrate strong leadership, in support of Aboriginal and Torres Strait Islander Peoples, by endorsing the Uluru Statement from the Heart, establishing a process for truth telling, negotiating a treaty for reforming our constitution to enshrine a voice to parliament for Aboriginal and Torres Strait Islander peoples.

At the December 2022 Ordinary Council meeting Council also resolved to:

8.7 Reconciliation Action Plan

Resolved OCM 417/22

Moved: Cr Roger Reynoldson

Seconded: Cr John Taylor

That Council endorse the wording of the draft Reconciliation Action Plan so that staff may develop into a more polished product for Council adoption. Further, Council nominate Cr Cornwell McKean as Council's RAP Champion.

CARRIED

In order to establish our Reflect Reconciliation Action Plan, the following actions have been undertaken to get the Reconciliation Action Plan to where it is now:

- A number of meetings took place to understand what actions Council could manage to commence a Reflect Reconciliation Action Plan (the first step)

- 14 September 2022 the First Draft of Council's Reconciliation Action Plan was sent to Reconciliation Australia for their initial consultation.
- 11 October 2022 – response was received from Reconciliation requiring a considerable amount of additional work and rework to the initial document. All responses were positive.
- 12 October 2022 – the second draft of the document was sent to Cr Julia Cornwell-McKean, Uncle Dozer (a Bangarang Elder) and a number of internal staff who identify
- 14 October 2022 – response from Cr Cornwell-McKean
- 29 October 2022 – responses from staff members received
- 7 November 2022 – reminder sent to Uncle Dozer as I was aware he may have been affected by the flooding
- 7 November 2022 – confirmation from Uncle Dozer that he was happy with the document to date and expressing his interest in participating on the RAP Working Group
- 7 November 2022 – submitted second draft of document to Reconciliation Australia
- 2 December 2022 – feedback received regarding version 2 of our Reconciliation Action Plan
- 14 December 2022 – report to Council meeting to continue progression of the RAP
- 12 January 2023 – email to staff requesting nominations to the Reconciliation Working Group (only one received at this time)

Discussions have commenced with Uncle Dozer, a Bangarang elder, to provide some cultural training with councillors and staff that will involve a Yarning session where stories of Berrigan and Finley townships in particular can be told to celebrate our shared history. I am hoping that session can be combined with the launch of our RAP.

Council is now at the point it can endorse the draft RAP for submission and final approval of Reconciliation Australia.

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

Community Strategic Plan

Issues and Implications

There has been some resistance displayed towards acknowledgement of the important history of First Nations peoples in our Shire and area internally. Some staff have been actively discouraged from claiming their identity and I intend to ensure this is something they can be proud of and feel supported in. If Council wishes to move ahead with an inclusive and diverse workplace, then this is a necessary first step.

Policy

Equal Employment Opportunity Policy

Discrimination, Bullying, Harassment and Workplace Violence Policy

Community Engagement Plan and Community Participation Plan

Social Justice Framework

Financial

Nil – other than National Reconciliation Week events that may occur. Those decisions will be brought to Council if they affect budget, however for now, the focus will remain on internal acceptance.

Legal / Statutory

Nil

Community Engagement / Communication

Nil – as this is an internally focussed RAP the community do not yet need to be part of the discussions. I hope that the next RAP, which will probably be another Reflect RAP will be focussed more on community and that will broaden the discussions and celebrations.

Human Resources / Industrial Relations (If applicable)

Nil

Risks

I do not believe there are any risks associated with implementing a Reflect Reconciliation Action Plan other than the positive outcome of employees feeling safer at work and of acknowledging and celebrating their heritage and important contributions to the region.

Options

1. Endorse the draft Berrigan Shire Council Reconciliation Action Plan as presented and submit to Reconciliation Australia for approval
2. Endorse the draft Berrigan Shire Council Reconciliation Action Plan with suggested changes and submit to Reconciliation Australia for approval
3. Do not endorse the draft Berrigan Shire Council Reflect Reconciliation Action Plan.

Conclusions

The draft Berrigan Shire Council Reflect Reconciliation Action Plan is ready for endorsement and I believe implementation of this plan will provide significant benefit to encourage diversity within our organisation.

8.7 National General Assembly

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.2. Strengthen strategic relationships and partnerships with community, business and government
Delivery Program:	2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery
Council's Role:	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:	<ol style="list-style-type: none">1. ALGA Call for Motions Discussion Paper (under separate cover)2. BSC Submission - National General Assembly (under separate cover)

Recommendation

That Council adopt the motions for the National General Assembly as outlined below:

1. This National General Assembly calls on the Australian Government and State Governments to fund and support the delivery of such educational models as Country Universities Centres throughout regional and rural areas.
2. This National General Assembly calls on the Australian Government and State Government water authorities to ensure funding is available for Local Councils to meet the needs of their communities where water utility supply forms part of their service delivery requirements.
3. This National General Assembly calls on the Australian Government and State Governments to work with Local Councils to assist with the identification of existing skills and the types of on-the-job training in Local Government that might meet micro-credentialing requirements and assist Local Councils to take up these options at the leading edge.
4. This National General Assembly calls on the Australian Government to ensure any future roll out of digital connectivity upgrades ensures rural, regional and remote communities do not continue to be relegated to the old and outdated delivery models.
5. This National General Assembly calls on the Australian Government and State Governments work with rural and regional Council's and community housing providers on the place-based supply, including financing, and construction of medium to long-term secure tenure rental housing designed for key workers otherwise excluded from home ownership due to their economic circumstances.

Report

The Australian Local Government Association (ALGA) advocates on behalf of Australia's 537 Local Councils for funding and policy outcomes that support local governments to delivery better results for their communities.

Each year ALGA hosts the National General Assembly (NGA) in Canberra where councils discuss current and emerging issues and advocate to the Federal Government regarding the priorities facing the local government sector.

The motions passed at NGA inform ALGA's strategic direction and national advocacy objectives. It is therefore important each Council submits motions if they feel strongly about any matter being faced by their community as the themes are often similar throughout the nation and this assists ALGA to represent Councils more fully.

This year's NGA will be held in Canberra from 12-15 June 2023.

This year's event is Our Communities, Our Future and will focus on how councils represent their communities in the shadow of a budget that foreshadows deteriorating economic conditions, global challenges, slowing growth, high inflation and higher interest rates, including acknowledging the mounting cost of living pressures on individuals, families and communities.

Motions must:

- be relevant to the work of local government nationally;
- not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications
- consistent with the themes of the NGA;
- compliment or build the policy objectives of ALGA and your state or territory local government association;
- propose a clear action and outcome ie call on the Australian Government to act on something;
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government;
- address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities;
- not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another;
- be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

The discussion paper outlining the theme of the NGA and the questions under which motions may be made, is included at **Appendix 1**.

Motions are due Friday 24 March 2023.

