



ORDINARY COUNCIL MEETING

Wednesday 18 October, 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 18 October, 2023

BUSINESS PAPER

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 18 October, 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.

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

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

3.1 Apologies/Leave of Absence

Nil

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil



4 CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 20 September, 2023 be confirmed.

Recommendation: That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 20 September, 2023 be confirmed.

Recommendation: That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 4 October, 2023 be confirmed.

5 DISCLOSURES OF INTERESTS



6 MAYORAL MINUTE(S)

6.1 Mayoral Minute - Meeting with The Honourable Jennifer Aitchison MP

Author: Cr, Julia Cornwell McKean

Appendices: Nil

Recommendation

That Council note the report.

Overview

Deputy Mayor, Cr Carly Marriott, Karina Ewer and I met with Minister Aitchison, Minister for Regional Transport and Roads on 29 September 2023. Minister Aitchison had both her Deputy Senior Advisor and Joanne Chesire, Senior Manager, Community & Place Partner – Riverina Murray from Transport for NSW with her.

This report outlines the matters discussed at that meeting for Council's information.

Minister Aitchison informed us Berrigan Shire Council had been allocated \$3,509,259 under the **Regional Emergency Road Repair Fund** and that we should be formally receiving that information shortly. I am aware staff will discuss this matter and other road funding at the Corporate Workshop.

The new funding will require acquittal by December 2027. Minister Aitchison also informed us that the **Regional and Local Road Repair Program** (under which Council received \$2,503,341) will have its acquittal date moved out to the same timeframe. Minister Aitchison noted these extensions were in response to Councils' advocacy surrounding the long term effects on road infrastructure the recent floods had (i.e. that potholes etc will continue to recur until the ground beneath sealed road in particular have time to completely dry).

Minister Aitchison then undertook to ensure that during this term of government the **Reclassification of State Roads** project would be finalised. Many Councils had applied to return these local roads to State Government. For Berrigan Shire, the regional roads that were originally State controlled roads and we reclassified to regional roads, for which Councils are responsible are:

- MR226 – Cobram-Barooga Road (from Corowa to Tocumwal (MR550) at Barooga to the Cobram Bridge over the Murray River)
- MR356 – Berrigan to Oaklands Road (from the Jerilderie – Oaklands Rod 9.6km west of Oaklands to the Riverina Highway at Berrigan)
- MR363 – Barooga to Berrigan Road (from the Corowa-Tocumwal Road (MR550) near Barooga to the Riverina Highway (HW20) at Berrigan)
- MR550 – Corowa to Tocumwal (from the Corowa – Mulwala Road (MR314) north of Mulwala via Barooga to the Newell Highway (HW17) at Tocumwal and



- MR564 – Berrigan to Jerilderie Road (from the Riverina Highway (HW20) at Berrigan via Mairjimmy to the Newell Highway (HW17) at Wunnamurra.

Berrigan Shire has not applied to return these roads to State Government control. Council staff are concerned that if they are returned completely to State Government control, the state of those roads would deteriorate to something akin to the Riverina Highway. Currently Council has agreements under the Regional Road Fund and through Block Grants with the State Government to undertake works on lengths of those roads annually. Those funding amounts forms part of our road maintenance schedules. The concern of Council staff is that the funding provided for this maintenance has deteriorated considerably over time, leaving Council to pay for the short fall. Council staff have requested that Councillors advocate for Berrigan Shire to retain management of these roads provided sufficient funding to maintain them at their current levels is provided.

We then had a general discussion about Council's road network and the complication of the Murray Irrigation Limited bridges throughout the Berrigan Shire. Minister Aitchison agreed it would be important to continue working on this project and ensure the roads affected by bridge upgrades did not damage the new bridges due to Council's infrastructure traversing those bridges. Minister Aitchison understood the concerns raised and did want to know more about the project.

Ms Joanne Cheshire asked if Council could provide current road condition reports to assist with understanding the levels of funding required to maintain and upgrade Council's road network. The CEO has offered to provide Ms Cheshire a link to the work Shepherd Services has undertaken in Berrigan Shire so that future funding might be more targeted where it is needed.

Discussions then turned to the matter of People's Bridge. Karina was able to discuss that engineering reports had indicated the bridge was able to sustain high productivity vehicle loads but was not wide enough to safely allow their access, even though it is a heavily used roadway for heavy vehicles. Minister Aitchison indicated she would refer that matter to The Honourable Jo Haylen MP, Minister for Transport and Roads. Council will also advocate for the upgrade of this bridge to ensure the safety of our community.

I then discussed the matter of school bus subsidies and NSW funding going to private Victorian services that did not need to meet the same standards required for student safety as that of NSW providers. Also discussed was the increased costs associated with funding Victorian providers as opposed to local providers. Minister Aitchison indicated she would investigate further as she agreed the matter did appear inequitable at face value.

Deputy Mayor Carly Marriott was then able to represent the freight industry in Berrigan Shire and noted the frustrations being experienced by the industry due to administration inconsistencies in the permitting system and the limitations of the High Productivity Freight Network, in that it is not keeping up with current freight configurations. Cr Marriott requested consideration of A-doubles being allowed on the HPV network. Ms Cheshire indicated she would take this up within her department. I am aware Ms Cheshire has contacted Karina and is looking to link the TfNSW Regional Freight Facilitator with our staff. Karina is following that matter up.

Given the meeting was booked for half an hour and ended up being more than an hour, it was a very productive meeting and I feel provided positive opportunities for the Berrigan Shire.



6.2 Mayoral Minute - Mayor's Report

Author: Cr, Julia Cornwell McKean

Appendices: Nil

Recommendation

That Council adopt the Mayor's Report as presented.

Background

As I will not be available at the October Ordinary meeting, I am providing this Mayoral Report in written form.

Since being elected Mayor I have attended the following meetings:

Date	Location	Meeting
21 September 2023	Barooga	Induction with CEO
22 September 2023	Telephone	ABC Shepparton and Goulburn Murray radio
25 September 2023	Berrigan	Toolbox meeting at depot with outdoor team
27 September 2023	Telephone	ABC Riverina Radio
28 September 2023	Virtual	Murray River PD
28 September 2023	Berrigan	Staff Rewards and Recognition
28 September 2023	Berrigan	The Honourable Jennifer Aitchison MP, Minister for Regional Transport and Roads
3 October 2023	Telephone	ABC Riverina Print
4 October 2023	Berrigan	Strategic and Policy Workshop
4 October 2023	Virtual	Essential Energy
6 October 2023	Barooga	Sporties Barooga re: Rec Reserve
6 October 2023	Barooga	Tennis Court Opening
10 October 2023	Barooga	Barooga Advancement Group
11-12 October 2023	Griffith	Corporate Workshop



6.3 Mayoral Minute - Private Members Bill - Rural Fire Service Assets

Author: Cr, Julia Cornwell McKean

- Appendices:
1. Private Member's Bill - Rural Fire Service Vehicles - Letter to Helen Dalton
 2. Private Members Bill - Rural Fire Service Assets - Media Release

Recommendation

That Council endorse the actions taken by Mayor Julia Cornwell McKean to support the Private Members Bill to ensure the ownership of Rural Fire Service Assets is clearly with the Rural Fire Service.

Background

On Saturday 7 October 2023, I received the following email from Mr Jamie Chaffey, Chair of the Country Mayors Association:

COUNTRY MAYORS - ACTION REQUIRED

Attention Mayors, Councillors and General Managers

Member for Northern Tablelands the Hon Adam Marshall has introduced a Private Member's Bill into State Parliament, amending the Rural Fires Act 1997, to transfer the ownership of NSW Rural Fire Service (RFS) vehicles, fire trucks and buildings from local councils back to the State Government, we believe this private member's bill, would, if supported appropriately recognise that Rural Fire Service (RFS) assets are vested with the NSW RFS for accounting purposes.

Financial sustainability ranked as the number one issue in our annual survey this year, and logical corrections like this private members Bill will go along way in supporting Local Government in Regional, Rural and Remote NSW

For this bill to pass through parliament your help is needed, the Cross Bench vote will most likely determine the outcome. Below is a table of Cross bench members of State Parliament and the LGAs they represent, If you are a Mayor or Councillor in any of these Councils, please contact your State MP and let them know just how important it is that they support the Private Members Bill.

It is expected that the vote on the Bill will be Thursday 12 October – If you are in Sydney or in Parliament House on Thursday I would encourage you to attend to support



Member for Northern Tablelands –The Hon Adam Marshall

Electorate	State Member	Council/Mayor
Ballina	Tamara Smith MP (Greens)	Byron – Michael Lyon Ballina – Sharon Cadwallader
Barwon	Roy Butler MP (Independent)	Broken Hill - Tom Kennedy Central Darling - (Administrator) Bob Stewart Bourke - Barry Hollman Cobar - Peter Abbott Brewarrina - Vivian Slack-Smith Bogan- Glen Neill Lachlan Shire- John Medcalf Warren Shire - Milton Quigley Walgett Shire - Jason Ramien (mayor since 14 Sept) Coonamble Shire - Tim Horan Gilgandra Shire - Doug Batten Warrumbungle Shire - Ambrose Doolan Narrabri Shire - Darrell Tiemens (mayor since 26 Sept)
Kiama	Gareth Ward MP	Kiama - Neil Reilly Shellharbour - Chris Homer Shoalhaven - Amanda Findley
Lake Macquarie	Greg Piper MP	Lake Macquarie - Kay Fraser
Murray	Helen Dalton MP	Wentworth Shire - Daniel Linklater



		<p>(since 20 Sept)</p> <p>Balranald Shire - (Administrator) Michael Colreavy</p> <p>Carrathool Shire - Darryl Jardine</p> <p>Hay Shire - Carol Oataway</p> <p>Griffith City - Doug Curran</p> <p>Leeton Shire - Tony Reneker</p> <p>Murrumbidgee - Ruth McRae</p> <p>Berrigan Shire - Julia Cornwell McKean</p> <p>Edward River - Peta Betts</p> <p>Murray River - Chris Bilkey</p>
Orange	Philip Donato MP	<p>Orange City - Jason Hamling</p> <p>Parkes Shire - Neil Westcott</p> <p>Forbes Shire - Phyllis Miller</p> <p>Cabonne Shire - Kevin Beatty</p>
Wagga Wagga	Dr Joe McGirr MP	<p>Wagga Wagga - Dallas Tout</p> <p>Snowy Valleys - Ian Chaffey</p> <p>Lockhart - Greg Verdon</p>
Wollondilly	Judy Hannan MP	<p>Wollondilly Shire - Matt Gould</p> <p>Wingecarribee Shire - (Administrator) Viv May</p>

Please contact me directly should you have any questions.
 Regards



Jamie Chaffey Mayor

Gunnedah Shire Council

Chairman Country Mayors Association of NSW

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www.gunnedah.nsw.gov.au or www.facebook.com/gunnedahshire

I acknowledge the Kamilaroi Aboriginal Nation as the traditional custodians of the land on which I live, work and play. I pay my respect to Elders past and present.

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On Sunday 8 October 2023, Karina prepared the attached letter and media release (Appendices 1 and 2) which were sent out on Monday 9 October 2023.

It is expected the Private Members Bill will be voted on 12 October 2023, so actions could not be referred to Council for consideration. A link to the Private Members Bill is provided below for your information:

<https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18453>

This matter is ongoing for all Councils, ours included. We continue to refuse to account for RFS Assets.

It is important the decision not to account for RFS assets does not undermine the importance Council places on the RFS and the important role these volunteers play in our community. The call from all Councils remains the same – that the State Government account for their own assets in the same transparent and accountable manner they expect of Local Government.



Office of the Mayor

Ref: JMC: 2324: 04

9 October 2023

Ms Helen Dalton
Member for Murray
228 Cressey Street
Deniliquin NSW 2710

Via email: murray@parliament.nsw.gov.au

Dear Ms Dalton

Private Members Bill to Transfer Rural Fire Service Fleet to the Ownership of the State Government

I write to you as the new Mayor for Berrigan Shire Council. As you are aware, Berrigan Shire Council has written to you and a number of other Ministers regarding our concerns over the Rural Fire Service (RFS) Fleet and the requirement for Councils to account for a fleet they neither control nor own.

Berrigan Shire Council has continued to refuse to account for these RFS Assets (commonly known as “the Red Fleet”). Council do not purchase the equipment in question, we do not insure it, we do not maintain it, we do not deploy it, we do not have any say as to when and how the fleet is used, and we do not receive the proceeds of any sale of these assets. Under the relevant accounting standards, despite the stance of the Attorney-General, it is clear Councils do not own the Red Fleet, despite the term “vesting” which is used once in the *Rural Fires Act 1997*.

Council strongly believes, the way in which we are currently expected to account for the Red Fleet is subterfuge and misleading our communities. Berrigan Shire Council will again risk a qualified audit, rather than support the charade that is the current situation.

Accounting for these assets would significantly and severely impact Council’s long term financial sustainability as accounting for these assets in any way artificially increases our asset holdings and therefore increases our depreciation schedules unnecessarily. Diverting that money away from the delivery of services to our community is an outcome this Council cannot support.

Berrigan Shire Council

 56 Chanter Street, Berrigan NSW 2172
 (03) 5888 5100  www.berriganshire.nsw.gov.au



Berrigan Shire Council strongly urges you to vote for the Private Members Bill which is to be voted on this week. This Council and all Councils current forced to account for these assets feel this vote is extremely important for the financial sustainability of Councils in the long term, and for transparency and accountability to the people of NSW.

Please contact our CEO, Karina Ewer on 03 5888 1000 or email karinae@berriganshire.nsw.gov.au should you require further information or to book a meeting.

Yours faithfully

Dr Julia Cornwell McKean GAICD
MAYOR

Berrigan Shire Council

56 Chanter Street, Berrigan NSW 2172
 (03) 5888 5100 www.berriganshire.nsw.gov.au



Berrigan Shire Council
56 Chanter Street, Berrigan NSW 2712

P 03 5888 5100

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For immediate release

9 October 2023

PRIVATE MEMBER'S BILL – RURAL FIRE SERVICE ASSETS

The Berrigan Shire Council continues to fight to ensure the community are made aware of the cost and management status of Rural Fire Services Equipment. Currently the Auditor-General is insisting Council's account for State owned and management fleet, effectively hiding the cost and management practices on Council's books.

Mayor Julia Cornwell McKean said, "Council wants to make it clear to the community that we are grateful and strongly support the work of the volunteers in the Rural Fire Service. Their continued service is an example of the commitment to service we have in our community."

"The insistence of the State Government that Councils account for the Red Fleet does not support, nor value the work of RFS," Mayor Julia said.

The Auditor-General has continued to threaten Councils with qualified audits if they do not account for RFS Assets. RFS assets are not owned, nor managed by Councils and accounting for them in anyway is a clear breach of not only the Australia Accounting Standards, but would make Council complicit in perpetuating a myth that buries an estimated \$2B worth of mobile assets.

Rural firefighting equipment is too important for the NSW Government to continue to play accounting games. It is not in the best interests of NSW that responsibility for accounting for the assets of the world's largest volunteer fire service should be split and outsourced to over 100 councils.

"Our Council strongly supports the Private Members Bill that will be voted on by parliament this week," said Mayor Julia. "Support for that vote is critical in ensuring the Rural Fire Service is able to account for and manage their own fleet in a transparent and accountable way."

ENDS

Further information:

Keelan McDonald

Executive Assistant

Berrigan Shire Council





7 REPORTS OF COMMITTEES

Nil

7.1 Local Traffic Committee Meeting

Author: Operations Manager - Transport, Darron Freund

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. Local Traffic Committee Meeting Agenda - 10.08.2023.pdf (under separate cover)
2. Local Traffic Committee Meeting Minutes - 10.08.2023.pdf (under separate cover)
3. LTC Appendices Updated 10.08.2023.pdf (under separate cover)

Recommendation

That Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 10 August 2023.

- LTC1.** Council note Transport for NSW advice regarding Stewart Street, Berrigan as not meeting criteria for changes.
- LTC2.** Council note Transport for NSW advice regarding extension of 50km/h speed zone. Work instruction to be created in due course.
- LTC3.** Council note Transport for NSW advice regarding new 80km/h speed zone. Work instruction to be created in due course.
- LTC4.** Council note Transport for NSW advice regarding new 50km/h speed zone. Work instruction to be created in due course.
- LTC5.** Council note the review of speed zone for Golf Course Road / Vermont Street, Barooga and that request is at assessment stage.
- LTC6.** Council note 15mins parking signs have been installed in front of Pharmacy on Vermont Street, Barooga.
- LTC7.** Council note that "No Parking" signs have been installed along Burkinshaw Street,



Barooga.

- LTC8.** Council approve the application made by BDDA to hold the Annual Christmas Night Market on Friday 1 December 2023 and temporary road closure of Chanter Street, Berrigan between the hours of 5:00pm – 11:00pm subject to: A Road Occupancy License to be obtained from Transport NSW for the event.
- LTC9.** Council approve the application made by Cobram Barooga Cycle Club to hold their event each Sunday from 10:00am for the next twelve months, subject to receiving current Public Liability Certificate of Currency with special provision noting Transport NSW and NSW Police as Interested Parties, and Berrigan Shire Council.
- LTC10.** Council approve the installation of pedestrian crossing, taking into consideration that the crossing needs to be installed 50m from intersection and pedestrian crossing blisters need to be installed 20m before and 10m after crossing. The installation of a crossing will also impact the current Bus Zone area. To meet legal requirements the Bus Zone will need to be moved. Transport for NSW to provide advice on requirements for Finley High School to seek funding for new crossing.
-

Background

The Berrigan Shire Council Local Traffic Committee (LTC) meets quarterly as a technical review committee and is made up of a member of Transport for NSW, NSW Police, the Local Member of Parliament and a Councillor.

The Committee only advises the Council on matters for which the Council has delegated authority; being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Transport for NSW or relevant organisations. Such matters must not be referred to the LTC.

Council is not bound by the advice given by its LTC, however if Council does wish to act contrary to the unanimous advice of the LTC, or when the advice is not unanimous, it must notify Transport for NSW and the NSW Police and wait 14 days before proceeding.

Report

A copy of the business papers from the meeting held on Thursday 10 August 2023 are attached as "Appendix 1".

Other items discussed in general business to note:

- Berrigan Racecourse – Horse Crossing signs have been installed.
- Berrigan – Truck Route Signage for Bypass, not enough signs. Compliance issue.





7.2 ARIC Minutes - 24.08.2023

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:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
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:	1. ARIC Minutes - 24.08.2023 (under separate cover)

Recommendation

That Council note the minutes of the ARIC meeting, held on 24 August 2023.

Purpose

That Council note the minutes attached as Appendix 1.

8 REPORTS TO COUNCIL

8.1 ARIC advice during policy reviews

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:	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)
Appendices:	Nil

Recommendation

That the Council request ARIC review the policies listed below as they fall due for review

Report

Management is working through updating all Council policies and ensuring all policies are current and fit for purpose.

There are currently 27 policies that have expired that require review. This includes key policies relating to salaries and procurement.

Responsibility for the policy review has been delegated to the Deputy Chief Executive Officer who was on leave from May to August 2023. For this reason, progress on the review was somewhat stalled during this period.

The Audit Risk and Improvement Committee (ARIC) have suggested that they may be able to add value in this review process if the Council wished.

Below is a list of policies that Council may wish to request ARIC input when they are next reviewed.

List for consideration

Policy	Purpose	Expiry
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Policy	Purpose	Expiry
Asbestos	To provide a summary of Council’s commitment to asbestos management and direct staff and the public to the Model Asbestos Policy for NSW Councils.	Aug 2026
Corporate Credit Cards	to ensure that Berrigan Shire Council is able to make use of the procurement efficiencies associated with the use of a Corporate Credit Card while maintaining transparency in the Council’s operations and ensuring that the integrity of the Council is maintained	Feb 2027
Councillor Expenses and Facilities	to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties	June 2026
Disposal	to ensure the Council has in place an open, fair, transparent and accountable process in the disposal of Council’s surplus assets, whilst obtaining best value for money and avoiding any conflicts of interest, whether real or perceived.	Mar 2021
Fraud Control	To protect the Council’s assets and funds, maintain the integrity of the Council and its staff, and prevent fraud.	Feb 2027
Fuel Card	To: <ul style="list-style-type: none"> • Provide a convenient and accessible method of refuelling for Council vehicles and heavy plant. • Allow for the accurate recording of – and accounting for – fuel purchased by Council employees • Eliminate, as far as possible, the risk of fraud and/or theft using Council issued fuel cards 	Mar 2021
Internal Reporting and Protected Disclosures Policy	To establish a system for staff and councillors to make protected disclosures without fear of reprisal	Oct 2024
Investment	To provide a framework for the investing of Council’s funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.	Nov 2023
Local preference	to ensure the Council gives due consideration to the actual and potential benefits to the local economy of sourcing goods and services locally where possible, whilst maintaining a best value approach at all times	Mar 2021

Policy	Purpose	Expiry
Procurement and disposal	To establish a framework to guide Council employees, volunteers and agents involved in procurement and disposal activities to meet legislative requirements; manage risk and achieve a best value result	Mar 2021
Risk management	<p>To reflect the Council’s Risk Management Appetite Statement and in doing so:</p> <ul style="list-style-type: none"> • outline the way in which Council’s risk management functions are integrated into the activities and processes of the Council whilst adhering to the principles of risk management; • emphasise Council’s commitment to identify, evaluate and control risks in order to achieve its objectives; • outline the responsibilities of key stakeholders; • ensure standard reporting protocols are established across all Council departments; and • assist in the development of a continuous improvement culture by integrating risk management processes into all Council function. 	Jul 2026
Staff remuneration review	to provide a means for the Council to assure itself that the remuneration paid to the Council’s Chief Executive Officer and Directors is as per their conditions of employment and properly authorised	Sep 2025
Tender	To define the key tender principles adopted by Council and to ensure that Council officers are aware of their responsibilities and the applicable conditions and procedures regarding tenders	Mar 2021

8.2 2022-23 Annual Financial Statements

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. 2022-2023 Annual Financial Statements (under separate cover)

Recommendation

1. That the Council, having satisfied itself in relation to the preparation of its financial reports and special schedules:
 - a. refer its financial statements to the Auditors for the audit report;
 - b. subject to receipt of the audit report, at its meeting to be held on Wednesday 15 November 2023, the Council present its audited financial reports and audited reports to the public and that the Council's intention be publicly notified;
 - c. sign the attached General Purpose Financial Report "Statement by Council and Management" and the Special Purpose Financial Report "Statement by Council and Management";
 - d. adopt the valuation of assets prepared in accordance with recognised valuation procedures as a fair and reasonable value of those assets (see note C1-6);

Report:

The 2022/23 Annual Statements have been prepared and audited and are now ready for adoption by the Council.

A copy of the Statements is attached as Appendix 1

Note that the NSW Audit Office (NSWAO) has indicated that it expects to issue an unmodified opinion on Council's Financial Statements – i.e., the statements will not be issued with a "qualified audit opinion". This is a very good outcome for the Council given its position on the status of Rural Fire Service-controlled assets.

The report below has the following sections:

- A brief summary of the key results and performance measures
- Some general comments on the statements
- A run down on the statutory process required to formally adopt the financial statements.
- A detailed analysis of the Financial Statements and associated notes and schedules.

Key points

Some of the key points from these statements are:

1. Council made an operating deficit of \$3.3m before capital grants and contribution.
2. Council held approximately \$43.2m in cash and investments at 30 June 2023, of which only \$12m was not committed elsewhere.
3. Council renewed approximately \$3.9m in infrastructure assets (i.e., roads, water, sewer, drainage etc.) and constructed an additional \$9.5m of new infrastructure. Note this includes work in progress.

Summary of Results

The table below is a brief summary of the key results for the 2021/22 financial statements.


<u>Overall performance</u>	<u>2022/23</u>	<u>2021/22</u>
Operating surplus	\$3.0m	\$2.1m
Operating surplus/(deficit) before capital grants and contributions	(\$3.3m)	(\$1.6m)
<u>Revenue and expenses</u>		
Total revenue	\$32.9m	\$27.3m
Total expenses	\$29.9m	\$25.2m
<u>Cash and investments</u>		
Cash and cash equivalents	\$15.0m	\$17.3m
Investments	\$28.1m	\$26.0m
<u>Balance Sheet</u>		
Total assets	\$449.1m	\$403.1m
Total liabilities	\$10.4m	\$10.6m
Total equity	\$438.6m	\$392.5m
<u>Water and Sewer funds</u>		


Total assets	\$112.7m	\$112.1m
Total liabilities	\$5.5m	\$6.0m
Total equity	\$112.7m	\$106.1m

Performance measures

The performance measures set by the Office of Local Government and required to be included in the Council’s financial statements are shown below.

<u>Industry Indicators</u>	<u>Benchmark</u>	<u>2022/23</u>	<u>2021/22</u>
Operating Performance Ratio	Greater than 0%	(5.90%)	(2.00%)
Own Source Operating Revenue Ratio	Greater than 60%	47.26%	53.26%
Unrestricted Current Ratio	Greater than 1.50:1	5.22:1 	3.94:1
Debt Service Cover Ratio	Greater than 2.00:1	16.30:1 	10.15:1
Rates Outstanding Percentage	Less than 10.00%	5.15% 	4.13%
Cash Expense Cover Ratio	Greater than 3.00 months	23.01 months 	27.15 months

<u>Infrastructure Asset Performance Indicators</u>	<u>Benchmark</u>	<u>2022/23</u>	<u>2021/22</u>
Building and Infrastructure Renewals Ratio	Greater than 100%	57.51%	108.52%
Building and Infrastructure Renewals Ratio (General Fund)	Greater than 100%	71.40%	130.74%
Infrastructure Backlog Ratio	Less than 2%	0.00% 	0.00%

Asset Maintenance Ratio	Greater than 100%	114.43%		106.31%
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General comments

Overall, the Council retains a strong cash position in all three operating funds.

The Council’s balance sheet remains strong with adequate provisions and correct asset values.

The 2023/24 year will see significant challenges before the Council as it manages the Statewide roads emergency while meeting the ever-increasing regulatory burden placed on local government by the NSW Government.

Continued careful monitoring of the Council’s financial position is required to ensure this Council is sustainable and able to deliver for its community, today and into the future.

As noted above, the NSWAO have indicated that it will issue an unmodified opinion for these statements. While the Council and NSWAO have not come to agreement on the inclusion or otherwise of the RFS-controlled assets in Council’s financial statements, both parties agree that their inclusion or exclusion is not material in the context of these statements.

Statutory Process

The Council is now required to do the following:

1. Complete the statutory process for adoption and completion.
2. Assure itself that the Statements have been prepared in accordance with the appropriate standards (prior to adoption) and formally refer the Statements to the Council’s Auditors for the Audit Report.

After satisfying itself with the accuracy and correct preparation of the Statements, the Council is required to do the following:

1. **Adopt** the statements and report on the conduct of the Audit.
2. **Once the auditor’s report has been received,**
 - a) **advertise** the Statements for public submissions for a period of 7 days and,
 - b) **Make available** the Statements to various authorities including the NSW Office of Local Government.

Preparation of the Statements

The Statements are required to and have been drawn up in accordance with:

- The *Local Government Act 1993* and associated regulations.
- NSW Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards.
- The Local Government Code of Accounting Practice and the Local Government Asset Accounting Manual.

The Statements are also in accordance with the Council's accounting records for the year ended 30 June 2023.

The Council is required to prepare five primary reports which form the cornerstone of the financial statements, they are:

- An Income Statement
- A Statement of Comprehensive Income
- A Statement of Financial Position (Balance Sheet)
- A Statement of Changes in Equity
- A Statement of Cashflows

In addition to these statements are Notes A1-1 to H1-1, the Special Purpose Financial Reports and the Special Schedules.

The Statements and corresponding notes which form the Council's accounts along with the Special Purpose Financial reports are audited. The Special Schedules are considered supplementary to the accounts and therefore are selectively audited. The permissible income for general rates schedule is audited, and the report on Infrastructure Assets is not currently audited.

They are prepared for the benefit of other authorities such as the Office of Local Government, Grants Commission, the Department of Lands, the Australian Bureau of Statistics and other Councils.

The following commentary on the Annual Accounts and Special Purpose Financial Accounts is provided for the Council's information

Please note that all figures are in \$000's unless otherwise noted.

Income Statement

The Income Statement shows the surplus or deficit from ordinary activities before capital amounts and therefore gives an indication of the Council's performance in providing services that are funded from periodic operating income. These results generally exclude capital injections of funds which pay for capital works; the corresponding expenditure for these items appears in the Balance Sheet in the form of an asset.

The surplus from ordinary activities line shows how much the Council's wealth has increased or decreased over the year as a result of its activities. It is important to note the Council is required by the NSW Local Government Code of Accounting Practice and Financial Reporting to recognise grants and contributions in its Income Statement even if the corresponding expenditure has not been incurred in that period.

The Council should note the Council's result from ordinary activities result has increased from a \$2.125m operating surplus in 2021/22 to a **\$3.042 operating surplus** in 2022/23 however this is largely due to the 2023/24 Financial Assistance Grant being paid in advance in full.

Some of the more material changes are listed below (in 000s):

- An increase in Rates and Annual Charges of \$367
- A decrease in User charges and fees of \$93
- An increase in Operating Grants of \$1,958
- An increase in Capital Grants of \$2,616
- An increase in interest and investment income of \$742
- An increase in Materials and Services of \$3,158
- A decrease in Borrowing Costs of \$296
- And increase in Depreciation expense of \$1,048

Discussion on each of these items follows in this report.

The result before capital grants and contributions shows a decrease, moving from a \$1,609 deficit in 2021/22 to a **\$3,308 deficit** in 2022/23.

Capital grants and contributions include grants such as the fixing local roads program, and developer contributions to infrastructure, either in cash or as contributed assets.

The underlying financial position of the Council remains stable — i.e. the Council is making moderate operating surpluses over the short to medium term and has cash flows sufficient for the Council to meet its obligations and deliver on its strategic plans.

Statement of Comprehensive Income

The Statement of Comprehensive Income links the Council's operating result in its Income Statement to the Council's Statement of Financial Position, specifically the increase in Council Equity (i.e. the Council's assets less its debt).

In 2022/23 the Statement reflects the Council's operating surplus of \$3,042 and a gain on revaluation of \$43,161 (more detail on this figure will be provided below) making a total increase in Council equity for the year of \$46,203.

Statement of Financial Position (Balance Sheet)

The Balance Sheet is presented to reveal the following aspects of the Council's financial situation:

1. Information about the **financial structure** of the Council, its obligations, its equity and the types of resources available to it.
2. Information about the **capacity** of the Council to adapt to changes in its operating environment.
3. Information about the **short and long term solvency** of the Council by classifying its assets and liabilities into current and non-current.

The Balance Sheet recognises the basic accounting equation of Assets minus Liabilities equals Equity. The equity of Berrigan Shire comprises the accumulated surpluses from previous years plus the asset revaluation reserves.

In Berrigan Shire's case the Balance Sheet shows an increase in equity from \$392,452 to \$438,655. As discussed above, this reflects the Council's operating surplus of \$3,042 shown in the Income Statement and the \$43,161 increase in valuation of the Council's infrastructure, property, plant and equipment assets and other adjustments

Current Assets – the Council's cash and other assets likely to be realised over the next twelve months — have decreased by \$19 over the financial year. This is a result of the Lewis Crescent subdivision being sold and moderate increase in Council's receivables.

Non-current Assets have increased by \$45,989. This is largely the result of bringing into account the Tocumwal Foreshore building and the revaluation of several classes of infrastructure assets.

Current liabilities – the Council's debts likely to be redeemed over the next year – have increased by \$337. This is largely due to the number of creditors outstanding at 30 June 2023.

Non-current liabilities decreased by \$570 due to Council continuing to pay down borrowings.

Statement of Changes in Equity

The Statement of Changes in Equity shows how the total changes in Equity have been derived. There were two changes in equity in 2022/23. There was an increase of \$3,042 flowing from the Income Statement, and an increase in the Asset revaluation reserve of \$43,161.

The increase in equity from the Income Statement has been discussed above and the increase from the revaluation of the Council's assets will be discussed in detail below.

Cash Flow Statement

The Cash Flow Statement communicates information about the change in an organisation's liquidity and solvency during the year. It requires the grouping of cash receipts and cash payments into the following three classifications. They are:

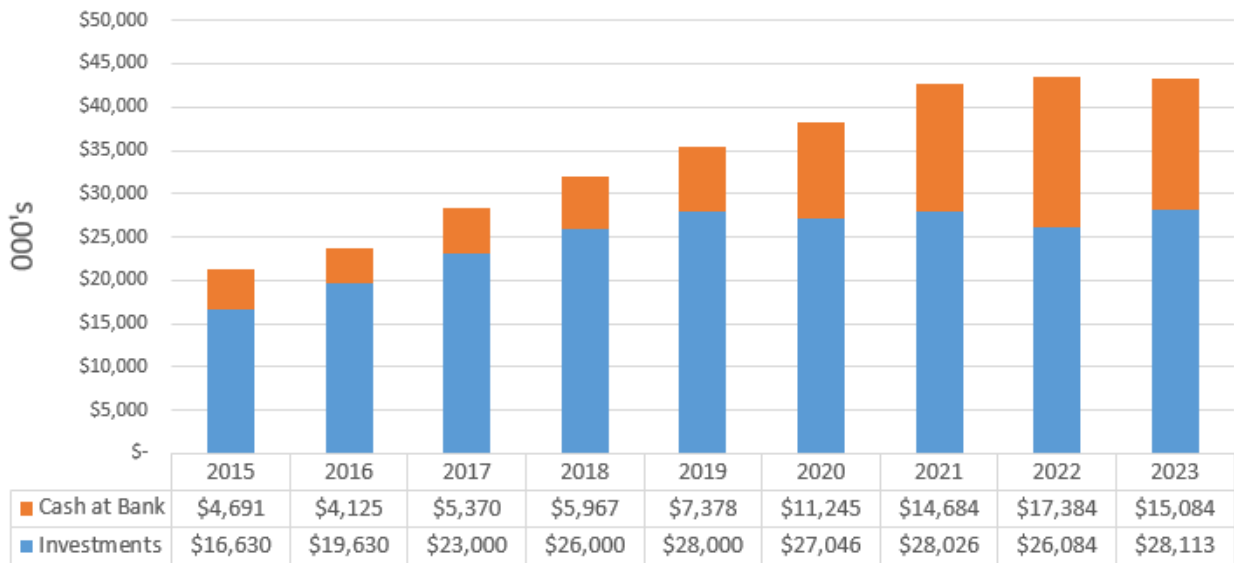
- Operating Activities: These involve providing goods and services and include all transactions and other events that are not financing or investing activities.
- Investing Activities: These involve activities relating to the acquisition and disposal of non-current assets, including property, plant and equipment and other productive assets and investments.
- Financial Activities: Involves those activities which relate to changing the financial structure of the entity.

The Cash Flow Statement does not consider non-cash items such as depreciation and accrued expenses and revenue. It is important because it shows the amount of cash created by Council's activities which governs the Council's ability to spend.

Overall the Council's cash and investments decreased by \$271 during the year. This has several causes:

1. 2023/2024 Financial Assistance Grant paid in full in advance.
2. Increase in payments for large scale IPPE projects (Water Treatment Plants)

Cash and Investments



Notes A1-1 to H1-1 provide detail to the abovementioned statements.

Category A - About Council and these financial statements

Note A1-1 sets out the basis of preparation for these set of statements including the impact of new accounting standards.

Category B - Financial Performance

This category provides more information on the amounts shown in the Council’s Income Statement

Note B1 discusses financial performance by Council’s functional areas per its Community Strategic Plan - i.e.

1. Sustainable Natural and Built Landscapes,
2. Good Governance,
3. Supported and Engaged Communities,
4. Diverse and Resilient Business

Note B2 provides detail on the Council’s sources of income

Sub-Note B2-1 shows Council’s rates and charges income

The Council’s rates and charges revenue increased by \$367 (3.2%) in 2022/23. This has two main drivers:

- 2% permissible increase in general rates
- Some growth in the number of rateable assessments and service connections

Sub-Note B2-2 shows Council’s rates and charges income

User charges and fees decreased by \$93 (3.7%) in 2022/23. Most fees and charges revenue were similar to past years.

Sub-Note B2-3 shows Council's other revenue

Other Revenue has declined by \$33. This is largely due to reduced revenue from temporary transfer of water entitlements.

Sub-Note B2-4 shows Council's grants and contributions

Operating grants received by the Council increased by \$1,968. This is largely due to the timing of receipts of the 2023/24 Financial Year Financial Assistance Grant.

Capital Grants tend to vary widely from year to year depending on the current projects being undertaken by the Council. In 2022/23 the amount of Capital Grants and Contributions received by the Council totaled \$6,350.

Contributions to s64 and s94 plans have increased by \$260 in 2022/23.

The value of restricted grants and contributions (i.e. those grants and contributions the Council has an obligation to spend in specified manner) fluctuates every year based on timing of receipts and building progress.