The purpose of this report is to seek Council's approval of any or all of the suggested motions provided in **Appendix 2**. Information must be provided with each Motion to ensure ALGA understand the reasoning behind the motion and to ensure it aligns with the theme document provided.

8.8 Sewer dump point - Endeavour St, Finley

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1.3. Connect and protect our communities
Delivery Program:	1.3.2. Manage and landfill, recycling and waste disposal
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

Recommendation

That the Council remove the sewer dump point at Endeavour St, Finley

Purpose

Finley Pioneer Rail Committee have requested that the Council close the sewer dump point adjacent to their facility at Endeavour St, Finley.

Summary

Finley Pioneer Rail Committee have requested that the Council close the sewer dump point at Endeavour St, Finley. The Committee believe the dump point is poorly sited and creates offensive odours close to their facility, detracting from the appeal of the area.

There is an alternate sewer dump point at Finley Showgrounds, alongside the RV-Friendly campsite. The Committee believe that Council staff committed to the removal of the Endeavour St dump site when the dump point at Finley Showgrounds was installed.

The Council is not committed to maintaining two sewer dump points in Finley and the Endeavour St site could be closed if Council wish.

Background

In October 2022, the Finley Pioneer Rail Committee wrote to the CEO requesting the removal of the sewer dump point at Endeavour St, Finley.

A copy of this letter is below

From: Syd & Anne Dudley <easvd@bigpond.com>
Sent: Tuesday, 25 October 2022 3:48 PM
To: Karina Ewer <KarinaE@berriganshire.nsw.gov.au>
Cc: Emma McQueen <EmmaM@berriganshire.nsw.gov.au>
Subject: Dump Point - Endeavour Street Finley

Karina Ewer
CEO
Berrigan Shire Council
56 Chanter Street
Berrigan NSW 2712

Dear Karina

Subject: Dump Point Removal from Finley Pioneer Rail Precinct.

Some time ago Finley Pioneer Rail Committee requested the removal of the dump point from our precinct in Endeavour Street Finley. Council informed us at that time that it was prepared to establish an alternative dump point at the Finley Showground and when that project was completed the offending site in Endeavour Street would be removed.

Our Committee believe that the dump point at the Showground is now functioning and we wish to see the dump point in our precinct closed and removed.

The Railway Precinct and adjoining car park have become a popular overnight caravan stop but the offensive odours especially during the warmer months detracts from the site.

Visitors to our site have commented on the unsuitable location of the dump point.

Past investigations revealed the initial installation was not adequate and often becomes blocked so the Council decided to relocate the offensive dump point to the Showground.

The Rail Precinct has been included in the proposed walking track that embraces the perimeter of the town and to have a site with such offensive odours included in that plan is less than ideal.

We sincerely hope Council's plan to replace the Endeavour Street dump point with the alternative dump point at the Showground can now be concluded with the closing of the Endeavour Street facility.

We look forward to your advice on the matter.

Yours sincerely

Syd Dudley
President
Finley Pioneer Rail Committee.

The Endeavour St site was chosen by the Council based on the strategy that placing sewer dump points close to the centre of town may encourage caravan and RV drivers to stop in town and potentially dine and/or shop.

Some years later at the behest of the Finley Chamber of Commerce the Council created an RV-Friendly campsite at Finley Showgrounds. The development of that campsite included the creation of a sewer dump point, meaning Finley now had two sewer dump sites.

The Committee indicate that the Council committed to remove the Endeavour St site once the Showgrounds site was installed. A search of Council's records was unable to find evidence of this commitment, but there is no reason to believe that Council staff did not make this commitment verbally.

The nature of the dump point makes it difficult for the Council to gather data on its use.

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

The Berrigan Shire Strategy for the Visitor Economy is silent on the provision of sewer dump points in Berrigan Shire.

Issues and Implications

Financial

The cost of removing a sewer dump point is negligible.

Community Engagement / Communication

The stakeholder most directly impacted is the Finley Pioneer Rail Committee.

The Council may wish to seek the views of the Caravan and Motorhome Club of Australia (CMCA) and the Finley Chamber of Commerce, Industry and Agriculture (Chamber).

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	Low	Medium	High	High	High
D	Low	Low	Medium	Medium	High
E	Low	Low	Medium	Medium	High

The cost of removing the sewer dump point is negligible.

2. Reputational

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

There is a risk that removal of the dump point will be unpopular with campers and/or the Finley Chamber of Commerce. The evidence provided by the Committee indicate that campers are surprised that the location has a dump site.

The Council could mitigate the risk of upsetting the Chamber by consultation with the Chamber prior to removal.

On the other hand, a decision not to remove the dump point may damage Council's relationship with the Committee

Options

1. The Council can remove the sewer dump point – **This is the recommended option**
 2. The Council may retain the sewer dump point and investigate options to minimise offensive odours.
 3. The Council can defer a decision until it consults further with stakeholders and the community.
-

8.9 Cemeteries Policy

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
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:	1. DRAFT Cemeteries Policy

Recommendation

That Council:

- As a draft, adopt the Cemeteries Policy as set out in Appendix 1; and
- place the draft policy on public exhibition for a period of 21 days with any public submissions received to be considered at the ordinary Council meeting to be held on 19 April 2023

Purpose

This report proposes a revision of the Council's Monumental and Lawn Cemeteries Policy.

Summary

Council staff have reviewed the Monumental and Lawn Cemeteries Policy and provide a revised policy, renamed Cemeteries Policy.

The revised policy allows for a clearer guideline to:

- the general rules that apply to both members of the public and people undertaking work in the cemetery, as well as the allocation of plots;
- burials including applications, burial times, interments, liaison with Funeral Directors;
- interment of ashes;
- Exclusive Right of Burial (Reservation)
- Cemetery Maintenance, including removal of items, contractors and volunteers;
- Exhumations
- Plaques

- Monuments including approval, erection of a memorial, specifications, maintenance of structures and monuments for historic graves

Background

Council staff have reviewed the Council’s Monumental and Lawn Cemeteries Policy, last reviewed in November 1995.

The reviewed policy, renamed Cemeteries Policy is attached as **Appendix 1**.

This policy sets out how the Council will administer its cemeteries and provides guidelines for its visitors and users of cemeteries.

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

The Council does not have an adopted strategy for its cemeteries.

A review of the service delivery for cemeteries is currently being conducted and is proposed to be completed by 30 June 2023.

Issues and Implications

This policy is fairly self-explanatory, however the following points may be worthy of consideration.

Financial

There are no identified financial implications.

Legal / Statutory

The current policy makes no reference to relevant legislation, specifically the *Cemeteries and Crematoria Act 2013*. A reference to this legislation, provides further clarity to Council decision making and processes.

Community Engagement / Communication

A draft policy will be displayed on public exhibition for 21 days following a Council resolution, with for members of the community to make comment.

Local funeral directors and cemetery volunteers will be specifically invited to comment.