Sub-Note B2-5 shows Council's interest and investment income

This revenue increased by \$742 (80.4%) in 2022/23. Interest rates received on Council's investments increased significantly over the year due to record low interest rates in prior years and sharp interest rate rises from the RBA throughout 2022/23.

Sub-Note B2-6 shows Council's other income - i.e., rent etc.

Note B3 provides detail on the costs of providing services - i.e., its expenses

Sub-Note B3-1 shows Council's employee benefits and on-costs

Employee costs expensed increased by \$26 (0.3%). This result included all employee costs including leave entitlements, superannuation, and workers compensation.

Sub-Note B3-2 shows Council's materials and services costs

Materials and Contracts expenses increased by \$3,158 (31%). This figure can move sharply however depending on the mix of maintenance and capital works projects in any given year.

Sub-Note B3-3 shows Council's borrowing costs

Borrowing costs decreased by \$296. This relates to an increase in interest expenses and a decrease in remediation liability of its tips and quarries.

Sub-Note B3-4 shows Council's depreciation, amortisation, and impairment

Depreciation increased by \$1,048 (12%).

Sub-Note B3-5 shows Council's other expenses

Other expenses cover a wide range of areas and are consistent with previous years.

Note B4 provides detail on gains and losses

Sub-Note B4-1 shows Council's other expenses

The Council made a small gain of its sale of land and used plant offset by a loss on disposal of infrastructure and real estate assets.

Accounting standards oblige the Council to write off the residual value of infrastructure when it is replaced and that accounts for the \$1,863 loss on "disposal" of its infrastructure assets.

Note B5 provides detail on the Council's performance against budget

Sub-Note B5-1 shows material budget variations in the income statement and statement of cash flows

Category C - Financial Position

This category provides more information on the amounts shown in the Council's Balance Sheet

Note C1 provides detail on assets managed by the Council

Sub-Note C1-1 shows Council's cash and cash equivalents

Sub-Note C1-2 shows Council's financial investments

Sub-Note C1-3 shows Council's restricted cash, cash equivalents and investments

As mentioned above, the Council's total cash and investments have increased from \$43,468 to \$43,197 in 2022/23.

All Cash and Cash equivalents are held as "At fair value through profit and loss" and all Investments are "Held to Maturity". Given the Council's investment portfolio, which consisted of term deposits, there is little difference between the two.

External restrictions are those imposed on the Council by legislation relating to separate funds such as water, sewer and domestic waste as well as grants and contributions that come with conditions that the funds be spent on specific projects.

Internal restrictions are restrictions on funds which the Council places voluntarily on itself such as employee leave entitlements, the plant replacement reserves and the capital works reserve.

Unrestricted funds increased to \$12,029. Much of the remaining unrestricted cash:

- has already been allocated to carried forward or revotes, or
- Is Financial Assistance Grant paid in advance, or
- Is required for working capital.

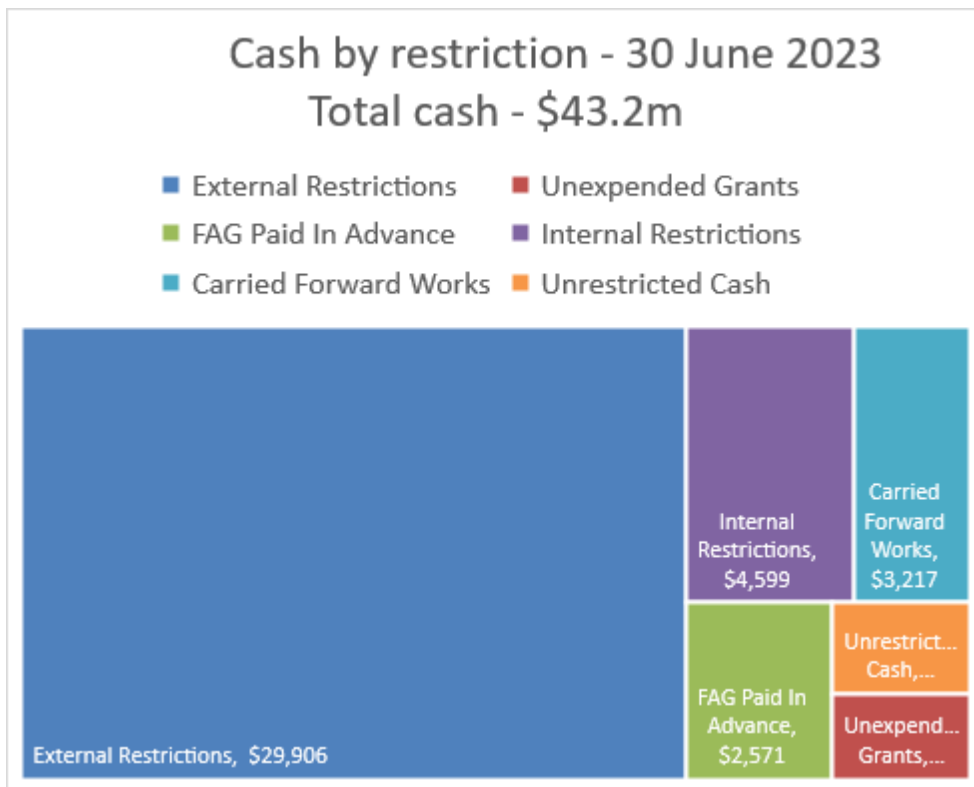
The table below provides some further detail about the Council’s unrestricted cash.

UNRESTRICTED CASH ANALYSIS

	\$000's
(A) Cash and investments as at 30-6-23 (A)	43,197
(B) Restricted cash as at 30-6-23 (B)	31,168
(C) Unrestricted cash as at 30-6-23 (A-B)	<u>12,029</u>
(D) Unspent works carried forward and revoted from 22/23	1,304
(E) Uncommitted cash at 30-6-22 (C-D)	<u>10,725</u>
(F) Less 2023/24 FAG paid in advance	<u>6,067</u>
(G) Balance of uncommitted cash at 30-6-23 (E-F)	4,658

Note this “uncommitted” cash is generally committed in the 2023/24 budget or required as working capital. This cash is not generally available for new projects or activities.

A graphical breakdown of the Council’s total cash and investment holdings is shown below:



Sub-Note C1-4 shows Council's receivables, i.e. the amounts that are owed to the Council.

Outstanding rates and charges increased by \$140.

Accrued interest on investments increased by \$410. The large increase is due to sharp interest rate increases set by the RBA.

Government grants and subsidies decreased by \$93, this relates to claims made for grant-funded projects not yet paid by the funding body.

Sub-Note C1-5 shows Council's inventories of stock and materials and developed real estate owned by the Council.

Sub-Note C1-6 provides details on the movements in value of the Council's Infrastructure Property Plant and Equipment (IPP&E) assets. These represent the overwhelming balance of the Council's assets.

The carrying value of the Council's IPP&E assets increased from \$355,982 to \$401,971 at the end of 2022/23.

The left hand columns in Note C1-6 shows the situation at the commencement of the 2022/23 year, the middle columns show the changes to asset values throughout the course of the year and the rightmost columns show the situation at the end of the financial year. Items worth noting include:

- The Council added a total of \$13,574 in assets in 2022/23. Of this \$3,981 related to renewals of infrastructure and \$9,953 to new infrastructure.
- This is offset by the Council recognising depreciation to the value of \$8,471 as discussed earlier.
- The revaluation increments of \$44,176 and \$1,015 decrements to equity, for a net of \$43,161 are also shown in this table.

The last item above requires more explanation. Council is required at each reporting date to assess the fair value of all its assets every year and determine if that value differed materially.

Under AASB 13, assets are required to be valued at their "fair value"; in the case of assets such as roads and bridges the Office of Local Government has determined councils will need to estimate fair value using the cost-approach method. The cost approach reflects the amount that would be required currently to replace the service capacity of an asset.

A complete revaluation of Roads, Footpaths, Bridges, Culverts and Other Assets was undertaken by APV Limited for 30 June 2023. These values have been used in the preparation of these financial statements. As part of the valuation, the Land and Building assets have all been broken into separate components and each component valued separately.

Note C2 provides detail on Council's leasing activity

Sub-Note C2-1 shows Council's activities as a lessee

Sub-Note C2-2 shows Council's activities as a lessor

This includes the Tocumwal Foreshore building & Finley Saleyards amongst other assets Council currently leases out.

Note C3 provides detail on Council's liabilities - i.e., amounts it owes to other parties

Sub-Note C3-1 shows Council's payables - debts it incurs in the ordinary course of business

Payables have increased; this is mainly a timing issue regarding invoice payments.

Sub-Note C3-2 shows Council's contract liabilities - liabilities incurred by the Council through entering contracts to undertake to perform activities - i.e., grants for capital works

This is a new requirement. As the Council performs its obligations under the contract, the amount shown as a liability will become revenue.

Sub-Note C3-3 shows Council's borrowings

Borrowings have decreased over 2022/23 as Council continues to pay down its borrowings.

Sub-Note C3-4 shows the Council's employee benefit provisions - the amounts for which it has committed to pay employees in the future for leave

2022/23 has seen the Council's Provision for Employee Benefits increase slightly. Council is still continuing its efforts to reduce staff leave balances.

The table below provides some history on the level of the provision

Financial year	Provision for Employee Leave (000s)
2019/20	\$2,793
2020/21	\$2,826
2021/22	\$2,248
2022/23	\$2,283

As previously reported to the Council, the level of the Council's outstanding leave balances is a significant issue and is likely to be raised by the auditors in their management letter as a repeating issue.

Sub-Note C3-5 shows the Council's provisions - i.e., the amounts for which it is committed to pay in the future.

The Provision for Asset Remediation/Restoration covers the likely cost to the Council to restore, rehabilitate and remediate certain areas such as quarries and landfills when they reach the end of their useful lives. Note that this year sees a significant adjustment to this provision due to the tip hole at Berrigan being closed.

The Council is required to show this as a liability as well as incorporate this cost in the cost of the asset. This is required to be done on a **net present value** basis, i.e., the future expected costs are discounted to 2023 dollar amounts.

The provision at 30 June 2023 has decreased from 2022. This in part relates to the unwinding of the discount used, which is treated as a borrowing cost. Due to Tocumwal having no further useful life and a new cell constructed at Berrigan most of our provision has been expended in 2023.

Note C4 provides detail on Council's reserves

Sub-Note C4-1 describes the nature and purpose of the Council's reserves

Category D - Council structure

Note D1 provides details on the Council's Financial Result and Financial Position by fund - i.e., General, Water and Sewer

This note duplicates much of the information shown in the Special Purpose Financial Statements and Special Schedules

Sub-Note D1-1 shows the income statement by fund

Sub-Note D1-2 shows the statement of financial position by fund

These sub-notes duplicate much of the information shown in the Special Purpose Financial Statements and Special Schedules

Sub-Note D1-3 shows the details of the Council's internal loans

These internal loans are shown separately in each fund but are eliminated when preparing the consolidated financial statements

Category E - Risks and accounting uncertainties

Note E1 sets out Council's financial risks

Sub-note E1-1 shows risks relating to financial instruments held

The Council holds most of its cash and investments in Term Deposits and at-call accounts while its only borrowings are standard loans with fixed interest rates for the term of the loan. As a result, the risk of default or interest rate movement to the Council is very slight.

Note E2 sets out accounting uncertainties when preparing the Council's financial statements

Sub-note E2-1 shows Council's fair value measurement

The note itself is quite arcane and the format and content of this note may continue to change over time as the industry comes to grips with the best method to provide the required information in the most efficient manner.

Note E3

Sub-note E3-1 shows Council's contingencies

Contingencies are other potential liabilities and assets that do not meet the threshold for inclusion in the financial statements or are otherwise difficult to value but are worthy of being disclosed

While the Council has some industry-wide contingent liabilities for items such as Defined Benefit Superannuation plans and Statewide and StateCover Mutual, there are no contingent liabilities specific to the operations of this Council.

Category F - People and relationships

Note F1 sets out the Council's related party disclosures

Sub-note F1-1 shows transactions between the Council and "Key Management Personnel"

Sub-note F1-2 shows fees and expenses paid to the Mayor and Councillors

Note F2 relates to the Council's other relationships

Sub-note F2-1 shows Council's audit fees

Category G - Other matters

Sub-note G1-1 reconciles the Council's operating result to the cash provided by the Council's net operating activities.

These can differ due to items such as depreciation, asset write-offs, contributed assets and changes in amounts owed to creditors and owed by debtors and in inventory levels.

Sub-note G2-1 details the Council's future expenditure commitments not shown in the balance sheet — i.e., where the Council has entered into a contract but not yet had the goods or service delivered

Sub-note G3-1 lists events after balance day

Note G4 shows changes from the prior year's statements

Sub-note G4-1 discusses changes in accounting policy

Sub-note G4-1 discusses changes in accounting estimates

Note G5 set out Council's developer contributions

Sub-note G5-1 is a summary of developer contributions

Sub-note G5-2 is a summary of contributions not under plans

Sub-note G5-3 shows Council's s64 contributions for headworks charges for water and sewer.

Note G6 is the Statement of Performance Measures

Sub-note G6-1 shows the performance measures as a consolidated entity

Sub-note G6-2 shows the performance measures broken down by fund - i.e. general, water and sewer

These measures were set out at the start of this report.

The Operating Performance ratio is below the benchmark level at (5.90%).

The Own Source Operating Revenue Ratio has decreased from 53.26% in 2021/22 to 47.26% this year – not meeting the OLG benchmark. Overall, this means that the Council was able to raise 47.26% of its own revenue with the balance coming from grants from the other levels of government. Years with large grants always make achieving this ratio difficult, as they skew the results.

The Council's Unrestricted Current ratio has increased, from 3.94:1 in 2022 to 5.22:1 in 2023. This still comfortably meets the OLG benchmark.

The Debt Service Cover ratio, which is a measure of the Council's long-term ability to meet debt repayments, has increased from 10.15x to 16.30x. This comfortably meets the OLG benchmark.

The Rates and Annual Charges ratio has remained steady moving from 4.13% to 5.15% – as stated earlier this is a magnificent result and the Council's revenue team deserve much praise.

The Cash Expense Cover ratio is 23.01 months — i.e., the Council has enough cash to pay 23.01 months of operating expenditure. The required benchmark is three months. Note that much of this cash is restricted.

Category H - Additional Council disclosures (unaudited)

Sub-note H1-1 shows the consolidated performance measures shown in Sub-note G6-1 in graphical form and with commentary

Special Purpose Financial Reports

The Special Purpose Financial reports have been prepared to report the results of Business Units determined by the Council in accordance with the requirements of the National Competition Policy (NCP) guidelines.

The Council has identified two business units being the Water Supply Service and the Sewerage Service. Both activities exceed the \$2m revenue threshold and therefore are considered Category 1 activities.

The Special Purpose Financial Reports comprise a balance sheet and operating statement along with associated notes to the accounts for each deemed business.

NCP imputation payments are added to total expenses in the operating statement for each business to accurately reflect the amount of expenditure each business would incur if they were not owned by the Shire. Items such as land tax and Council rates are calculated and included as NCP imputation payments which are then shown as expenditure against the business.

It is important to recognise that the businesses do not actually pay these NCP imputation charges. They are merely added to the total expenses to reflect what the business would have paid if they were not Council owned.

Special Schedules

These schedules contain the Council's financial data presented on a fund basis. They are unaudited but are used by other authorities and are also used as work sheets in preparing the annual statements.

Permissible Income for General Rates is a statement of Permissible Income — the amount that Council is permitted to raise from ordinary rates. Unlike the rest of the financial statements, this statement is for the 2022/23 (i.e. this) financial year

Report on Infrastructure Assets is a report on infrastructure assets. This includes condition assessments, estimates of infrastructure backlog and data on infrastructure renewal and maintenance.

Satisfaction and adoption

Prior to adoption of the Statements and referral to formal audit, the Council should satisfy itself that the statements have been prepared in line with statutory and other requirements to present a true and fair view of the Council's financial position and financial performance.

The Council may, of course, take the opportunity to ask further questions to satisfy themselves in this matter.

Note: The Audit, Risk and Improvement Committee (ARIC) reviewed the statements at its meeting on 13 October 2023. After review, ARIC advise that Council is in a position to adopt the statements as presented.

Having satisfied itself the Council is then required to:

1. Send a copy of the Statements to its Auditor.
2. As soon as possible after adoption of the reports and receipt of the Auditors Report, the Council must:
 - a) Make available a copy of the Statements and Reports to the Chief Executive of the Office of Local Government and the Australian Bureau of Statistics.
 - b) Fix a date for a meeting at which it proposed to present its financial Statements and Auditor's Reports to the public.
 - c) Give Public Notice of the date so fixed (which must be more than two weeks after notice is given but not more than five weeks after the Auditor's reports are received).



8.3 Volunteer Committees banking arrangements - Request for extension

Author:	Director Corporate Services, Tahlia Fry
Strategic Outcome:	3. Supported and engaged communities 2. Good government
Strategic Objective:	3.2. Support community engagements through life-long learning, culture and recreation 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	3.2.1. Provide opportunities for life-long learning, culture expression and recreation 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:	Nil

Recommendation

That the Council:

1. note the report detailing progress on Action Item 420/2022 relating to banking arrangements for volunteer committees, and
2. extend the target date to act on this resolution until 30 June 2024.

Report

This report provides the Council with an update on progress against its resolution relating to the banking arrangement for volunteer committees.

Background

At the ordinary meeting of Council held on 19 April 2023, the Council made the following resolution:

Resolved OCM 420/22

Moved: Cr John Taylor

Seconded: Cr Julia Cornwell McKean

That the Council, by 30 June 2023, establish a model for banking services for its volunteer committees of management established under s355 of the Local Government Act 1993, where

1. *Council will be responsible for the provision of banking services for each committee*



2. *Council will open an account for each committee with a single institution – named “Berrigan Shire Council – XXXXX Committee of Management.*
3. *Council staff will manage the accounts via online banking, including authorising signatories from the volunteer committee members.*
4. *Volunteer committees will be provided with online access to the accounts to make payments and a card to allow for cash deposits and withdrawals.*
5. *Funds held in these accounts are reserved for the use of that Committee and Council will only be withdrawn after consultation and a Council resolution.*

CARRIED

Cr Ted Hatty voted against the motion.

Council staff have been unable to meet the target date of 30 June 2023. There are two main reasons for the delay.

- The move to the new banking model has become tied to the move of the Council’s general banking business to NAB – which has been a more complex exercise that originally scoped
- The extension of scope to allow committees a choice of institution for their banking.

Progress to date

Meetings have been held with Councils committees to inform them of the resolution made by Council. At these meeting the feedback was relatively positive, however, there were some concerns that they would no longer have control of their accounts at the meeting they were assured that they would still have access to make payments as needed. Another concern was that Council would be able to withdraw money without their consent they were again reassured this would not occur without prior consultation.

Council is currently in the process of moving its banking from Bendigo Bank to the National Australia Bank (NAB). We already have bank accounts open with NAB, a direct debit facility has been setup and we are currently waiting on our Credit Card facility to be setup. Once this is completed Council will start the process of formally moving its deposits and payments to NAB.

8.4 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:	Nil

Recommendation: that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 September 2023,
- b) Confirm the accounts paid as per Warrant No. 09/23 totaling \$3,297,669.63.

Purpose

This report is designed to inform Council of its cash and investments as at 30 September 2023 and for council to authorise expenditure for the month ending 30 September 2023.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 30 September 2023 is certified by the Director Corporate Services.
- b) The Director Corporate Services certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 30 September 2023.
- c) The Director Corporate Services certifies the Accounts, including the Petty Cash Book made up to 30 September 2023, totaling \$3,297,669.63 and will be submitted for confirmation of payment as per Warrant No. 09/23
- d) The Director Corporate Services 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 decreased in August by \$1.72m and have decreased by \$4.94M compared to the same period last year, predominately due to the ongoing increases in operational costs and the current capital works program.

Statement of Bank Balances as at 30 SEPTEMBER 2023

Bank Account Reconciliation

Cash book balance as at 01 SEPTEMBER 2023	\$ 14,351,671.58
Receipts for SEPTEMBER 2023	\$ 1,628,499.67
Term Deposits Credited Back	\$ -
	<u>\$ 15,980,171.25</u>
<i>Less Payments Statement No 08/23</i>	
Bank Transfers	\$ -
Electronic Funds Transfer (EFT) payroll	\$ 740,697.96
Electronic Funds Transfer (EFT) Creditors E043352-E043	\$ 2,484,763.83
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 72,207.84
Total Payments for SEPTEMBER 2023	<u>\$ 3,297,669.63</u>
Cash Book Balance as at 30 SEPTEMBER 2023	<u>\$ 12,682,501.62</u>
<i>Bank Statements as at 30 SEPTEMBER 2023</i>	\$ 12,682,501.62
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	\$ -
Reconciliation Balance as at 30 SEPTEMBER 2023	<u>\$ 12,682,501.62</u>

INVESTMENT REGISTER

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	136/18	241	4.75%	12/02/2024	\$ 2,000,000.00	BBB+
AMP	SEWER	144/19	365	4.50%	23/03/2024	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	365	5.10%	23/05/2024	\$ 1,000,000.00	BBB+
AMP	GENERAL	149/23	730	**5.00%	25/10/2024	\$ 2,000,000.00	BBB+
AMP	GENERAL	125/16	365	4.55%	31/05/2025	\$ 2,058,000.00	BBB+
Bank Of Queensland	WATER	153/23	731	4.60%	18/11/2024	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	4.75%	26/09/2024	\$ 2,000,000.00	BBB+
Defence Bank Limited	WATER	138/18	365	4.50%	11/01/2024	\$ 2,000,000.00	BBB
Defence Bank Limited	SEWER	154/23	365	4.80%	1/05/2024	\$ 2,000,000.00	BBB
NAB	WATER	148/23	365	1.50%	28/09/2024	\$ 2,000,000.00	AA-
NAB	GENERAL	155/23	368	5.30%	30/09/2024	\$ 5,000,000.00	AA-
WESTPAC	GENERAL	150/23	365	5.28%	30/09/2024	\$ 2,000,000.00	AA-
						<u>\$ 26,058,000.00</u>	

Total Funds Held at 30 SEPTEMBER 2023

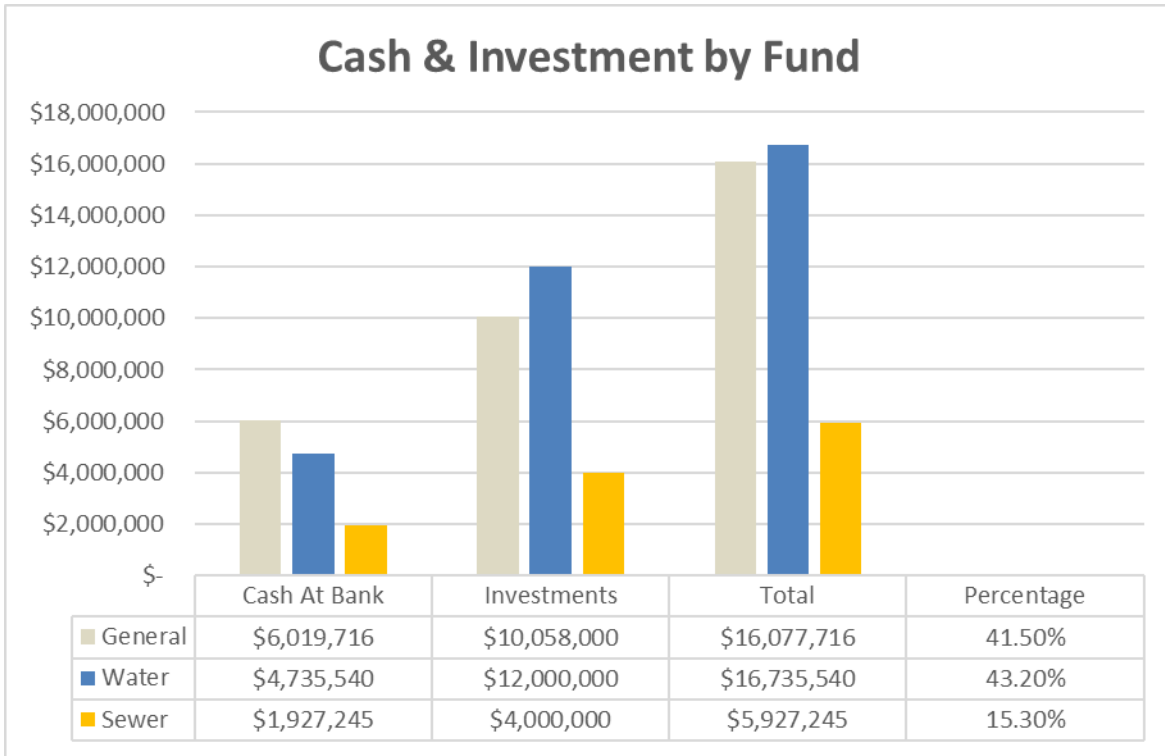
\$38,740,501.62

Tahlia Fry - Director Corporate Services

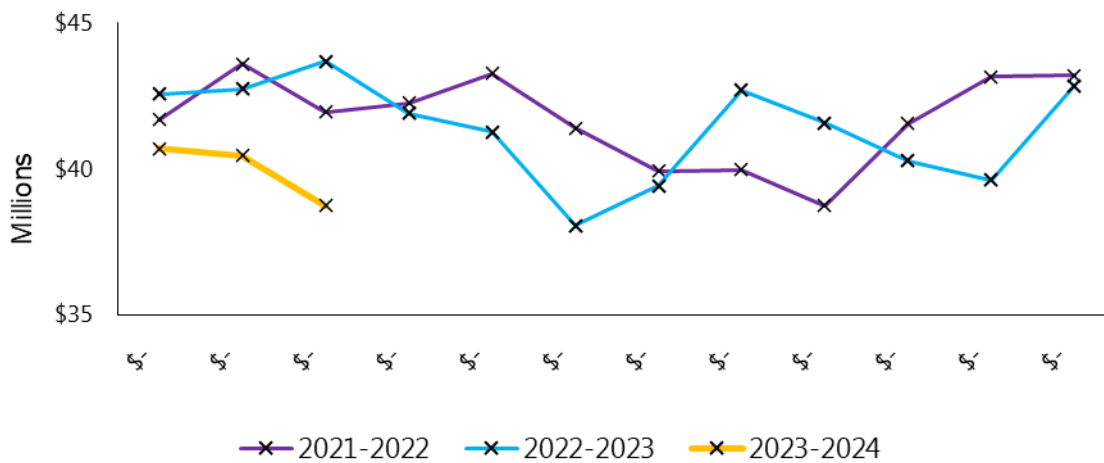
*The Council also receives an additional 0.25% commission

**The Council also receives an additional 0.20% commission

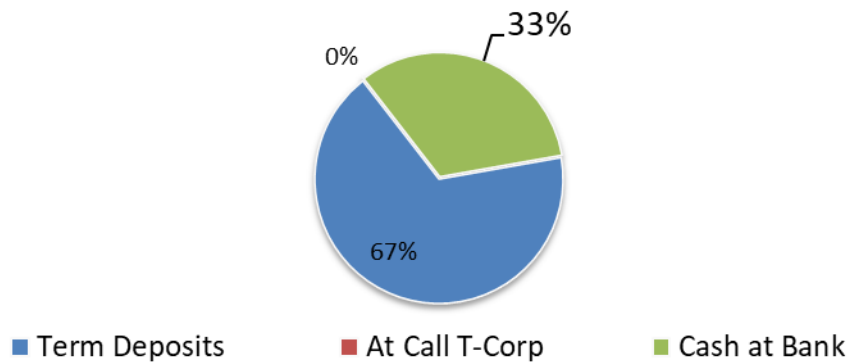
Total Funds held between General, Water and Sewer are as follows:



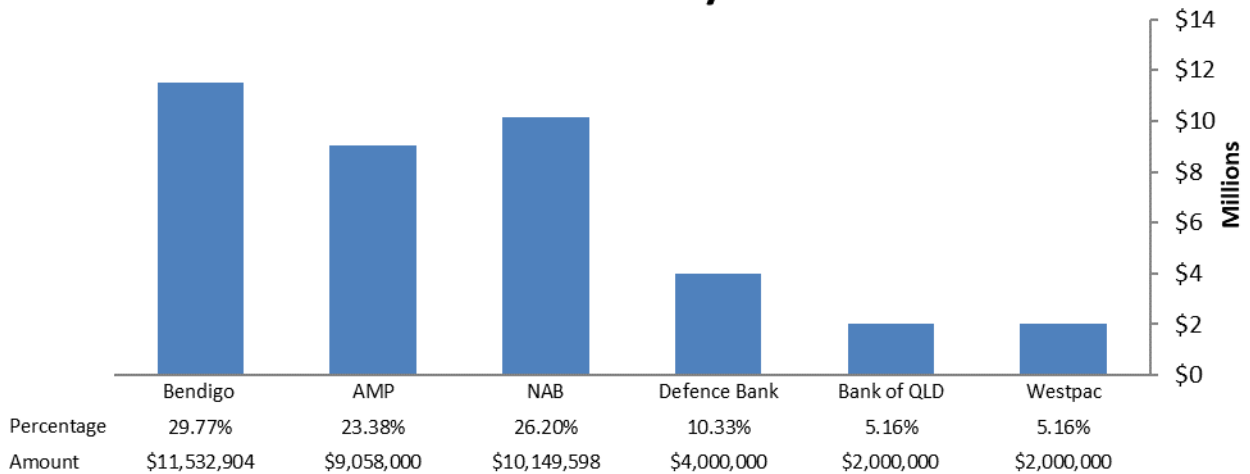
Total Cash and Investments



Cash & Investment by type



Cash & Investment by Institution



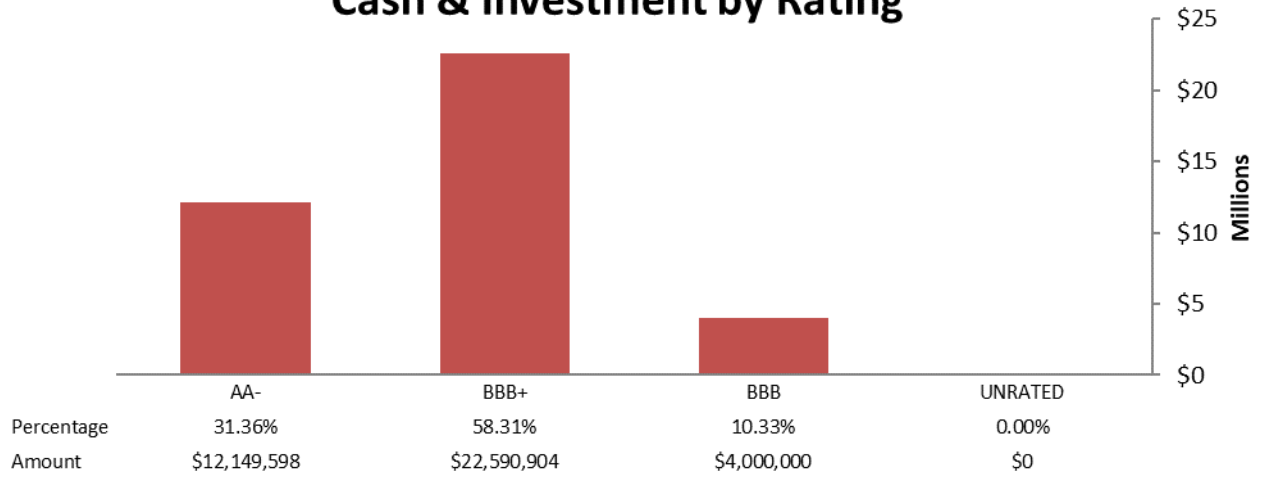
Term Deposits Credited Back

Prior Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NAB	365	\$2,000,000.00	4.30%	21/09/2023
BENDIGO BANK	365	\$2,000,000.00	2.50%	26/09/2023
BENDIGO BANK	365	\$5,054,653.00	2.50%	28/09/2023
WESTPAC	365	\$2,000,000.00	4.55%	29/09/2023

Term Deposits Invested / Reinvested

Current Financial Institution	Term (Days)	Amount	Interest Rate	Maturity Date
NAB	366	\$2,000,000.00	1.50%	28/09/2024
BENDIGO BANK	365	\$2,000,000.00	4.75%	26/09/2024
NAB	368	\$5,000,000.00	5.30%	30/09/2024
WESTPAC	366	\$2,000,000.00	5.28%	30/09/2024

Cash & Investment by Rating





8.5 NSW Rural Doctors Network - Bush Bursary

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	4. Diverse and resilient business 3. Supported and engaged communities
Strategic Objective:	4.1. Strengthen and diversify the local economy and invest in local job creation and innovation 3.1. Create safe, friendly and accessible communities
Delivery Program:	4.1.2. Support local enterprise through local economic and industry development initiatives and projects 3.1.3. Strengthen the inclusiveness and accessibility of our community
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 Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council 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:	Nil

Recommendation

That the Council extend the target date for Action Item 623/2023 *“direct the Deputy CEO to prepare a report for October Strategic and Policy Workshop regarding Council participation in the NSW Rural Doctors Network Bush Bursary program”* until 1 November 2023.

Report

This report is to ask Council to extend the target date to prepare a report on the NSW Rural Doctors Network Bush Bursary until the Strategic and Policy and Workshop to be held on Wednesday, 1 November 2023

Background

At its ordinary meeting on 20 September 2023, the Council requested a report to the October Strategy and Policy Workshop on the Bush Bursary.

Due to other commitments, I was unable to prepare a report for that meeting.

I ask Council to extend the target date for this action item until 1 November 2023.



8.6 Confirmation of designated persons

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	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)
Appendices:	Nil

Recommendation

That Council:

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

Chief Executive Officer	Karina Ewer
Deputy Chief Executive Officer	Matthew Hansen
Director Infrastructure	Rohit Srivastava
Director Strategic Planning and Development	Andrew Fletcher
Director Corporate Services	Tahlia Fry
Enterprise Risk Manager	Michelle Koopman
Operations Manager - Transport	Darron Freund
Manager Sustainability	Vageesh Nonavinakere
Assets and Engineering Manager	Ramesh Shrestha
Biosecurity and Compliance Coordinator	Matt Wooden
Town Planner	Noureen Wajid
Trainee Town Planner	Nikki Arnold
Building Surveyor/Facilities Maintenance	Chris Koschel
Trainee Building Surveyor/Facilities Maintenance	Josh Allen
Finance Manager	Vacant



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

Report

This report is for Council to formally identify the "designated persons" within its organisation structure required to complete a written Return of Interest as per the Berrigan Shire Council Code of Conduct (the Code).

Background

Recommendation 27 from the Cultural Review and Compliance Audit report prepared by Morrison Low in September 2023 states:

Confirm that Council has formally identified the "designated persons" within its organisation structure.

"Designated persons" for the purpose of this recommendation are defined in Clause 4.8 of the Code

4.8 Designated persons include:

(a) the Chief Executive Officer

(b) other senior staff of the Council for the purposes of section 332 of the LGA

(c) a person (other than a member of the senior staff of the Council) who is a member of staff of the council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

(d) a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

The position of this Council has been that determining which employees are designated persons was the responsibility of the General Manager/Chief Executive Officer, consistent with their authority to manage Council staff. The CEO maintains a list of these designated persons and they submit annual returns of interest.

On receipt of this recommendation, I attempted to track down the legislative and/or regulatory basis for the recommendation that this is a role for the elected Council, without success.

Regardless, management made a pragmatic decision to fully accept and implement all recommendations in the report and will comply.



Designated persons

Below is a table with recommended positions and office holders to be classified as “designated persons” along with a justification.

Note that Council has no senior staff as defined in [s332 of the Local Government Act 1993](#) and identified as designated persons in Clause 4.8(b) of the Code.

This table was generated following a review by the CEO and me following receipt of the report. Some of these positions have not been identified as designated persons previously. The occupants of these positions will have 90 days to submit a return from the date of this resolution.

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

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

Position	Office holder	Justification
Chief Executive Officer	Karina Ewer **	Cl 4.8(a)
Deputy Chief Executive Officer	Matthew Hansen**	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Infrastructure	Rohit Srivastava**	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Strategic Planning and Development	Andrew Fletcher*	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team
Director Corporate Services	Tahlia Fry**	Cl 4.8(c) Significant delegation of regulatory and procurement functions. Member of Executive Leadership Team. Responsible Accounting Officer
Enterprise Risk Manager	Michelle Koopman	Cl 4.8(c). Member of Executive Leadership Team
Operations Manager - Transport	Darron Freund**	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Manager Sustainability	Vageesh Nonavinakere*	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Assets and Engineering Manager	Ramesh Shrestha*	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Biosecurity and Compliance Coordinator	Matt Wooden	Cl 4.8(c) Significant delegation of regulatory and procurement functions.
Town Planner	Noureen Wajid**	Cl 4.8(c) Significant delegation of regulatory functions.
Trainee Town Planner	Nikki Arnold	Cl 4.8(c) Significant delegation of regulatory functions.
Building	Chris Koschel**	Cl 4.8(c) Significant delegation of regulatory and



Position	Office holder	Justification
Surveyor/Facilities Maintenance		procurement functions.
Trainee Building Surveyor/Facilities Maintenance	Josh Allen	Cl 4.8(c) Significant delegation of regulatory functions.
Finance Manager	Vacant*	Cl 4.8(c) Significant delegation of regulatory and procurement functions.