The comments will be collated and presented to the April Council meeting for consideration

Risks

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

1. Legal/Statutory

	Consequence				
Likelihood	1	2	3	4	5
A	Medium	High	High	Very High	Very High
B	Medium	Medium	High	High	Very High
C	Low	Medium	High	High	High

D	Low	Low	Medium	Medium	High
E	Low	Low	Medium	Medium	High

Although Council is acting in accordance with relevant legislation, this policy reinforces Council’s role with regards to Cemeteries. The revised policy will refer its readers to legislation so they can better understand Council’s position prior to complaints etc.

2. Reputational

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

Cemeteries are a public-facing service and dealing with grieving families can be difficult if Council does not act sensitively. However, it is also important that the cemetery is operated within a set framework to ensure each cemetery is well presented for all patrons.

Options

The Council may:

1. adopted the revised policy as provide with this report;
2. adopt an amended version of this policy, at the time of considering this report;
3. request Council staff to undertake further revision of the policy and present to a later Council meeting



Policy

11

CEMETERIES

Strategic Outcome:	Good government	
Policy type	Statutory	
Date of Adoption:	15 March 2023	Minute Number:
Date for Review:	17 March 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Replaces Monumental and Lawn Cemeteries Policy as amended on 19.11.2003	
Delivery Program Link:	2.1.1 Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032	

1. POLICY STATEMENT

Cemeteries are an important community asset and provide essential infrastructure and services to the community.

However, our cemeteries are not only functional places for disposal of the deceased, they also serve the emotional, religious and cultural needs of our communities and provide a tangible link to the history of our Shire.

Berrigan Shire Council operates four cemeteries and is responsible for their operation and maintenance:

- Barooga Cemetery,
- Berrigan Cemetery,
- Finley Cemetery, and
- Tocumwal Cemetery

2. PURPOSE

The purpose of this policy is to provide a management standard for the sustainable administration, operations and maintenance of Berrigan Shire Council's cemeteries by:



Policy

- Providing clear guidelines for safe, consistent, and socially acceptable standards for those entering, working, or visiting Council-managed cemeteries;
- Ensuring that Council manages its cemeteries in line with the legislative requirements and best practice standards for cemetery operations; and
- Providing a dignified and responsive cemetery and memorial service to the community

3. SCOPE

This policy applies to:

- all cemeteries administered by Berrigan Shire Council;
- Councill Officers, community members, volunteers, and contractors

4. OBJECTIVE

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

2.1.1 Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032.

5. DEFINITIONS

First Interment:	is the burial of the first person under the provisions of an existing interment right;
Second Interment:	The re-opening of an existing grave for a second interment (burial)
Monument:	means any structure, headstone, ledger, masonry, metal work, casting or other item memorialising a person where that item is placed in a Council cemetery;
Cemetery Register:	the register required to be kept by a cemetery operator in accordance with the <i>Cemeteries and Crematoria Act 2013 (NSW)</i> ;
Cemetery operator:	means Berrigan Shire Council;
Interment:	the placement of human remains in the earth, a columbarium, or some other structure. Interment applies equally to cremated and un-cremated remains;
Exclusive Right:	a contract between Council and an interment right holder permitting the right holder to place cremated or un-cremated remains in a particular plot in a cemetery or cremates in a columbarium or some other structure;



Policy

Exhumation:	the removal of human remains that have previously been interred into a burial plot;
Funeral Directors	profession in the management of funerals;
Lawn Cemetery:	the lawn areas of the cemetery permitting interment;
Monumental Cemetery:	the "older" areas of the cemetery that permit the use of monuments and are areas that allow for denominational interments;
Denominational	areas that were once controlled by a particular religious institute
Plaque:	a bronze plate that is fixed to a plinth, wall or other surface in commemoration of a person;

6. POLICY IMPLEMENTATION

6.1 Cemetery Operations

6.1.1 Cemetery Rules

The following is a list of general rules that apply to both members of the public and people undertaking work in the cemetery.

A person may not:

- damage, deface or interfere with burial plots and monuments;
- bury, inter or exhume any human remains, whether cremated or not without written consent from Council;
- carry out any works, including erection or repair of monuments without written consent from Council. Alterations, restoration or maintenance must be approved by Council staff;
- place glass in the cemetery, including glass ornaments or vases;
- Drive a vehicle speed or more than 10km per hour;
- park a vehicle on any known burial plot, verge or plantation, or in a manner which is likely to impede traffic;
- plant any tree, shrub, herbage or other plant without prior consent;
- bring an animal into any cemetery ground (with the exception of registered guide companion or assistance dogs)

Funeral Directors, Monumental Masons, contractors and volunteers are expected to abide by these rules where applicable.



Policy

6.1.2 Allocation of plots

Burial plots are allocated once Council receives an Application for Burial / Interment of Ashes.

For new interments into Council's lawn cemeteries, the next available plot will be allocated.

Council offers the services of Exclusive Right of Burial purchases (reservations) in its Monumental and Memorial Ashes areas only. An application for Exclusive Right of Burial must be completed and applicable fee paid at the time of purchase.

In the case of a burial request where no Exclusive Right of Burial has been purchased, family may request a preferred burial location, Council will endeavour to assist, however, may need to allocate location at its discretion.

A maximum of three coffin interments may occur in the same burial site within the lawn cemeteries with the approval of Council. The decision of triple depth must be made at the time of the first interment.

A maximum of two coffin interments may occur in the same burial site within the monumental area, with the approval of Council. The decision of double depth must be made at the time of the first interment.

The maximum number of burials (including cremated remains) is at the discretion of Council.

In some of the monumental areas of some cemeteries the choice of plot may need to be changed at the time of digging due to unforeseen circumstances, such as unmarked graves or underground obstacles.

Where a plot needs to be moved from the reserved location, the family will be notified, and a suitable site chosen for the burial.

6.2 **Burials**

6.2.1 Applications

All burials at Berrigan Shire cemeteries must be arranged through a Funeral Director.

Before the burial, the Funeral Director must complete the appropriate application form and ensure this form is signed by both the applicant and the Funeral Director before lodgment. The form must be lodged at least three (3) working days before the proposed burial date.

Berrigan Shire Council cemeteries are always open to the public, subject to temporary closures required for maintenance or public safety.



Policy

6.2.2 Burial times

Burials will be carried out between 10:00am and 3:00pm, Monday to Friday. Burials outside those hours are by special arrangement only.

Special arrangements can be made for burials that are requested on public holidays or over the Christmas/New Year holiday period, however, Council reserves the right to deny special requests. Additional fees will apply to cover Council's costs where any special arrangement occurs.

Where appropriate, Council will give special consideration for burials where religious requirements dictate.

6.2.3 Interments

All interments must be approved by Council's Cemetery services staff.

All burial arrangements of bodily remains must be made through a Funeral Director who will in turn liaise with Council.

For people wishing to reserve plots for future burials, an Exclusive Right of Burial can be arranged directly with Council.