** Previously designated person and position

* Previously designated position

Obligations

The positions and persons identified as designated persons as per the Code have the following obligations as per Clause 4.9 of the Code

A designated person:

(a) must prepare and submit written returns of interests in accordance with clauses 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.10.

A redacted version of these written returns of interests must be displayed on the Council website in line with [Information Access Guideline 1 - For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\) September 2019](#)



8.7 Continuous Improvement Plan - monthly update

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:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Continuous Improvement Plan - Prioritised - 13 October 2023 (under separate cover)

Recommendation

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

Report

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

Attached as Appendix 1 is the first of the monthly reports, showing progress against the plan to 13 October 2023.

Note: This plan was reviewed by the Audit, Risk and Improvement Committee (ARIC) at its meeting held on 13 October. ARIC advised that some of the dates set for rectification in the plan may be too optimistic and may need review. This will be considered for the November meeting.



8.8 Youth Art Project - Emerging from Isolation

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.2. Support community engagements through life-long learning, culture and recreation
Delivery Program:	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
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:	1. Emerging from Isolation - proposal (under separate cover)

Recommendation

That the Council permit the installation of the South West Arts Emerging from Isolation youth art work on the skate facility at Rotary Park, Finley as attached in Appendix 1

Report

This report informs Council of a proposed public art project at the Finley Skate Park, currently in development by South West Arts (SWA) and Finley High School.

Background

South West Arts have provided the following summary of their project.

Emerging from Isolation is a project supported by South West Arts, aimed at providing a youth focused interactive public art space in Finley.

The vision for the project was to create a mobile artwork in a room that drew on experiences from the recent events of COVID-19, fires, drought and floods and explores how young people are recovering from these disruptions and challenges. Our goal for this project was to encourage the entire community to speak out about how these events have affected them, especially their mental health and how they are moving forward.

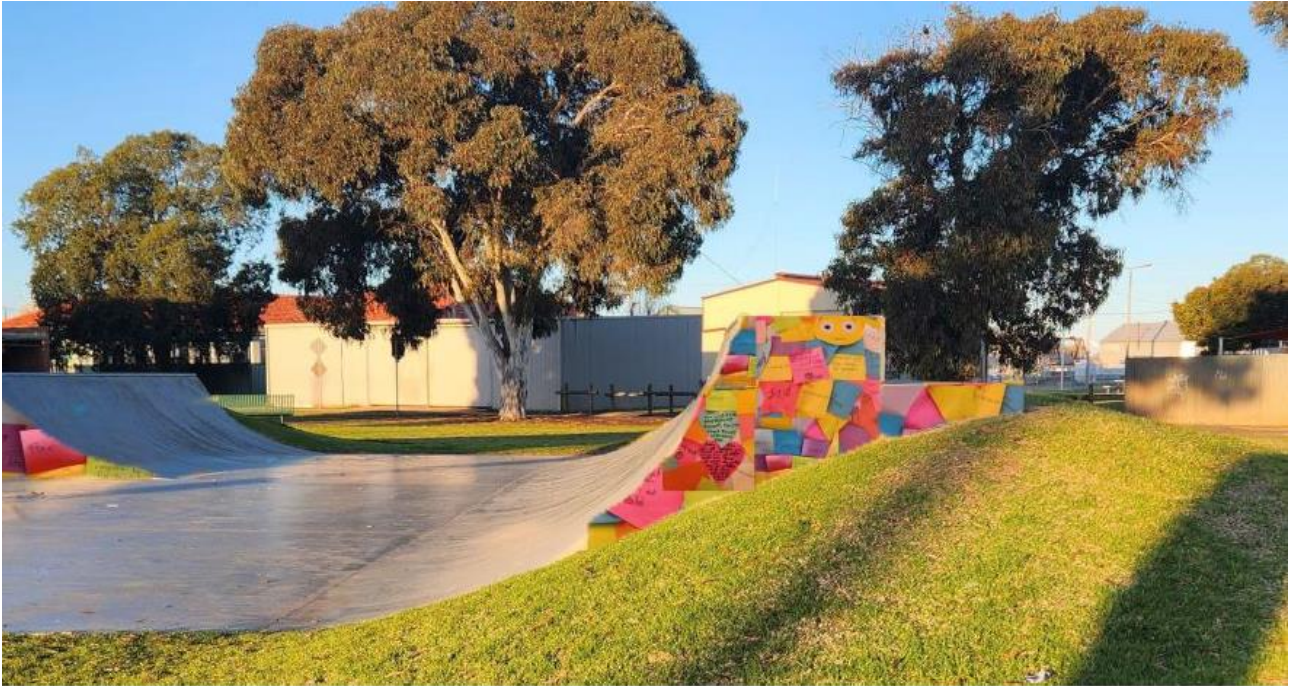
The mobile art space was moved around various public areas around Finley over three months, to ensure it was widely accessible. It was set up as a representation of a teenager's bedroom, an area in which many young people spent large amounts of time during the COVID lockdowns. This room acted as the canvas on which experiences, feelings, hopes, challenges and desires for the future could be shared. Packs of sticky notes were provided, on which a thought, feeling, a sketch, a single word, poem, or short description of their experiences over the last few years could be written. Young people were then asked to place their sticky notes on any and every surface in the room with the aim of creating a shared visual conversation about resilience and overcoming trauma.



The entire project brief is attached as Appendix 1.

South West Arts are seeking permission to permanently install the artwork on Finley Skate Park. The creation and installation of the work would be fully funded by South West Arts. The installers are experienced and were responsible for the Tocumwal WAAAF Creek Walk interpretive signs.

An interpretation of the skate park installation is below.



Options

There is very little risk to Council associated with the installation of the art work. There is no cost to Council and Council's experience at Berrigan Skate Park with youth art has demonstrated it is very unlikely to be vandalised.

Council may wish to consult with users of the park and local residents before installation however, the work itself is not offensive or especially prominent.

Allowing the installation of the artwork would demonstrate Council supports young people in the area and has a commitment to public art.



8.9 Tocumwal Carpark - request for extension

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	3. Supported and engaged communities 4. Diverse and resilient business
Strategic Objective:	3.1. Create safe, friendly and accessible communities 4.1. Strengthen and diversify the local economy and invest in local job creation and innovation
Delivery Program:	3.1.1. Build communities that are home to more families and young people 4.1.2. Support local enterprise through local economic and industry development initiatives and projects
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 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:

1. note the report detailing progress on Action Item 372/2023 relating to the Tocumwal Carpark precinct and
2. extend the target date to act on this resolution until 30 June 2024.

Report

This report provides the Council with an update on progress against its resolution relating to the Tocumwal Carpark precinct and requests an extension to the target date.

Background

At the ordinary meeting of Council held on 19 April 2023, the Council made the following resolution:

Resolved OCM 082/23

Moved: Cr Roger Reynoldson

Seconded: Cr Julia Cornwell McKean

That the Council

1. *develop a plan to construct a car park on Barooga St, Tocumwal, excluding land under 9 and 11 Barooga St, Tocumwal*



2. *after consultation with Tocumwal Rotary, demolish the old Tocumwal hardware shop at 15 Murray St, Tocumwal*
3. *explore options for 11 Barooga St Tocumwal*

CARRIED

The original scheduled date to close this item out was 3 May 2023, which was obviously never feasible given the scope of works.

Works to date

Council staff are working on all three items.

Below is an update on each item.

1. Car park development

In May 2023, Council commissioned Fitzgerald Frisby Landscape Architects (FFLA) to develop a concept plan to develop the Tocumwal Motel/Barooga St Carpark area. This would include a mix of car parking, commercial and retail space, and some open space (outdoor dining etc.)

Council and FFLA agreed not to start work on design until September 2023 – when FFLA had capacity to undertake the work.

The Director Strategic Planning and Development and I met with FFLA staff on site on 29 September. At that meeting, both parties agreed that ideally the scope of the project should be expanded to take in Barooga St and Morris St. FFLA will issue a variation for consideration shortly.

2. Demolition of the old hardware shop

Council staff met with Tocumwal Rotary to discuss the future of this building in September.

Staff put forward the Council's current position that development of the precinct should be considered on a "blank slate" basis and not tied to the retention of the building.

Rotary strongly advocated for the retention of the building and expressed a willingness to spend their own funds to restore the building façade to ensure it doesn't distract from the streetscape or future development of the precinct.

The development of the concept plan will consider the views and needs of Tocumwal Rotary.

3. 11 Barooga St

This item has not progressed as much of the others.

Council staff have been asked to provide an estimate for works to bring the dwelling to a lettable standard.

The site will be included in the extended scope of the concept plan.

Target date

Given the scope of works required, Council staff request an extension of the target date to act on this resolution until 30 June 2024.





8.10 Alcohol-Free Zones

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.1. Build communities that are home to more families and young people
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)
Appendices:	Nil

Recommendation

That Council prepare proposals for the establishment of the following Alcohol-Free Zones:

- Barooga (commercial and residential area)
- Berrigan (commercial and residential area)
- Tocumwal (commercial and residential area)
- Finley (commercial and residential area)

Purpose

The report sets out the process to re-establish its Alcohol-Free Zones and seeks formal approval to start the process.

Summary

The Council is asked to formally resolve to commence the process of re-establish Alcohol-Free Zones in road reserves and public car parks in residential and commercial areas of all four towns.

Background

Alcohol Free Zones are established under Chapter 16, Part 4 of the [Local Government Act 1993](#) (the Act)

Once established, the zones allow for a police officer to confiscate any alcohol in the possession of a person, if the officer has reasonable cause to believe that the person is drinking, is about to drink or has recently been drinking alcohol in the AFZ. The officer then immediately tips alcohol confiscated out of its container.

Note that the Council may appoint its own staff as enforcement officers for the purposes of enforcing the AFZ. The Council's current position is that this is a role better suited to the police.

AFZs may only be established in the following areas:



1. A public road (including footpath and nature strips in the road reserve)
2. A public car park.

Alcohol-free zones cannot be established on private property. Alcohol-free zones also cannot be established in areas such as parks, recreation reserves and other public spaces. Prohibition of alcohol consumption in these areas requires the establishment of an [Alcohol Prohibited Area under s632A of the Act](#).

Process

To establish an AFZ, the Council must follow the requirements of the Act and the [Ministerial Guidelines issued pursuant to s646 of the Act](#).

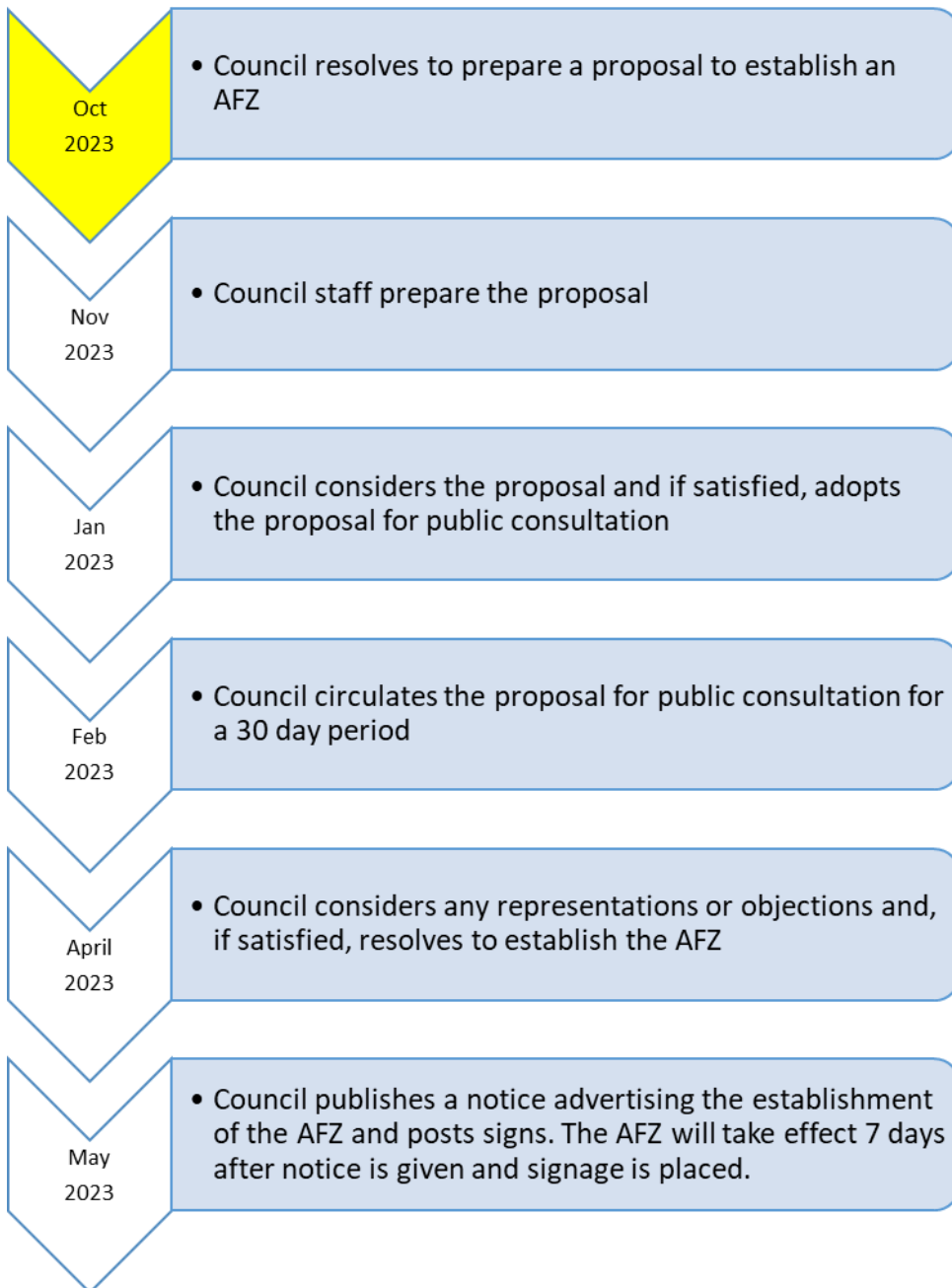
The process is as follows:

1. Council either
 - a. Receives a request from a resident, a police officer or local community group to prepare a proposal to establish an AFZ.
 - b. Resolves itself to prepare a proposal to establish an AFZ.
2. Council staff prepare a proposal for the establishment of AFZs in line with the Ministerial Guidelines. Under the Guidelines when re-establishing an AFZ, the Council should consider the following criteria:
 - What were the factors that originally supported a zoning in that area?
 - How successful was the previous alcohol-free zone in achieving a reduction in unacceptable street drinking?
 - What do police statistics indicate about the value of re-establishing an alcohol-free zone in that area?
 - What other measures may need to be considered (e.g., a community education program) if unacceptable street drinking is still of concern in that area?
 - Has the community's perceptions of safety improved?
3. Council considers the proposal and if satisfied adopts the proposal for public consultation.
4. Council circulates the proposal for public consultation. This must include:
 - a. Publishing a notice in a local newspaper inviting representations and objections within 30 days of the notice. The notice must give the location of the proposed AFZ and the place and time the proposal can be inspected.
 - b. Sending a copy of the proposal to the Police Local Area Commander **and** the officer-in-charge of the police station within or nearest to the zone – again inviting representations and objections within 30 days
 - c. Sending a copy of the proposal to liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone– again inviting representations and objections within 30 days.
 - d. Sending a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse



group within the local area– again inviting representations and objections within 30 days

5. After consideration of any representations or objections, Council resolves to establish the AFZ. Once established, the Council is required to inform all parties are advised of the original proposal.
6. Once established, the Council must publicly advertise the establishment of the AFZ by notice published in the local newspaper. An alcohol-free zone will not operate until 7 days after publication of the notice AND until the roads, footpaths and public carparks affected are adequately signposted.



Extent of zones

The existing AFZs in place in Berrigan Shire are shown at the end of this report. The AFZ covers all public roads and road reserves (including footpaths and nature strips) inside those boundaries.

The Council may wish to consider extending the AFZs – particularly in Barooga and Tocumwal. However, the extension would only cover very small, low risk areas in each town.

Alcohol Prohibited Areas

At present, the Council has issued orders prohibiting the consumption of alcohol in two public areas:



1. Memorial Park, Finley
2. Tocumwal Foreshore (between the river and the road reserve)

The orders prohibit the consumption of alcohol in these areas between sunset and sunrise.

The orders were issued under s632 of the Act. Since the orders were issued, the Act has changed and alcohol prohibition orders now must be issued under s632A(4) of the Act. Section 632A(11) of the Act subsequently automatically created Alcohol Prohibited Areas (APAs) to cover those two areas.

APAs work in a similar way to AFZs, including providing police with the power to confiscate and tip out alcohol. However, the Council is not required to consult with the public, liquor licencees or other interested parties when establishing an APA. However, Council must consult with NSW police.

As part of its review of the AFZs, the Council may wish to review its existing APAs and/or consider the creation of new APAs.

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

Delivery Program Item 3.1.1.

Issues and Implications

Financial

Implementing an AFZ will have limited financial impact on the Council other than renewal of signage.

Legal / Statutory

Establishing an AFZ is a formal process and Council needs to abide by the Act and the Guidelines.

Where events involving alcohol consumption are held on town streets, the AFZ will need to be suspended.

Community Engagement / Communication

The Guidelines set out a formal engagement and consultation process.

Human Resources / Industrial Relations (If applicable)

Council has previously not given its compliance officers authority to enforce the AFZ with this power remaining solely with the police. As such, establishing an AFZ does not require additional staff resources or training.

Risks

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

1. 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 not proceeding with the re-establishment of an AFZ may lead to increased street drinking and subsequent criticism of the Council

2. Governance

	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

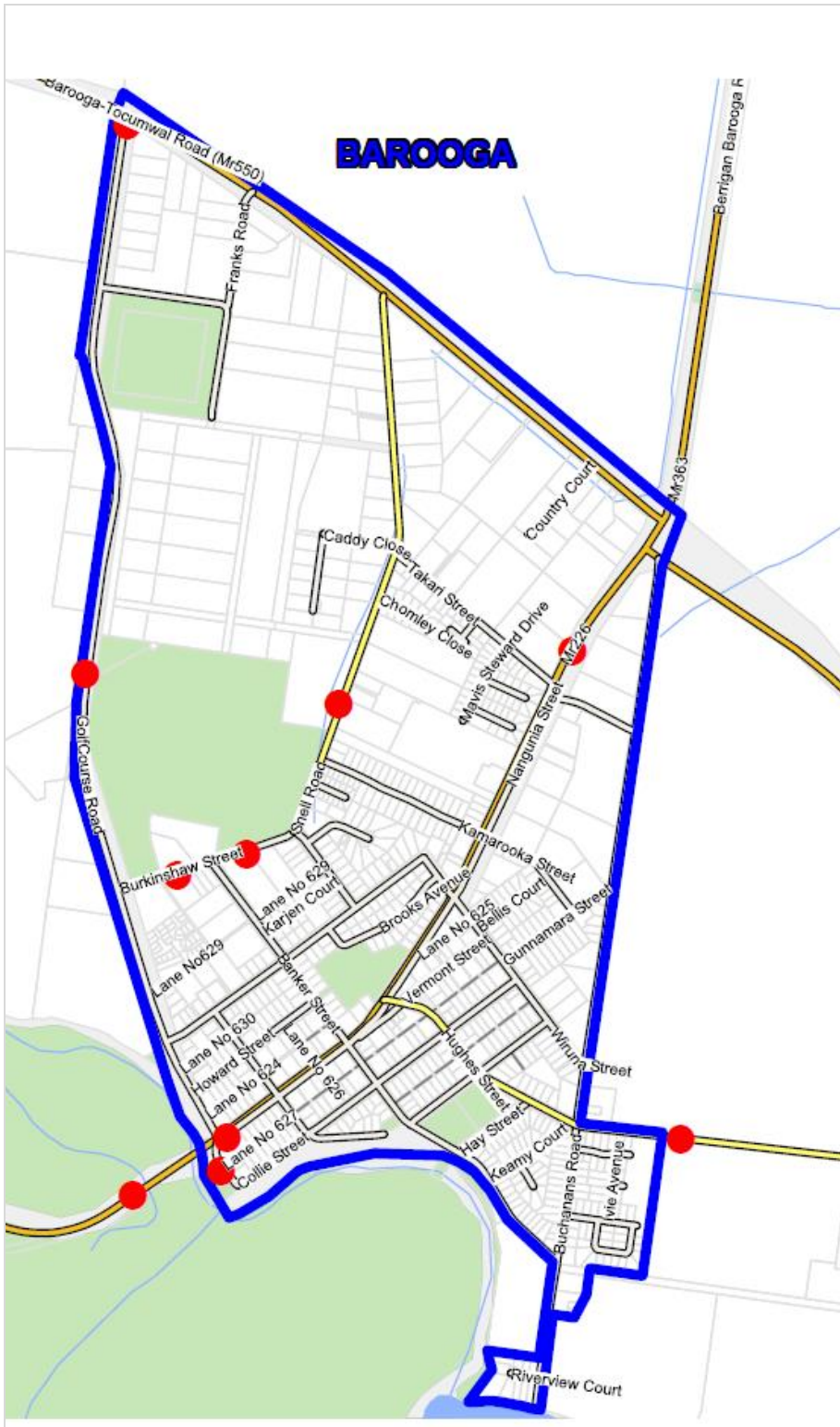
Letting the AFZ lapse before renewal is already a failure in governance. Council's governance procedures need to ensure oversights like this do not occur in the future.

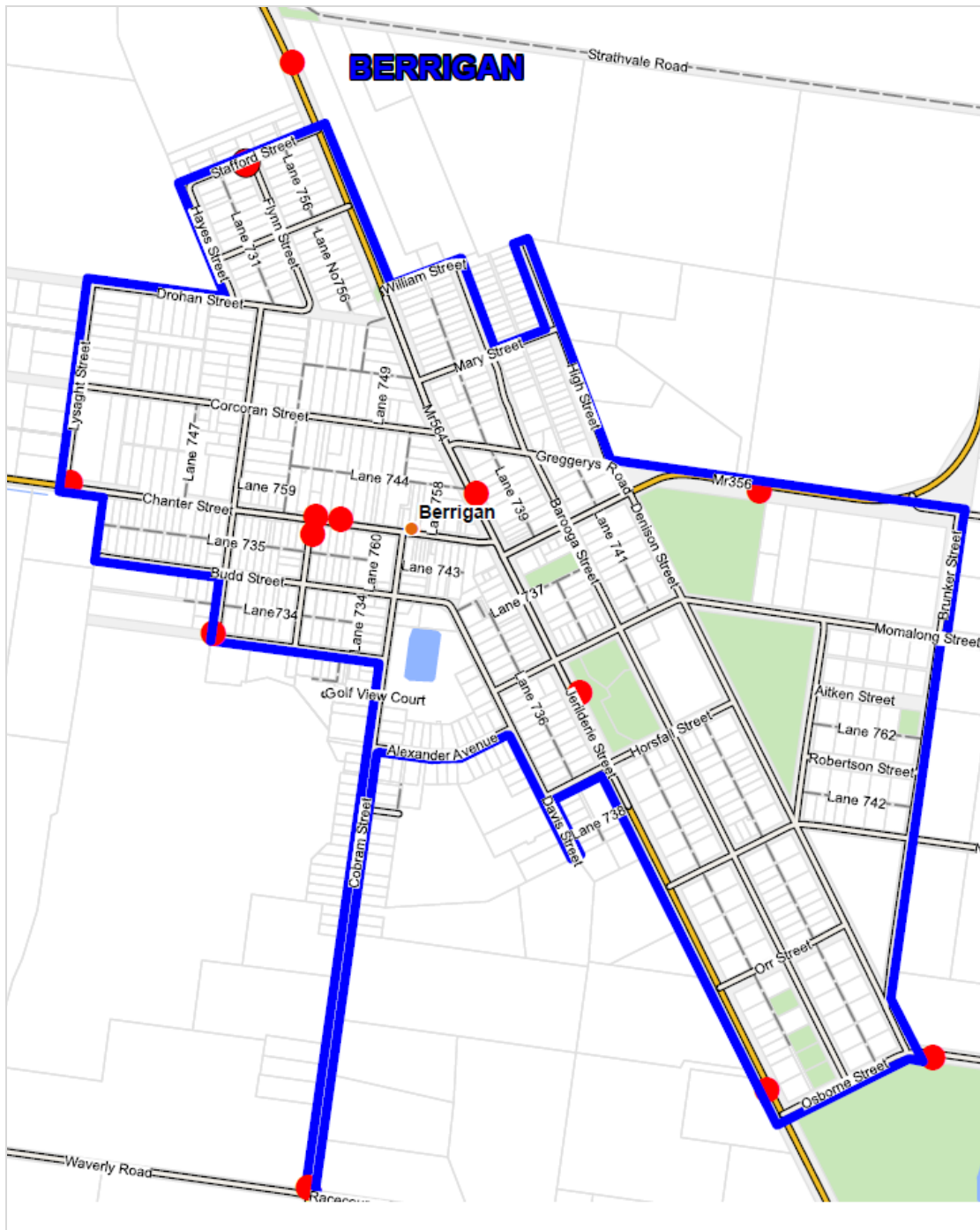
Options

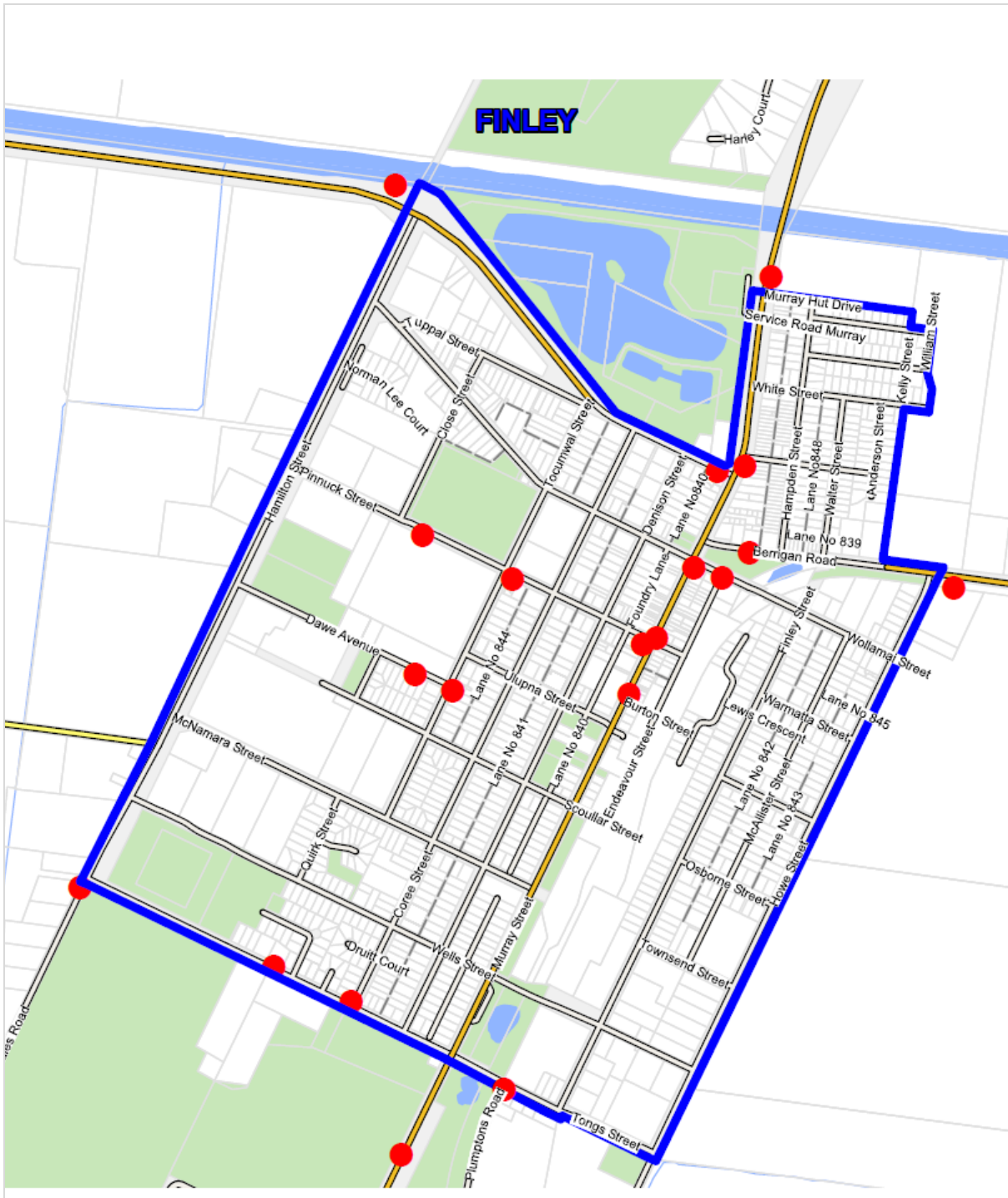
1. Council may choose to start the process of re-establishing the AFZ
2. Council can choose not to start the process of re-establishing the AFZ
3. Council can defer this decision to a later date

Conclusions

The power to confiscate alcohol has been welcomed by NSW Police as a tool to manage anti-social behaviour. It would be appropriate to re-establish the AFZs to ensure this tool is still available.











8.11 Council Seal and Execution of Legal Documents 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:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
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. Council Seal and Execution of Legal Documents Policy

Recommendation

That the Council adopt the Council Seal and Execution of Legal Documents Policy attached as Appendix 1 to this report.

Purpose

This report is to consider and adopt if appropriate a new policy regarding use of the Council Seal

Summary

Attached as Appendix 1 is a proposed policy regarding the use of the Council seal and the execution of Council's legal documents.

Council is asked to consider and if appropriate adopt the policy.

Background

A review of Council's governance framework undertaken by senior management identified that Council did not have sufficient clarity around the use of the Council Seal and execution clauses on Council legal documents.

Council commissioned its solicitors to assist with the development of a suitable policy regarding the use of the Seal. This policy is now ready for consideration by the Council.

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

The introduction of a policy regarding the use of the Council seal is part of a general review of Council's governance framework.



Issues and Implications

Policy

Documents executed by the Council using the Seal or otherwise must be stored in Council's Electronic Document and Records Management System in line with Council's Records Management Policy.

Legal / Statutory

This policy supports Council's compliance with [Clause 400 of the Local Government \(General\) Regulation 2021](#) that governs the use of the Council seal.

Risks

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

1. Governance (Legal)

	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 policy provides clear guidance to Council staff on the appropriate and legal use of the Council seal.

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

Incorrect or illegal use of the Council seal if made public would have an impact on Council's reputation.

Options

1. Council can adopt the policy as written.
2. Council can amend the policy.



3. Council can refer the policy back to Council staff for further amendment and consideration at a future meeting.

Conclusions

The adoption of a policy regarding use of the Council seal is appropriate. This policy, prepared with assistance from Council's solicitors, is suitable for adoption for this purpose.



Policy

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COUNCIL SEAL AND EXECUTION OF LEGAL DOCUMENTS

Strategic Outcome:	Good government	
Policy type	Statutory	
Date of Adoption:	18 October 2023	Minute Number:
Date for Review:	20 October 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	New policy	
Delivery Program Link:	<i>2.1.2 Meet legislative requirements for Council elections, local government and integrated planning and reporting.</i>	

1. POLICY STATEMENT

It is important that legal documents entered into by Council are validly executed and that the Council seal is used in line with Council's legal obligations.

2. PURPOSE

The purpose of this Policy is to provide guidance to Council Officers on the execution of legal documents. This Policy aims to provide the conditions under which the Council Seal (Seal) must be affixed to documents and the steps associated with affixing the Seal.

3. SCOPE

This procedure applies to all Council Officers (see definitions below).

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Program Objective 2.1.2:

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

5. DEFINITIONS

Conveyancing document: A document executed as part of a Conveyancing Transaction;



Policy

- Conveyancing transaction:** The transfer of legal title from one person to another or the granting of an encumbrance such as a mortgage or easement.
- Councillor:** An elected official of Berrigan Shire Council
- Council officer:** (Also known as Public Official) includes Councillors; full-time, part-time and casual staff members whether they are permanent or temporary employees; volunteers; contractors; and external members of Council committees.
- An **Authorised Council Officer** is a Council Officer delegated by the CEO to act on behalf of Council.
- A **Responsible Council Officer** is responsible for the management of a specific legal document(s).
- Council seal:** The official stamp of Berrigan Shire Council, indicating Council's formal acceptance of the contractual document(s) and/or obligations.;
- Legal documents:** Written documents that create legal relations between parties and can be used to uphold an agreement in a court of law. Legal documents consist of all written transactions entered into with an external entity on behalf of Council, including but not limited to:
- agreements – including funding agreements, development agreements and Memorandums of Understanding,
 - contracts and
 - property leases and licence agreements.

6. POLICY IMPLEMENTATION

6.1 Documents requiring the Council seal

6.1.1 Holder of the seal

The Seal must be kept by the Chief Executive Officer.

6.1.2 Documents that must have the seal attached.

The Seal must be affixed in relation to the following:

- a) the execution of documents for the disposal of land,
- b) the execution of documents for the acquisition of land,



Policy

- c) if a funding agreement or contract between Council and the NSW Government or Commonwealth Government expressly requires the affixing of the Seal, and
- d) as otherwise required by law.

The Seal must not be affixed to a document unless the document relates to the business of Council and Council has resolved (by resolution specifically referring to the document) that the Seal be affixed.

6.1.3 Obtaining endorsement of the fixing of the seal

The Seal shall not be affixed to any document unless:

- a) the document has been listed under the 'Documents for Signing and Sealing' section of the Ordinary Council Meeting Agenda and Council has resolved to affix the Seal, **or**
- b) Council has resolved with a specific resolution to affix the Seal to a specific document.

6.1.4 Documents listed under the "Documents for Sealing" section of the Ordinary Council meeting agenda.

Council Officers are responsible for notifying the Governance unit of any document(s) requiring sealing for listing on the Ordinary Council Meeting Agenda. In addition to forwarding a copy of the document(s) for sealing to the Governance unit, Council Officers must notify the Governance Unit of the following:

- a) the purpose of the legal document,
- b) the contact details of the Council Officer responsible for the document(s),
- c) the date of the Council Meeting when sealing of the document is to be considered and
- d) the Magiq document number where the document is stored.

The Governance unit responsible for listing the relevant documents under the 'Documents for Sealing' section of the Ordinary Council Meeting Agenda.

6.1.5 Documents resolved to have the Seal affixed by specific resolution.

Where it is necessary for Council to affix the Seal to specific document(s) by a specific resolution, the resolution of Council is to appear as follows:

"Council authorises its Seal to be affixed to [identify the document(s), and the value including GST if it is a contract] in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021."

Council Officers are responsible for ensuring the wording of the resolution to affix the Seal complies with this procedure.

Once a Council resolution has been made to affix the Seal, the Governance unit is responsible for coordinating the execution of the documents.



Policy

6.1.6 Affixing the Seal to documents following Council resolution.

Council Officers are responsible for ensuring the wording of the resolution to affix the Seal complies with this procedure.

The Seal must not be affixed to any document without a resolution of Council.

Documents requiring the Seal to be affixed must be witnessed and done only in the presence of:

- a) the Mayor and the CEO, or
- b) at least one Councillor (other than the Mayor) and the CEO or
- c) the Mayor and at least one other Councillor, or
- d) at least two Councillors other than the Mayor.

The Mayor and CEO (or such other Councillor(s) as detailed above) are responsible for ensuring the Seal is not affixed to any document for which a resolution has not been adopted relating to the affixing of the Seal.

The persons who witnessed the sealing (for example, the Mayor and CEO) must attest that the Seal was affixed in their presence and was done so in accordance with a resolution of Council. The attestation should read as follows (unless otherwise required in a prescribed form by legislation or other obligation):

<p>THE SEAL of BERRIGAN SHIRE COUNCIL ABN 53 900 833 102 was affixed in accordance with Reg 400 Local Government (General) Regulation 2021 pursuant to a resolution made on <i>[insert date]</i> and attested to by:</p>	
<p>.....</p> <p>[print name and position of signatory one]</p>	<p>.....</p> <p>[print name and position of signatory one]</p>

Details of the witnesses to the sealing, the date the document was signed and sealed, and the date Council resolved to affix the Seal are entered into the Documents for Sealing Register.

The Governance unit are responsible for entering the details into the Documents for Sealing Register.

The Governance unit is responsible for scanning all executed documents and ensuring they are correctly recorded in Magiq. The Records unit is responsible for retaining the documents in accordance with the *NSW State Records Act 1998*.



Policy

6.2 Documents not requiring the Council seal

Some legal documents executed by Council do not require the Council Seal to be affixed, such as funding agreements from third parties, licence agreements and delegated contracts.