6.2.4 Funeral Directors

Funeral Directors are to liaise with Council on relevant matters pertaining to funeral arrangements at Council Cemeteries.

Funeral Directors must specify when a coffin/casket will be oversized to ensure Council contractors are aware for digging purposes. Additional fees may apply for oversized burials.

Funeral Directors are to refer to Council for confirmation of any Council fees relating to the burial.

The allocation of plot location is undertaken by Council and not the Funeral Director.

6.3 **Interment of Ashes**

Interment of cremated remains can be arranged directly with Council.

Ashes may not be a first interment in any monumental or lawn section and may only be interred in a lawn or monumental grave, following a traditional burial.

If desired, ashes may be removed from a niche and interred later with a burial in a monumental or lawn grave.



Policy

6.4 Exclusive Right of Burial (Reservation)

A Certificate of Exclusive Right of Burial is essentially the reserving of a plot for future use.

Exclusive Right of Burials are only available in the Monumental and Memorial Ashes areas and are not permitted in the Lawn Cemeteries.

A Certificate of Exclusive Right of Burial (Reservation):

- Is a contract between the Council, and a right holder which permits the holder to place human remains in a burial plot or niche;
- Applies to the burial of remains (including cremated remains) in either a burial plot, or niche;
- Will only be granted on receipt of an Application for Certificate of Exclusive Right of Burial (Reservation) and payment of the appropriate fee;
- Will only be granted to one or two persons as joint holders;
- Is granted by Council in perpetuity and allows the right holder to inter the deceased and for their remains to be left undisturbed forever, subject to exhumation;
- Shall be refused if the applicant is a holder of another exclusive right of burial for another interment site;

Holders of an Exclusive Right of Burial must still submit an application for burial/interment and pay the relevant fees at the time of each burial and interment.

An Exclusive Right of Burial Holder may transfer the rights of their holding to another person only following application in writing to Council.

Once the transfer has been accepted by Council a new Certificate of Exclusive Right of Burial will be issued to the new holder.

If a person wishes to transfer the Exclusive Right of Burial to Council a full refund of receipted monies will be paid to the applicant.

6.5 Cemetery Maintenance

All maintenance in and around Council's cemeteries (excluding maintenance of graves and monuments) must be undertaken by authorised persons. This may include:

- Council staff,
- authorised Council volunteers,
- authorised contractors.



Policy

Council will maintain its cemeteries to an appropriate standard within the maintenance budget set by Council.

Council will adhere to the best-practice principles detailed in the [Cemeteries & Crematoria NSW Voluntary Code of Practice for Cemetery Maintenance](#)

6.5.1 Removal of items

Council reserves the right to remove:

- Any trees, shrubs, plants, flowers, etc. from a cemetery or from any grave therein as soon as, in the judgement of the Cemetery maintenance workers and/or volunteers, they become unsightly, dangerous, diseased, or when they do not conform to the standard maintained or desired within the cemetery;
- All wreaths and floral tributes from any grave after a period of seven days following interment;
- Any bottles, tins, cans or other article placed on a grave as a container for floral tributes, which may be detrimental to the appearance of the cemetery, including any vase or other container which has become broken or damaged.

The Council shall not be held liable, nor will it accept any responsibility for damage done for any reason or cause whatsoever or for the theft of any article placed upon a grave.

6.5.2 Contractors

All contractors, grave diggers and maintenance workers must have Council approval prior to undertaking works within a Council managed cemetery.

Contractors must provide evidence of the following to Council prior to engagement:

- Public Liability Insurance – minimum \$20 million
- Workers Compensation Insurance
- Work Health and Safety operating procedures

6.5.3 Volunteers

Council recognises, supports, and values the important role of volunteers in the community.

Volunteer groups working within the cemeteries must be authorised by the Council and approved as volunteers.

Volunteer groups must adhere to Council's Work Health and Safety Policy and any safe work method statements set by the Council.



Policy

6.6 Exhumations

Exhumations will not take place without prior written consent from the Director General, NSW Department of Health and Council approval.

An exhumation may take place if it has been ordered by a court.

The applicant is responsible for all costs incurred in carrying out an exhumation.

6.7 Plaques

All plaques must be ordered through Council using the standardised Cemetery Plaque Order Form.

All details of the proposed plaque must be fully detailed on this form including any photos, emblems etc.

The authorised family/executor is responsible for arranging and ordering the plaque through the Council.

A design proof will be prepared by Cemetery Services staff and agreed upon with the family/executor prior to the ordering of any plaque.

Once a plaque arrives, only an authorised person may install the plaque. Authorised persons include:

- Council staff,
- Council contractor, or
- a person specifically authorised by Council – e.g., a monumental mason approved by Council

Additional costs over and above the standard plaque designs must be borne by the family/executor.

6.8 Monuments

6.8.1 Approval

All works carried out within any Council Cemetery must be approved by Council – this includes but is not limited to the establishment of a Memorial, Headstone or Plaque.

An authorised applicant or family member must submit the appropriate form, specifying details of size, construction, supports and materials and nominate a monumental mason or other suitably qualified person to undertake the works

6.8.2 Erection of a Memorial

Works must not be carried out or interfere with any services which may be being carried out in the cemetery.



Policy

All monument works must comply with AS4204 – Headstones & Cemetery Monuments.

Any damage to the monument being worked on or any other monument in the cemetery related to the works being carried out must be repaired and restored by the mason.

No monumental work is permitted in the Council's lawn cemeteries.

6.8.3 Specifications

Where a full monument is requested there are specific opening dimensions which must be strictly observed.

- Width – minimum clearance between the inside face footing and piers shall be 790mm
- Length – minimum clearance shall be 2160mm

Should a request be made to reopen a grave which does not meet the above specifications and a monument is damaged – the costs of repairs are to be borne by the applicant.

The maximum external measurements of a full monument must not exceed the maximum width of the specified plot – 1200mm wide and 2400mm in length.

Burial Plots may have monuments that adjoin the burial plot beside it.

6.8.4 Maintenance of Structures

Council shall not be responsible for the upkeep, maintenance or repair of any monument or structure over a burial place.

It is the responsibility of the family or next of kin of the deceased to maintain the monument or memorialization and occupied grave site within a Council cemetery.

Council may act to remove any structure which has deteriorated to the point of being dangerous and in danger of falling.

Council may remove shrubs, trees or other vegetation that has been planted without written consent to be used as a memorial.

If a structure is identified as being unsafe Council undertake a Risk Assessment and all reasonable attempts will be made to notify the Right Holder of the site. If the Holder cannot be contacted following reasonable action the structure will be removed.