This section applies to all legal documents that do not require the Council Seal to be affixed. These documents are to be signed by the third party and then signed by the Authorised Council Officer as provided under the Delegations of Authority from CEO to Staff.

EXECUTED for and on behalf of BERRIGAN SHIRE COUNCIL ABN 53 900 833 102 under delegated authority and in the presence of:	
..... Signature of Witness Signature of delegated Council Officer
..... Name of Witness Name of delegated Council Officer

The Governance unit is responsible for scanning all executed documents and ensuring they are correctly recorded in Magiq.

Retention of documents may include forwarding the original executed document(s) (excluding employment agreements) to Council’s contracted legal services provider.

The responsible Council Officer is responsible for including the details of the legal documents on the relevant internal register.

6.3 Conveyancing documents

Conveyancing documents may or may not require the Council seal to be affixed. Council’s legal service provider can provide further guidance, if required.

Verification of identity is required for all Council Officers who execute documents in a conveyancing transaction. 100 points of identification is to be provided to Council’s legal services provider on commencement of Council term or as required.

6.4 Obtaining legal advice

To ensure the efficient management of Council’s resources, appropriate approval must be sought before Council Officers seek to obtain legal advice from Council’s legal services provider.



Policy

Council Officers are responsible for seeking approval from the CEO or Deputy CEO (or other Council Officer) nominated in the Delegations of Authority from CEO to Staff, as provided from time to time). Requests must detail why the legal advice is required and the proposed scope of the legal advice.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 2000*
- *State Records Act 1998*
- *Local Government (General) Regulation 2021*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Code of Meeting Practice
- Records Management 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.

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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	18/10/2023	New Policy document	Deputy Chief Executive Officer

DRAFT



8.12 Media 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:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Information Channel: Information about a service or activity of other bodies is channelled through, for example, brochures in Council office and other public spaces or links to third party websites 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 Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. Policy No. 52 - Media Policy - WORKING DOCUMENT 2. Model Media Policy (under separate cover)

Recommendation

That the Council

1. Revoke its Media Policy adopted on 15 March 2017
2. Adopt the Media Policy attached as Appendix 1
3. Schedule a comprehensive review of the Media Policy for the ordinary meeting to be held in February 2024.

Report

The Council is asked to adopt an amended Media Policy. This is classified as a Strategic policy and as such requires a resolution of the Council to amend.

The only changes to the policy are to reflect changes in staff roles and responsibilities under the new corporate structure.

No change is proposed to the underlying role and responsibilities of the Mayor and Chief Executive Officer as Council's primary spokespersons.

The change is low risk and can be endorsed by Council.



Future review

In 2022, the Office of Local Government (OLG) issued a Model Media Policy. Unlike other model policies issued by OLG such as Councillors Expenses and Facilities, the Model Media Policy is only a guide to better practice and not a compulsory template.

The Model Media Policy is attached as Appendix 2

Council may wish to use the model policy as a template in a comprehensive review of its Media Policy. If so, Council staff request that sufficient time is allowed to prepare a draft policy for Council consideration.



Policy

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MEDIA POLICY

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	18 October 2023	Minute Number:
Date for Review:	18 October 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Update Media Policy adopted on 15 March 2017	
Delivery Program Link:	<i>2.2.2 Council operations support ethical, transparent and accountable corporate governance.</i>	

1. POLICY STATEMENT

The Council has an important relationship with the media. This relationship provides an opportunity to:

- Keep the community informed about Council activities, services and programs,
- Involve the community in dialogue about the provision of services and planning for the future, and,
- Involve the community in activities which support the aims and objectives of the Council and the wider community as detailed in the Community Strategic Plan – *Berrigan Shire 2023*.

Berrigan Shire Council has a responsibility to the community to ensure that when it provides public information – in particular to the media – that then information is accurate and accurately reflects the Council's position in relation to activities and issues.

It is unreasonable to expect that the community can readily differentiate either inaccurate information or personal views or opinions.

Where inaccurate information or personal views or opinions are provided it portrays the Council as unprofessional at best and incompetent or secretive at worst.

2. PURPOSE

The purpose of this Policy is to:



Policy

- Provide for effective communication of Council affairs to the public through the media
- Promote positive coverage of Council affairs that is fair, accurate and reliable
- Establish a process that clarifies which person or persons provides public information in relation to Council activities or issues.
- Clarify if information provided is the official Council position or a personal expression of opinion.

3. SCOPE

This policy applies to Council officials as defined in Council's Code of Conduct (see Definition section below).

This policy applies to situations where Council officials:

- Communicate with the media about Council affairs and related matters,
- Attend public speaking engagements, or,
- Make comments on Council affairs where it is reasonably foreseeable that their comments will be published in the media.

This policy acknowledges the rights and responsibilities of Councillors as elected representatives as outlined in the *Local Government Act 1993*.

4. OBJECTIVE

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

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

5. DEFINITIONS

Council affairs: includes matters before the Council or other Council affairs and business, Council policy, interpretation of policy, management of Council business, management of Council staff or actions or matters that may commit the Council's resources to any purpose.

Council officials: as defined in Council's Code of Conduct, Council officials includes Councillors, members of staff of Council and delegates of Council including volunteers.

Council staff: means Council officials who are not Councillors. This includes consultants, contractors and other delegates of Council, including volunteers.



Policy

Media: includes print media such as national or local newspapers, magazines, newsletters, brochures and other documents and the broadcast media including radio and television broadcasters and internet publishers.

Public comment: includes interviews with the media (including comments to or interviews with the press, radio or television), public speaking engagements, expressing views in letters to the press, in books, notices, articles, social media or in any medium where it is reasonably foreseeable that the publication or circulation will enter the public domain.

Publication: the distribution of information via print or electronic media including but not being limited to newspapers, radio and television broadcasting and the internet.

6. POLICY IMPLEMENTATION

6.1 General spokespersons

The Mayor and Chief Executive Officer are the official spokespersons regarding Council affairs and it is expected that in most cases this will remain the most appropriate situation.

The Director Infrastructure, Director Strategic Building and Planning and Director Corporate Services are delegated authority to speak to the Media on areas under their jurisdiction. The Chief Executive Officer must be informed either before, or directly after, the comments made.

The Marketing, Communications and Engagement Coordinator is delegated authority to speak to the Media to provide information on Council affairs as per the Council's Community Engagement Framework.

6.2 Specific spokespersons

In some cases it would be more appropriate to designate specific Councillors or staff to act the Council spokesperson on specific issues.

The Council will from time to time designate a Councillor or staff member to be its official spokesperson in relation to specific issues or activities. Such designation will be by Council resolution.

If this designation is to occur it should be at the inception of an issue or activity as this will create certainty and consistency.

Where no such designation exists, the Mayor and Chief Executive Officer will continue to be the Council's official spokespersons. The Mayor and Chief Executive Officer may also express the Council's position in relation to activities or issues even if there is a designation.



Policy

The Chief Executive Officer may nominate specialist members of staff to respond to technical questions on operational matters only. The Mayor and/or the Chief Executive Officer must approve of other information before it is issued or distributed to the media.

6.3 Unauthorised comment

Where Council officials are asked to respond to media or public enquires regarding activities of the Council, they should:

- clarify that they are not the best person to speak to, and
- refer the enquiry to the Mayor, Chief Executive Officer or other authorised delegate.

Council officials should support Council decisions and should refrain from using the media to make negative personal reflections on each other or comments that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council or local government generally.

Council staff must not make political or controversial statements in or to the media relating to Council affairs, decisions and/or events, or about Council officials which are likely to generate negative publicity for Council.

Breaches of this policy will be dealt with in accordance with the Code of Conduct i.e. staff will be disciplined while allegations against Councillors, the Mayor or Chief Executive Officer will be referred to the Conduct Committee.

6.4 Councillors and public debate

As members of the community, Councillors are entitled to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a committee of Council.

6.5 Media releases

All media releases must be approved by the Chief Executive Officer or Mayor prior to release.

6.6 Incorrect information

In the event of incorrect information or information that has a personal or corporate reputational risk being published, the Director Corporate Services will investigate and report to the Chief Executive Officer on how the information came to be published.

If necessary, the Chief Executive Officer issue or will authorise a media release to be issued clarifying the incorrect information.



Policy

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Defamation Act 2005*

7.2 Council policies and guidelines

- Berrigan Shire 2023 (Community Strategic Plan)
- Code of Conduct
- Community Engagement Framework
- Privacy Management Plan
- Internal Reporting Policy
- Access to Information Policy
- Policy for volunteering in Berrigan Shire
- Social Media Policy

8. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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:

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Policy

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Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	15.03.2017	New Policy document	Director Corporate Services
1.1	TBC	Minor review (detail)	Deputy CEO

APPENDICES



8.13 Public Interest Disclosures 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:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
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 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)
Appendices:	1. DRAFT - Public Interest Disclosures Policy - October 2023

Recommendation

That the Council

1. Revoke its Internal Reporting and Protected Disclosures Policy adopted on 19 October 2022, and
2. Adopt the Public Interest Disclosures Policy attached to this report.

Purpose

This report is to consider and adopt if appropriate a policy regarding Public Interest Disclosures as per the *Public Interest Disclosures Act 2022*.

The policy has been developed using the "[Developing your PID Policy guideline](#)" issued by the NSW Ombudsman.

Summary

Attached as Appendix 1 to this report is a proposed Public Interests Disclosure Policy for consideration by Council.

Before adopting the policy, the Council should consider some of the significant changes in the policy required under the new Act.

- All managers (defined broadly) have the obligation to receive Public Interest Disclosures (PIDs).
- The Mayor is not ex-officio empowered to receive PIDs about the General Manager/CEO. Complaints about the GM/CEO in this way go directly to the Ombudsman for consideration.



- The requirement to develop a formal risk management plan to minimise the risk of reprisal action.

Background

The *Public Interest Disclosures Act 2022* (PID Act) came into effect from 1 October 2023, replacing the previous 1994 Act. The PID Act applies to all NSW public sector agencies, including Berrigan Shire Council.

The PID Act provides a framework for public officials to report serious wrongdoing in the public sector, and to be protected when they do so. When a public official reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act

The intent of the Act is to create a “no wrong doors” approach to public interest disclosures. Any genuine attempt to report wrongdoing will be supported no matter to whom the person making the disclosure made the initial report.

The threshold for what is considered detrimental action has been lowered, and the associated penalties for the detrimental action offence have been increased, when compared to the previous Act.

Clarity is provided in the PID Act on what agencies are expected to do with a report when it is received, how they must deal with a report once it is identified that it is a public interest disclosure (PID) and what they must do if serious wrongdoing is found to have occurred.

Section 42 of the PID Act requires all public sector agencies, including Council, to develop a Public Interest Disclosure Policy. The proposed policy, attached as Appendix 1, has been developed using the “[Developing your PID Policy guideline](#)” issued by the NSW Ombudsman.

Council has an [Internal Reporting and Protected Disclosures Policy](#) adopted to meet the requirements of the 1994 Act. The new Public Interest Disclosures Policy has a few key changes of which Council should be aware.

1. **All managers have the obligation to receive a PID from people they directly or indirectly supervise.** The term “Manager” is defined broadly in section 15 of the PID Act. All Council officials defined as “managers” under the Act will require specific training on their responsibilities
2. **The Mayor is not ex-officio empowered to receive PIDs about the General Manager/CEO.** The previous policy had a role for the Mayor to receive PIDs relating to the General Manager/CEO. Section 17(c) of the PID Act makes it clear that for the purposes of the Act, the head of the agency is the General Manager.

The Council may, if it chooses, designate the Mayor as a disclosures officer in this policy. However this cannot be restricted to the power to receive PIDs relating to the CEO only but would instead give the Mayor the obligation to receive any PID about any public official. In practice this would mean the Mayor would have an obligation to consider any approach from an employee to determine if the report was a PID. This would contradict the requirements of the Code of Conduct where there is a clear separation between staff and elected members.



Note – this does not mean that the Mayor cannot receive Code of Conduct complaints about the Mayor as per Clause 4.11 of the [Procedures for the Administration of the Model Code of Conduct for NSW Local Government](#). It does however mean that a report to the Mayor cannot be a PID.

This is not ideal, and I expect further guidance will come from the NSW Ombudsman in due course.

- 3. Council has a requirement to develop a formal risk management plan to minimise the risk of reprisal action.** The risk of reprisal action has been identified as a major impediment to public officials being willing to make PIDs. Council needs to be seen to be actively working to minimise the risk of reprisal action.

While this policy is based on the Model Policy provided by the NSW Ombudsman, Council has the option of developing its own policy so long as it includes the following.



...ing regard to relevant ombudsman's guidelines

Topic	Procedures that must be included in an agency's PID policy
Acknowledging receipt of voluntary PIDs, providing information to makers of voluntary PIDs and dealing with voluntary PIDs (s 43(1)(a)–(b))	Specify procedures for: <ul style="list-style-type: none"> • acknowledging receipt of voluntary PIDs • providing information to the makers of voluntary PIDs • dealing with disclosures that are or may be voluntary PIDs.
Risk management (s 43(1)(c))	Detail the agency's procedures for assessing and minimising the risk of detrimental action, other than reasonable management action, being taken against a person as a result of a voluntary PID being made.
Detrimental action (s 43(1)(d))	Detail the agency's procedures for dealing with allegations that a detrimental action offence has been committed by or against a public official associated with the agency.
Maintaining confidentiality and protections (s 43(1)(e) and (3))	Detail the agency's procedures for maintaining confidentiality in relation to voluntary PIDs and protecting the identity of the makers of voluntary PIDs. Include information about protections available under the PID Act to makers of voluntary, mandatory and witness PIDs.
Corrective action (s 43(1)(f))	Specify the agency's procedures for taking appropriate corrective action in response to findings of serious wrongdoing or other misconduct that arise from voluntary PIDs relating to the agency.
Record-keeping (s 43(1)(g))	Outline the agency's record-keeping procedures including how information is stored and confirm that security/access levels will be applied to all communications regarding disclosures made in accordance with the PID Act.
Reporting obligations (s 43(1)(g))	Specify the agency's procedures for reporting in relation to voluntary PIDs to the NSW Ombudsman and how the agency will prepare its annual return.
Establishing internal oversight and complying with the PID Act (s 43(1)(h)–(i))	Provide details about how the agency will ensure it complies with the PID Act, including who or what business unit has internal oversight over compliance with the PID Act.



Roles and responsibilities (s 43(2))	Specify the responsibilities under the PID Act given to: <ul style="list-style-type: none">• the head of the agency• disclosure officers for the agency Specify the responsibility imposed by section 51(1) on managers of public officials associated with the agency.
List of disclosure officers (s 43(4))	Prominently include a list identifying the agency's disclosure officers by class, position, role or name, as well as information enabling them to be contacted.

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

NIL

Issues and Implications

Policy

The Public Interest Disclosure Policy interacts with a range of other Council policies.

- Grievance Policy (under development)
- Customer Request Policy
- Right to Information Policy
- Staff and Councillors Interaction Policy
- Employee Assistance Program Policy
- Discrimination, Workplace Bullying and Harassment Policy
- Fraud Control Policy
- Work Health and Safety Policy

Financial

There is no direct financial impact on Council other than the ongoing cost of training.

Legal / Statutory

Section 42 of the PID Act requires Council to have an PID Policy that complies with the requirements of the Act.

There are penalties for Council officials who do not comply with their obligations and responsibilities under the Act.

Community Engagement / Communication

Council will undertake internal communication with Council officials to **inform** them of their obligations under the new Act and this Policy. This is an obligation under the Act.



Human Resources / Industrial Relations (If applicable)

Council will roll out training to all Council officials on the PID Act and this policy.

The NSW Ombudsman have prepared a series of videos, documents and e-learning packages to assist in this task. I don't anticipate Council having to provide additional third-party training.

Risks

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

1. People and Culture

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

The increased obligations on a broader range of Council officials will require a greater training and communications effort.

A failure to maintain confidentiality or prevent reprisals will directly impact relationships between Council officials.

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

A breach of Council's obligations under the PID Act have the potential to create significant media and public interest.

3. Governance (Legal)

	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
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The new Act sets out clear legal obligations for Council and Council officials with penalties for non-compliance.

Options

1. Council can adopt the policy as written.
2. Council can amend the policy.
3. Council can refer the policy back to Council staff for further amendment and consideration at a future meeting.

Conclusions

This policy is complex and has the potential to have a significant impact on Council operations. While I consider this policy to be suitable for adoption, the Council may wish to refer this to a future workshop for discussion.



Policy

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PUBLIC INTEREST DISCLOSURES

Strategic Outcome:	Sustainable natural and built landscapes	
Policy type	Statutory	
Date of Adoption:	18 October 2023	Minute Number:
Date for Review:	20 October 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Replaces the Internal Reporting and Protected Disclosures Policy adopted on 19 October 2022.	
Delivery Program Link:	2.1.2: Council operations support ethical, transparent and accountable corporate governance	

1. POLICY STATEMENT

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

Berrigan Shire Council takes reports of serious wrongdoing seriously. Council is committed to building a 'speak up' culture where public officials are encouraged to report any conduct they reasonably believe involves wrongdoing.

The integrity of Berrigan Shire Council relies upon its staff, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing.

2. PURPOSE

This policy sets out:

- how Berrigan Shire Council will support and protect you if you come forward with a report of serious wrongdoing,
- how we will deal with the report and our other responsibilities under the PID Act,
- who to contact if you want to make a report,
- how to make a report, and
- the protections which are available to you under the PID Act.



Policy

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action, and
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

3. SCOPE

This policy applies to, and for the benefit of, all public officials in NSW.

You are a public official if you are:

- a Councillor,
- a Council employee,
- a Council volunteer,
- a person employed in or by an agency or otherwise in the service of an agency,
- a person having public official functions, or acting in a public official capacity, whose conduct or activities an integrity agency is authorised by another Act or law, to investigate,
- an individual in the service of the Crown,
- a statutory officer,
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer,
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency and are involved in providing those services or exercising those functions,
- a judicial officer,
- a Member of Parliament (MP), including a Minister and / or
- a person employed under the [Members of Parliament Staff Act 2013](#).

The Chief Executive Officer, other nominated disclosure officers, and managers within Berrigan Shire Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

This policy does not apply to:

- people who have received services from Council and want to make a complaint about those services, or
-



Policy

- people, such as contractors, who provide services to Council. For example, employees of a company that sold computer software to Council.

This policy therefore does not apply to complaints not made by public officials. There are, however, some circumstances where a complaint can be deemed to be a voluntary PID (see section 6.1.9 of this policy for more information).

However, you can still make a complaint to Berrigan Shire Council. This can be done by providing the complaint in writing to the Chief Executive Officer.