6.8.5 Monuments for Historic Graves

Where a grave is over 50 years old, it is subject to the Heritage Act 1977. Council will not issue a permit to erect a memorial or the like in respect of a burial site, which is over 50 years unless the



Policy

proposed works conform to the requirements of the National Trust of Australia [Guidelines for Cemetery Conservation](#)

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Cemeteries and Crematoria Act 2013*
- *Cemeteries and Crematoria Regulation 2014*
- *Cemeteries & Crematoria (Amendment) Regulations 2018*
- *Public Health Act 2010 and its Regulation of 2012*
- *Heritage Act 1977*

7.2 Council policies and guidelines

- Work Health and Safety Policy

8. RECORDS MANAGEMENT

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

9. REVIEW AND EVALUATION

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

10. DOCUMENT AVAILABILITY

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

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

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



Policy

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

*Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712*

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	21.11.1995	New Policy document	General Manager
1.1	19.11.2003	Minor review (detail)	General Manager
2.0	15.03.2023	Major revision (detail)	Deputy Chief Executive Officer

APPENDICES

Nil

8.10 Human Resource Scan January 2023 (Late Covering Report)

Author:	HR Coordinator, Samala Armer
Strategic Outcome:	2. Good government
Strategic Objective:	2. Good government 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting 2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
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

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

8.11 Development Application - 48-23-DA-D1 - 277 Lower River Road, Tocumwal (Late Covering Report)

Author:	Director Strategic Planning & Development, Joanne Ruffin
Strategic Outcome:	1. Sustainable natural and built landscapes
Strategic Objective:	1. Sustainable natural and built landscapes 1.1. Support sustainable use of our natural resources and built landscapes
Delivery Program:	1.1. Support sustainable use of our natural resources and built landscapes 1.1.1. Coordinate strategic land-use planning
Council's Role:	Regulator: 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)

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

8.12 Development Determinations for Month of February 2023

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

Recommendation

That Council receive and note this report.

Report

APPLICATIONS DETERMINED FOR FEBRUARY 2023

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	
69/23/DA/D5-M	RESIDENTIAL STORAGE SHED	14 WILLIAM STREET, FINLEY NSW 2713 (Lot106//DP261753)	HARRY DUNBAR	MR HA DUNBAR AND MS MJ SPARKE	Approved 07-02-2023	\$25000.00	Active 6	Total 6
77/23/DA/D5	RESIDENTIAL STORAGE SHED	10 COLLIE STREET, BAROOGA NSW 3644 (Lot14//DP571683)	ACRE TOWN PLANNING	MR JB HOJNACKI AND MS M KNIGHT	Approved 03-02-2023	\$17250.00	Active 29	Total 29
78/23/DA/D9	17 LOT SUBDIVISION	CADDY CLOSE, BAROOGA NSW 3644 (Lot2//DP1120769)	OXLEY & COMPANY	MRS BR LEECH	Approved 21-02-2023	\$0.00	Active 41	Total 41
80/23/DA/D1	BV DWELLING & ATTACHED GARAGE	102-104 NANGUNIA STREET, BAROOGA NSW 3644 (Lot14//DP1121023)	BRIAN MITSCH & ASSOCIATES	MR EA CRESTANI AND MRS TM CRESTANI	Approved 08-02-2023	\$800000.00	Active 18	Total 18
24/23/CD/PC	DOMESTIC SHED	39 NUGGET FULLER DRIVE, TOCUMWAL NSW 2714 (Lot71//DP1070311)	IMPACT BUILDING APPROVALS PTY LTD	MR GW PEARCE AND MRS MG PEARCE	Approved 08-02-2023	\$15202.00	Active 0	Total 0
86/23/DA/D5	CARPORT	83 WOLLAMAI STREET, FINLEY NSW 2713 (LotD//DP18287)	MATTHEW MILLER	MS RA DELMENICO	Approved 13-02-2023	\$4000.00	Active 2	Total 2
25/23/CD/PC	INGROUND FIBREGLASS SWIMMING POOL	76 PLATYPUS DRIVE, BAROOGA NSW 3644 (Lot3//DP253590)	MURRAY RIVER CERTIFIERS	MRS ML AND MR RM BALDWIN	Approved 08-02-2023	\$101760.00	Active 0	Total 0
26/23/CD/PC	BV DWELLING & ATTACHED GARAGE	34 LEWIS CRESCENT, FINLEY NSW 2713 (Lot36//DP1281778)	MURRAY RIVER CERTIFIERS	MR DN SIBRAA AND MS AD ARCHIBALD	Approved 27-02-2023	\$455615.00	Active 0	Total 0

Key Performance Indicator – Development Assessment:

	Berrigan Shire Council (Feb 2023)	NSW (Feb 2023)
Average time taken to determine a Development Application ¹	19.2	113 ²

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

² Source: <https://www.planningportal.nsw.gov.au/eplanningreport> accessed 7 March 2023

APPLICATIONS PENDING DETERMINATION AS AT 28/02/2023

Application No.	Date Lodged	Description	Property Location
208/21/DA/D3	26-05-2021	INSTALLATION OF 68KL UNDERGROUND LP GAS TANK	94-104 DENILQUIN ROAD, TOCUMWAL NSW 2714 (Lot117//DP752296)
24/22/DA/D9	03-09-2021	10 LOT SUBDIVISION	LAWSON DRIVE, BAROOGA NSW 3644 (Lot9//DP1150036)
108/22/DA/D2	21-03-2022	HIGHWAY SERVICE CENTRE	NEWELL HIGHWAY, TOCUMWAL NSW 2714 (Lot297//DP720267)
21/23/DA/D9	16-08-2022	19 LOT SUBDIVISION	29-37 SHORT STREET, TOCUMWAL NSW 2714 (LotB//DP403751)
31/23/DA/D9	09-09-2022	7 LOT SUBDIVISION	BRUTON STREET, TOCUMWAL NSW 2714 (Lot6//DP1275427)
48/23/DA/D1	14-10-2022	BV DWELLING & ATTACHED GARAGE	277 LOWER RIVER ROAD, TOCUMWAL NSW 2714 (Lot4//DP594655)
50/23/DA/DM	18-10-2022	SHIPPING CONTAINERS	24-30 VERMONT STREET, BAROOGA NSW 3644 (Lot5/5//DP758057)
51/23/DA/DM	26-10-2022	STRAWBERRY FIELDS FESTIVAL 2023-2027	467 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot4//DP752296)
54/23/DA/D9	27-10-2022	6 LOT SUBDIVISION	66 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot2//DP270154)
57/23/DA/DM	27-10-2022	MUSEUM SHED	300-320 MURRAY STREET, FINLEY NSW 2713 (Lot7005//DP1019585)
60/23/DA/D1	28-10-2022	DWELLING	SEPPELTS ROAD, BAROOGA NSW 3644 (Lot4//DP659936)
18/23/CD/M4	21-12-2022	RESIDENTIAL STORAGE SHED	23 TAKARI STREET, BAROOGA NSW 3644 (Lot66//DP1123204)
76/23/DA/D9	21-12-2022	9 LOT SUBDIVISION	4 WIRRAWAY COURT, TOCUMWAL NSW 2714 (Lot50//DP1246486)
79/23/DA/D3	09-01-2023	INDUSTRIAL SHED	172 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot1/6//DP758097)
21/23/CD/M5	30-01-2023	INGROUND FIBREGLASS SWIMMING POOL	25 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot11//DP1121054)
81/23/DA/D5	02-02-2023	RESIDENTIAL STORAGE SHED	28 HUTSONS ROAD, TOCUMWAL NSW 2714 (Lot2//DP1263147)
83/23/DA/D1	06-02-2023	BV DWELLING & ATTACHED GARAGE	15-17 BRUTON STREET, TOCUMWAL NSW 2714 (Lot1/26//DP758981)
82/23/DA/DM	06-02-2023	GOOD TIMES IN TOCUMWAL FESTIVAL	467 TUPPAL ROAD, TOCUMWAL NSW 2714 (Lot4//DP752296)
84/23/DA/DO	06-02-2023	RURAL SHED	15955 RIVERINA HIGHWAY, FINLEY NSW 2713 (Lot1//DP804183)
85/23/DA/D5	06-02-2023	RESIDENTIAL STORAGE SHED	31 BOYD STREET, TOCUMWAL NSW 2714 (Lot4/14//DP758981)
87/23/DA/D5	13-02-2023	RESIDENTIAL STORAGE SHED	36 SHORT STREET, TOCUMWAL NSW 2714 (Lot1//DP1245062)
88/23/DA/D5	14-02-2023	CARPORT	28-30 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot6/2//DP758981)
89/23/DA/D5	21-02-2023	RESIDENTIAL STORAGE SHED	3 BROWNE STREET, TOCUMWAL NSW 2714 (Lot9/37//DP758981)
90/23/DA/D5	23-02-2023	RESIDENTIAL STORAGE SHED	MURRAY STREET, TOCUMWAL NSW 2714 (Lot1//DP788345)
91/23/DA/D5	27-02-2023	RESIDENTIAL STORAGE SHED	31 HONNIBALL DRIVE, TOCUMWAL NSW 2714

			(Lot132//DP1281192)
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**TIME TAKEN FOR ASSESSMENT OF APPLICATIONS
LODGED AND PENDING DETERMINATION**

	Development Applications Pending Determination
<i>Less than 40 days</i>	12
<i>41 – 99 days</i>	7
<i>100+ days</i>	6
<i>Total Number of Development Applications Pending Determination</i>	25

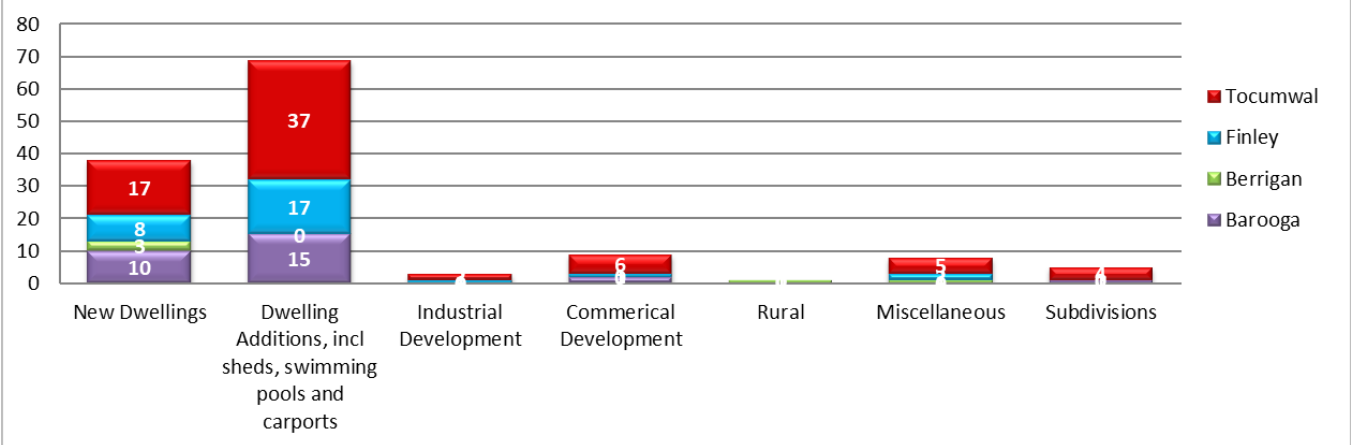
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Feb)	Year to Date	This Month's Value (Feb)	Year to Date Value
<i>Development Applications (DA)</i>	5	107	\$846,250	\$23,007,589
<i>Construction Certificates (CC)</i>	1	89	\$305,900	\$21,088,679
<i>Complying Development Certificates (CDC)</i>	3	26	\$572,577	\$4,804,486
<i>Local Activity (s.68)</i>	4	54	0	0

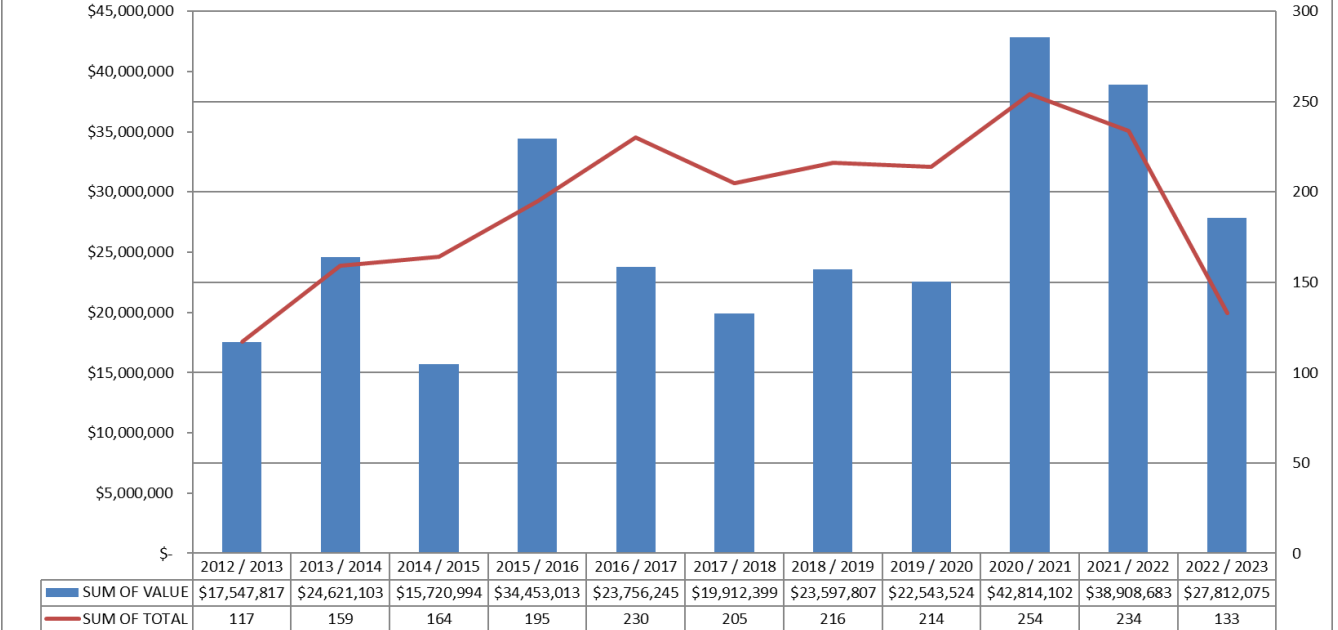
OTHER CERTIFICATES ISSUED FOR FEBRUARY 2023

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total	FEB	Year Total
BAROOGA	9	44	0	2	0	1	0	0	0	1	0	2
BERRIGAN	8	42	1	2	1	5	0	3	0	1	0	1
FINLEY	15	92	0	0	0	2	0	2	0	0	0	0
TOCUMWAL	14	108	0	5	0	3	0	2	0	0	0	4
TOTAL	46	286	1	9	1	11	0	7	0	2	0	7

DEVELOPMENT ACTIVITY 2022/2023 as at 28 February, 2023



DEVELOPMENT ACTIVITY as at 28 February, 2023



8.13 Transfer of Crown roads to Council

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	4. Diverse and resilient business
Strategic Objective:	4.3. Connect local, regional and national road and rail infrastructure and networks
Delivery Program:	4.3.1. Develop and promote Berrigan Shire regional transport and freight infrastructure
Council's Role:	Asset Owner: 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:	<ol style="list-style-type: none">1. 14 February 2023 Berrigan Shire Council Notice of Transfer of Road - Barooga, Berrigan, Finley and Tocumwal.pdf (under separate cover)2. Government Gazette 10 February 2023 - Berrigan Shire Council Road Transfers.pdf (under separate cover)

This report is for information only.

Report

This report is to inform the Council that Crown Lands NSW has formally transferred ownership of a large collection of local roads to Council.

These roads – located in the urban areas of Barooga, Berrigan and Finley and Tocumwal – were already maintained by the Council at varying service levels set by the Council and this will not change. The transfer is an administrative exercise to ensure that legal ownership of the road rests with the authority responsible for the operation of the road.

The Council will now have the ability – should it wish – to permanently close these roads and dispose of the land without requesting Crown Lands approval. That said, there are no current plans to close any of these roads.

The only financial impact of this transfer is that the Council will be required to recognise the value of the land underneath these newly acquired roads as an asset in its financial statements. As land, this asset is not required to be depreciated.

8.14 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:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Outstanding Council Actions as of 06.03.2023 (under separate cover) 2. Completed Council Actions from 15.02.2023 - 06.03.2023

Recommendation

That Council receive and note the Council Action List Report.

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 06.03.2023
- Completed Council Actions from 15.02.2023 – 06.03.2023

Division:	Council	Date From:	15/02/2023
Committee:		Date To:	7/03/2023
Officer:		Printed:	7 March 2023 9:38 AM

[Action Sheets Report](#)

Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Hansen, Matthew Hansen, Matthew	Reports to Council	Request for Fee Relief - Berrigan Community Club
<p>Resolved OCM 021/23</p> <p>Moved: Deputy Mayor Carly Marriott Seconded: Cr Edward (Ted) Hatty</p> <p>That Council reduce the fee payable by the Berrigan Community Club, due to the unavailability of other copying services at the time, to the retrospective fee due normally paid for this service through DAWMAC Industries.</p> <p style="text-align: right;">CARRIED</p> <p>17 Feb 2023 2:02pm Ewer, Karina - Reallocation Action reassigned to Hansen, Matthew by Ewer, Karina - I won't know when the adjustment is made</p> <p>23 Feb 2023 1:06pm Hansen, Matthew - Email Action Item - Request for Fee Relief - Berrigan Community Club</p> <p>23 Feb 2023 1:30pm Hansen, Matthew Credit note authorised. Staff to obtain price from Dawmac</p> <p>03 Mar 2023 2:46pm Hansen, Matthew - Completion Completed by Hansen, Matthew (action officer) on 03 March 2023 at 2:46:48 PM - \$1,200 invoice credited and replacement invoice for \$216 issued</p>			

Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Hansen, Matthew Hansen, Matthew	Reports to Council	Private Works Policy
<p>Resolved OCM 023/23</p> <p>Moved: Cr Roger Reynoldson Seconded: Cr Renee Paine</p> <p>That the Council:</p> <ol style="list-style-type: none"> 1. Revoke its Hire of Council Plant for Private Works Policy adopted on 14 December 2016, and 2. Adopt the Private Works Policy attached as Appendix 1 with an amendment to item 6.5, to provide clear direction on whether it is a fixed price or an estimate. 			

Division:		Date From:	15/02/2023
Committee:	Council	Date To:	7/03/2023
Officer:		Printed:	7 March 2023 9:38 AM
Action Sheets Report			

03 Mar 2023 2:33pm Hansen, Matthew - Completion		CARRIED
Completed by Hansen, Matthew (action officer) on 03 March 2023 at 2:33:13 PM - Policy adopted. promulgated and implemented		

8.15 Tocumwal Foreshore Committee Monthly Update - Project Implementation

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 2.2. Strengthen strategic relationships and partnerships with community, business and government
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance 2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery
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 Strategic Partner: The Council partners with other agencies, stakeholders, community groups etc in the delivery of a Council provided service or activity that aligns with Councils Strategic outcomes or Delivery Program.
Appendices:	1. Berrigan Shire Council and Tocumwal Foreshore Committee V2.docx (under separate cover)

This report is for information only.

Report

At the February Ordinary Council meeting Council moved as follows:

To facilitate the above request I prepared a draft Project Document for the Foreshore Committee to facilitate discussion with them and so that we could all agree on the roles and responsibilities of Council and the Foreshore Committee as we move forward to implement the return of delegation to the Foreshore Committee for the Town Beach area. Also considered are the findings of the Internal Audit Report and the Auditor-Generals report regarding section 355 Committees of Council.

I met with the Foreshore Committee on 21 February 2023 to agree to the finalisation of the attached document. At the time of writing this report, I was awaiting confirmation from the Foreshore Committee that they would sign the document. Their committee meeting was scheduled for 7 March 2023 when they expected it would be signed.

The timetable for the roll out of the "project" is recorded here for information purposes only and progress against that timetable will be reported on monthly as requested by Council.

8.16 Murray Regional Tourism - Local Area Plans

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	4. Diverse and resilient business
Strategic Objective:	4.2. Diversify and promote local tourism
Delivery Program:	4.2.1. Partner with regional Tourism Boards (Murray Regional Tourism Board or similar)
Council's Role:	Facilitator: A step further from advocacy where the Council may try to bring parties together to work out a solution to an issue affecting the Council area
Appendices:	<ol style="list-style-type: none">1. Cobram, Barooga, Tocumwal and Surrounds Local Area Plan 2202223 (under separate cover)2. Destination Management Plan (under separate cover)

This report is for information only.

Report

I sit as the RAMJO and NSW Local Council's representative on the Murray Regional Tourism (MRT) Board.

As part of my role on that Board, I represent the interests of Local Councils in the MRT footprint.

The MRT recently undertook to develop Local Area Action Plans that were originally intended to be documents owned by Councils. The first documents presented were of very poor quality with basic mistakes such as Moama being marked where Tocumwal actually sits. The documents also listed Council as responsible for a great many things they are neither responsible for, generally deliver or were not aligned with their current strategic plans.

At the first meeting regarding these documents I, as a board member refused to sign off on them as they were (in my words) quite the laziest documents I had ever seen and committed Councils in particular to things they would not and could not afford.

I sent those initial documents to all relevant CEOs /GMs on either side of the border as most are linked (as you will see from our document). Almost every CEO / GM responded with feedback and that was sent on to MRT for response.

The documents were again presented to the Board and still had a number of mistakes in them. Some of the feedback had not been included in the re-drafting. At my insistence the documents were renamed to Local Area Plans and were to be appendices to MRT's Destination Management Plan (DMP) once they were of an acceptable standard. This removed the expectation that the documents had to be adopted and "owned" by Councils. Final payment to the contractor was also with-held until the requested works were undertaken.

The MRT DMP and the Cobram, Barooga, Tocumwal Local Area Plan are able to underpin any grant funding applications that support tourism growth in the area and the DMPs that have been developed across the Murray Region in general are used by State government bodies to consider the types of grant funding opportunities that might be provided, ensuring grant funding aligns with the plans of Council and MRT as the advocacy body for the area.

8.17 Fullers Road Landcare Group

Author:	Recreation Officer, Emma McQueen
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:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. 02.03.2023 Phil Lynda Snowden Fullers Road Landcare Meeting Minutes.msg (under separate cover)

Recommendation

That Council:

1. dissolve the Fullers Road Landcare Group and revoke their delegation.
2. negotiate an agreement with the Fullers Road Landcare to disperse the remaining funds to the 19 participating landholdings for the maintenance of trees that were planted and associated costs and/or for future tree planting.
3. Recognise the Fullers Road Landcare Group at a future Council meeting

Purpose

The purpose of this report is to formalise the winding-up of the Fuller Road Landholders Group and to formalise the disbursement of the remaining funds held.

Summary

In summary, the Fullers Road Landholders Group has voluntarily ceased operations. The Council needs to formally dissolve the Committee and the management of the remaining funds.

The Council may wish to formally recognise the efforts of the Committee since 1991 by presenting the members with certificates at a Council meeting.

Background

Fullers Road Landcare Group is a Section 355 Committee of Council established under *the local Government Act 1993*. In effect they have had care, control and management of Landcare services in the 19 participating member landholdings and all funds generated from these activities. In September 2022 the Committee held its Annual General Meeting and resolved to voluntarily cease operations.

As per the minutes of the meeting had by the group on 26 February 2023, "there was consensus to wind up the group but to maintain social contact on a regular basis. Discussion was had as to the

fairest way to disperse funds - would be on a per participating landholding basis. There are ongoing costs associated with maintenance of trees and fencing. Some landholders also want to plant more trees.”

Council will require a statutory declaration regarding the disbursement of the \$21,428 to specify that all funds will be spent on activities commensurate with the purpose of Landcare.

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

The Fullers Road Landcare Group has been a part of Council since 1991.

Fullers Road Landcare Group’s projects relates to Berrigan Shire Council Strategic Objective 1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife, in particular,

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

Issues and Implications

Policy

The Council doesn’t have a policy regarding Fullers Road Landcare Group’s funds.

Financial

The Committee at its final meeting resolved to disperse the \$21,428 to the 19 participating landholdings for the maintenance of trees that were planted and associated costs and/or for future tree planting. Council will need to formalise this transfer of funds.

Legal / Statutory

The Fullers Road Landcare Group holds public funds and have a legal obligation to be consistent with their delegation: “To give care, control and management of the Fullers Road Landholders Group to a Committee comprising of citizens as appointed by the Council from time to time.”

Community Engagement / Communication

Council staff believe it would be appropriate to acknowledge the current members of the Fullers Road Landcare Group and invite them to the Council meeting to receive a recognition certificate.

Human Resources / Industrial Relations (If applicable)

N/A

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	Low	Medium	High	High	High
D	Low	Low	Medium	Medium	High
E	Low	Low	Medium	Medium	High

Council can mitigate the risk of any financial loss buy entering into a formal agreement.

2. Reputational

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

There is a risk that something may happen to the funds, but a formal agreement should assist.

Options

The Committee has voluntarily ceased operations. As per the last meeting minutes on 26th February 2023: “Discussion was had as to the fairest way to disperse funds - would be on a per participating landholding basis - There are ongoing costs associated with maintenance of trees and fencing. Some landholders also want to plant more trees.” The Council could, if it chose, decide where and how the remaining funds are dispersed to. This is not recommended because the assets are held in trust for the community.

Conclusions

Firstly, upon request, Council staff believe an appropriate method is to dissolve the Fullers Road Landcare Group and revoke their delegation.

Secondly, an agreement with the Fullers Road Landcare Group for the disbursement of funds to the 19 participating landholders.

Thirdly, it is recommended to recognise the Fullers Road Landcare Group at a Council meeting.

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

9.1 Notice of Motion - Proposed amendment to Agenda Deadlines

Author:	Executive Assistant, Keelan McDonald
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

On behalf of Councillors **Carly Marriott and Renee Paine**, I, Keelan McDonald hereby submit the following Notice of Motion to the Berrigan Shire Council's Ordinary Meeting of Council to be held on Wednesday, 15 March 2023.

Motion

That Council staff provide Councillors with the Agenda for its Ordinary meetings no later than the Friday prior to the next Ordinary Meeting or Strategic and Planning Workshop date.

Background

The Code of Meeting Practice does not include any specific timeframe for when the Agenda is to be prepared and provided to Councillors, however discussions at the meeting where the Code was adopted did ask staff to have the Agendas to Council at least 7 days prior to an Ordinary meeting or Workshop to provide sufficient time to read reports and attachments (noting there can be a lot of attachments). The meeting noted there may be late reports due to the timeframes required especially between SPW and the next Council Ordinary meeting.

Councillors Marriott and Paine would like to suggest a change to this; being moving forward, the Agenda is due the Friday prior, to reduce the amount of Late Reports and subsequent Papers.

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 Barooga Tocumwal Shared Path Project

This matter is considered to be confidential under Section 10A(2) - (c), (d)(i) and (d)(ii) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

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 19 April 2023 from 9:15 in the Council Chambers, 56 Chanter Street, Berrigan.

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