4. OBJECTIVE

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

2.1.2: Council operations support ethical, transparent and accountable corporate governance.

5. DEFINITIONS

Council: Berrigan Shire Council

Council official: a Councillor, employee, committee member, volunteer, contractor or subcontractor of Berrigan Shire Council;

Manager: As defined in section 15 of the PID Act. Your manager is a person who directly or indirectly supervises you;

Public official: As defined in section 14 of the PID Act and in Section 4 of this Policy.

6. POLICY IMPLEMENTATION

6.1 How to make a report of serious wrongdoing

6.1.1 Reports, complaints, and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, if they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our Code of Conduct or other relevant policies.

It is important we quickly recognise when we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions



Policy

we must make on how we will deal with the PID and how we will protect and support the person who has made the report.

6.1.2 When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 6.2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:

1. A report is made by a public official

2. It is made to a person who can receive voluntary PIDs

3. The public official *honestly and reasonably believes* that the information they are providing *shows (or tends to show) serious wrongdoing*

4. The report was made orally or in writing

5. The report is voluntary (meaning it is not a mandatory or witness PID)



Policy

If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, the information you are reporting shows, or tends to show, serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review, or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 6.7 of this policy.

6.1.3 Who can make a voluntary PID?

Any public official can make a voluntary PID — see Section 3 – “Scope”.

You are a public official if:

- you are a Councillor,
- you are employed by Council,
- you are a member of a Council committee,
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Council, or
- you work for an entity (such as a non-government organisation) who is contracted by Council to provide services or exercise functions on behalf of [agency name] — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means we may receive PIDs from public officials outside Council. It also means you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

6.1.4 What is serious wrongdoing?



Policy

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- corrupt conduct — such as a public official accepting a bribe,
- serious maladministration — such as an agency systemically failing to comply with proper recruitment processes when hiring staff,
- a government information contravention — such as destroying, concealing, or altering records to prevent them from being released under a Government Information Public Access application,
- a local government pecuniary interest contravention — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship,
- a privacy contravention — such as unlawfully accessing a person's personal information on an agency's database, or
- a serious and substantial waste of public money — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

6.1.5 Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Berrigan Shire Council

You can make a report inside Council to:

- **the Chief Executive Officer**
- **a disclosure officer for Council** — a list of disclosure officers for Council and their contact details can be found at Annexure A of this policy.
- **your manager** — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

Making a report to a recipient outside of Berrigan Shire Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- **the head of another agency** — this means the head of any public service agency,



Policy

- **an integrity agency** — a list of integrity agencies is located at Annexure B of this policy,
- **a disclosure officer for another agency** — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website, or
- **a Minister or a member of a Minister's staff** but the report *must be made in writing*.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Berrigan Shire Council so appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council:
 - notification Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of the Council decision to investigate the serious wrongdoing,
 - a description of the results of an investigation into the serious wrongdoing, or
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure, or

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

6.1.6 What form should a voluntary PID take?

You can make a voluntary PID:

- in writing — this could be an email or letter to a person who can receive voluntary PIDs.



Policy

- orally — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- anonymously — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council officers to investigate the matter(s) you have disclosed if we cannot contact you for further information.

6.1.7 What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time, and location of key events,
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved,
- your relationship with the person(s) involved, such as whether you work closely with them,
- your explanation of the matter you are reporting,
- how you became aware of the matter you are reporting,
- possible witnesses, and
- other information you have that supports your report.

6.1.8 What if I am not sure my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations, or complaints.

6.1.9 Deeming that a report is a PID?

The Chief Executive Officer or Deputy Chief Executive Officer can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures reporters are provided with protections under the PID Act.



Policy

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to Chief Executive Officer or Deputy Chief Executive Officer to request they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Chief Executive Officer or Deputy Chief Executive Officer. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

6.1.10 Who can I talk to if I have further questions or concerns?

If you have any questions about making a PID, Council's disclosure officers can assist. Disclosure officers are aware of the requirements and protections in the Act and this policy and can provide advice on how to make a PID and assistance with making a PID.

Disclosure officers are available to talk to you outside work hours and/or away from your work site if required to maintain confidentiality. You are encouraged to make an appointment to meet with a disclosure officer before making contact outside hours.

A list of disclosure officers for Council and their contact details can be found at Annexure A of this policy.

6.2 Protections

6.2.1 How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report, or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation, or dismissal.
 - Once we become aware a voluntary PID by a person employed or otherwise associated with the Berrigan Shire Council, concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.



Policy

- It is a criminal offence for someone to take detrimental action against a person because they have made, or may make, a voluntary PID. It is punishable by a maximum penalty of 200 penalty units, or imprisonment for five years, or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued, or criminally charged for breaching confidentiality.

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

6.2.2 Protections for people who make mandatory and witness PIDs.

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.



Policy

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PD	Witness PD
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> breaching a duty of secrecy or confidentiality, or breaching another restriction on disclosure. 	✓	✓

6.3 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately.

You can report any experience of adverse treatment or detrimental action directly to Council, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

6.4 General support

- Key contact person
- EAP



Policy

6.5 Roles and responsibilities of Council employees

6.5.1 Chief Executive Officer

The Chief Executive Officer is responsible for:

- fostering a workplace culture where reporting is encouraged,
- receiving disclosures from public officials,
- ensuring there is a system in place for assessing disclosures,
- ensuring the Council complies with this policy and the PID Act,
- ensuring the Council has appropriate systems for:
 - overseeing internal compliance with the PID Act,
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action,
 - implementing corrective action if serious wrongdoing is found to have occurred,
 - complying with reporting obligations regarding allegations or findings of detrimental action and
 - complying with yearly reporting obligations to the NSW Ombudsman.

6.5.2 Disclosure Coordinator

The Disclosures Coordinator has a central role in the Council's PID system. The Disclosures Coordinator may receive and assess reports and is the primary point of contact in the Berrigan Shire Council for the reporter.

The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether a report should be treated as a PID, and to decide how each report will be dealt with (either under delegation or in consultation with the Chief Executive Officer),
- deal with reports made under the council's Code of Conduct in accordance with the Council's adopted code of conduct procedures,
- coordinate the Council's response to a report,
- acknowledge reports and provide updates and feedback to the reporter,
- assess whether it is possible and appropriate to keep the reporter's identity confidential,
- assess the risk of detrimental action and workplace conflict related to, or likely to arise out of, a report and develop strategies to manage any risk identified,
- where required, provide, or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report and



Policy

- ensure Council complies with the PID Act; and provide reports to the NSW Ombudsman in accordance with the PID Act

6.5.3 Disclosure Officers

Disclosure officers are responsible for:

- receiving reports from public officials,
- receiving reports when they are passed on to them by managers,
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant) and
- ensuring any oral reports that have been received are recorded in writing.

6.5.4 Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise and
- passing on reports they receive to a Disclosure Officer.

6.5.5 All Council officials

All Councillors, employees, volunteers, and other officials must:

- report suspected serious wrongdoing or other misconduct,
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council and
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

6.6 How we will deal with Voluntary PIDs

6.6.1 How we will acknowledge reports and keep the reporter informed

When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID,
 - state that the PID Act applies to how Berrigan Shire Council deals with PID reports,
 - provide clear information on how you can access this PID policy and
 - provide you with details of a contact person and available supports.



Policy

- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing,
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral or
 - if we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place,
 - information about any corrective action taken as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or, if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing and
 - include any corrective action – including disciplinary action – taken against someone or changing the practices, policies and procedures we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

6.6.2 How we will deal with voluntary PIDs.

Once a report that may be a voluntary PID is received Council will look at the information contained in the report to see if it has the features of a voluntary PID.

This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure the right steps are followed. If it is a voluntary PID, we will ensure we comply with the requirements in the PID Act.

Report not a voluntary PID



Policy

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Grievance Policy or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you, or a disclosure officer, request an internal review, or request the matter be conciliated. Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID.

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will investigate to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

6.6.3 How we will protect the confidentiality of the maker of a voluntary PID.

We understand people who make voluntary PIDs may want their identity and the fact that they have made a report, to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:



Policy

- where the person consents in writing to the disclosure,
- where it is generally known the person is the maker of the voluntary PID because of their voluntary self-identification as the maker,
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment,
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure,
- where the information has previously been lawfully published,
- when the information is disclosed to a medical practitioner or psychologist, for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information,
- when the information is disclosed for the purposes of proceedings before a court or tribunal,
- when the disclosure of the information is necessary to deal with the disclosure effectively and
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them,
- if we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so,
- ensuring any person who does know the identity of the maker of a PID is reminded they have a legal obligation to keep their identity confidential,
- ensuring only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker,
- undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker, or impede the progress of the investigation and
- providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- advise the person whose identity may become known,
- update the agency's risk assessment and risk management plan,



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- implement strategies to minimise the risk of detrimental action,
- provide additional supports to the person who has made the PID and
- remind persons who become aware of the identifying information, of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may constitute a disciplinary matter.

6.6.4 How we assess and minimise the risk of detrimental action.

Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses, or the person the report is about.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Council will take steps to assess and minimise the risk of detrimental action by:

- undertaking a risk assessment and creating a risk management plan (including reassessing the risk throughout the entirety of the matter),
- providing details of the unit/role responsible for undertaking a risk assessment,
- explaining the approvals for risk assessment and the risk management plan, that is, identifying the person who has final approval,
- explaining how the agency will communicate with the maker to identify risks,
- listing the protections offered, that is, the agency will discuss protection options with the maker, which may include remote working or approved leave for the duration of the investigation and
- outlining what supports will be provided.

Detrimental action against a person is an act or omission that causes, comprises, involves, or encourages detriment to a person, or a threat of detriment to a person (whether express or implied).

Detriment to a person includes:

- injury, damage, or loss,
- property damage,
- reputational damage,
- intimidation, bullying or harassment,
- unfavourable treatment in relation to another person's job,
- discrimination, prejudice, or adverse treatment,
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:



Policy

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct,
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct,
- the lawful making of adverse comment, resulting from investigative action, or
- the prosecution of a person for a criminal offence

6.6.5 How we will deal with allegations of detrimental action.

If Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- take all steps possible to stop the action and protect the person(s),
- take appropriate disciplinary action against anyone who has taken detrimental action,
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC and
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

6.6.6 What we will do if an investigation finds serious wrongdoing

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology,
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing,
- providing additional education and training to staff where required,
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution, or reprimand) and
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

6.7 **Review and dispute resolution**

6.7.1 Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- That Council is not required to deal with the report as a voluntary PID.
 - That Council has decided to stop dealing with the report because Council decided it was not a voluntary PID.
-



Policy

- That Council has decided not to investigate the serious wrongdoing and not referred the report to another agency.
- That Council has decided to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

6.7.2 Voluntary dispute resolution

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute.

Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

6.8 Reporting and compliance

6.8.1 Reporting of voluntary PIDs and Council annual return to the Ombudsman

Each year Council provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July),
- action taken by Council to deal with voluntary PIDs during the return period and
- how Council has promoted a culture in the workplace where PIDs are encouraged.

This information is collated by the Disclosures Coordinator. The Disclosures Coordinator is also responsible for ensuring the data is stored correctly and for preparing the annual return.

6.8.2 Ensuring compliance

We will ensure compliance and monitor effectiveness of this policy through oversight and regular reviews.

The Disclosures Coordinator is the person responsible for ensuring Council complies with the Act and this policy, including:

- Training and education
- Managing and investigating complaints



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- Protecting makers of PIDs
- Reporting to internal bodies and external agencies – including the Council’s Audit, Risk, and Improvement Committee (ARIC) and the NSW Ombudsman’s office.

The Chief Executive Officer will have oversight and retains overall responsibility for ensuring that Council complies with its obligations under the Act and this policy.

The ARIC also has the authority to commission an internal audit on Council’s compliance with the Act and this policy – in general or in relation to a specific disclosure.

Where we identify serious and/or systemic non-compliance with the Act or this policy, we will report this to Council’s ARIC. Depending on the nature of the non-compliance we may also refer these incidents to other integrity agencies such as the Independent Commission against Corruption and the NSW Ombudsman.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Public Interest Disclosures Act 2002*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Work Health and Safety Act 2001*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*

7.2 Council policies and guidelines

- Governance Policy (under development)
- Code of Conduct
- Workforce Development Plan
- Statement of Business Ethics
- Privacy Management Plan
- Grievance Policy (under development)
- Customer Request Policy
- Right to Information Policy
- Staff and Councillors Interaction Policy
- Employee Assistance Program Policy
- Discrimination, Workplace Bullying and Harassment Policy
- Fraud Control Policy



Policy

- Work Health and Safety Policy

8. RECORDS MANAGEMENT

Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that [agency name] complies with its obligations under the *State Records Act 1998*.

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/>

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
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Policy

1.0	17/05/2017	New Policy document	Director Corporate Services
2.0	19/10/2022	New model policy issued	Deputy CEO
3.0	18/10/2023	New PID Act in force, complete rewrite	Deputy CEO

APPENDICES

- **Appendix A** – Names and Contact Details for Disclosure Officers at Berrigan Shire Council
- **Appendix B** – List of integrity agencies

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Policy

APPENDIX A

Names and Contact Details for Disclosure Officers at Berrigan Shire Council

Chief Executive Officer

Karina Ewer

Email: karinae@berriganshire.nsw.gov.au

Phone: 0456 802 006

Disclosures Coordinator

Matt Hansen – Deputy Chief Executive Officer

Email: matthew.hansen@berriganshire.nsw.gov.au

Phone: 0427 635 396

Disclosures Officers

Sam Armer – Human Resources Coordinator

Email: sama@berriganshire.nsw.gov.au

Phone: 0407 571 302

Michelle Koopman – Enterprise Risk Manager

Email: michellek@berriganshire.nsw.gov.au

Phone: 0418 466 720



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APPENDIX B

List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers, or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: olecc_executive@olecc.nsw.gov.au
Office of Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au



Policy

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8.14 Gifts and Benefits 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:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
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 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)
Appendices:	1. Gifts and Benefits Policy - October 2023

Recommendation

That the Council adopt the Gifts and Benefits Policy attached as Appendix 1 to this report.

Purpose

This report is to consider and adopt if appropriate a policy regarding gifts and benefits offered to Council officials.

Adoption of this policy will address a recommendation from the Cultural Review and Compliance Audit presented to the Council at the extraordinary meeting on 4 October 2023.

Summary

Attached as Appendix 1 to this report is a proposed Gifts and Benefits Policy for consideration by Council.

Background

Part 6 of the Berrigan Shire Council Code of Conduct sets out the obligations of Council officials regarding gifts and benefits offered to them in the course of their employment. The proposed policy provides additional guidance to Council officials in this matter.

Note: This policy is largely based on a template provided by Federation Council – one of the Council's Cross-Border MOU partners.

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

The development of this policy is part of a general review of Council's governance framework.



Issues and Implications

Policy

This policy has clear interaction with the Council’s Fraud Control Policy and Procurement and Disposal Policy.

The Public Interest Disclosures Policy (under review to comply with the new *Public Interest Disclosures Act 2022*) provides a framework for dealing with reports on breaches of this policy.

Legal / Statutory

Depending on the nature of the breach of the policy, the following legislation may apply.

- *Local Government Act 1993*
- *Independent Commission Against Corruption Act 1998*
- *Crimes Act 1900*
- *Public Interest Disclosures Act 2022*

Community Engagement / Communication

The Council’s Statement of Business Ethics informs the community on Council’s position on the offering of gifts or benefits to Council officials.

Human Resources / Industrial Relations (If applicable)

Once adopted, all Council officials – including Councillors, employees, committee members and volunteers – will be bound by the policy.

Human Resources will roll out information sessions for employees.

Risks

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

1. Governance (Legal)

	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

Corruption related to gifts and benefits is an ever-present risk in the public sector, including local government. It is important to have a strong framework regarding the provision of gifts and benefits.



2. People and culture

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

A culture of accepting gifts and benefits is corrosive to the general workplace culture.

3. Financial

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

There are clear precedents in NSW local government for the offering of gifts and benefits to Council officials to lead to severe financial impact. The ICAC investigation "[Operation Jarek](#)" is one prominent example.

Options

1. Council can adopt the policy as written.
2. Council can amend the policy.
3. Council can refer the policy back to Council staff for further amendment and consideration at a future meeting.

Conclusions

This policy is fit-for-purpose and can be adopted.



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GIFTS AND BENEFITS

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	18 October 2023	Minute Number:
Date for Review:	13 October 2027	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	New document	
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance	

1. POLICY STATEMENT

The Berrigan Shire Council's Code of Conduct makes a clear statement that the actions of Council officials must not be improper or unethical and must not bring the Council into disrepute.

Receiving gifts and benefits can be seen to influence the decision making of Council, Councillors, employees, or other Council officials. This perception may bring the Council into disrepute, impact the good governance of the Council and may in some cases, be a criminal offence.

Council officials should not accept gifts, benefits, or hospitality in undertaking their Council duties, nor should their immediate family receive gifts or benefits that may give rise to the appearance of being an attempt to secure favourable treatment.

2. PURPOSE

The purpose of this policy is to outline Council's commitment to ensuring all Council officials conduct themselves in a manner to which the community expects and provides direction for managing the Gifts and Benefits disclosure process.

It also outlines appropriate actions in relation to any offers of gifts or benefits, and ensures the appropriate mechanisms are in place to protect the integrity, security, and reputation of Council.



Policy

3. SCOPE

This policy applies to:

- all Council staff members,
- Councillors,
- volunteers,
- volunteer committees established under s355 of the *Local Government Act 1993*,
- key stakeholders such as suppliers, contractors and consultants,
- customers,
- members of the Berrigan Shire community and
- relevant third parties regarding functions and operations undertaken for or on behalf of Council.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective 2.1.3:

Council operations and financial management support ethical, transparent, and accountable corporate governance

5. DEFINITIONS

Benefits:	may include, but are not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee, or access to a private spectator box at a sporting or entertainment event
Bribes:	gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something
Cash-like:	may include a gift voucher or card (e.g., iTunes, Spotify, Bunnings or similar), credit card, debit card with credit on it, prepayment such as phone or internet credit, membership, or an entitlement to discounted or free services.
Donor:	may be an individual or an organisation
Gifts:	may include, but are not limited to, items such as cash or cash-like gift, alcohol, travel, accommodation, clothes, products or tickets to a sporting or entertainment event



Policy

Gift of value:	A gift or benefit other than a gift of token value. For example, free tickets and corporate hospitality to a major sporting event, mobile devices, electronic equipment, conference tickets, subscriptions, memberships, vacation stays, artworks etc. are gifts of value.
Hospitality:	the provision of meals, refreshments, or other forms of entertainment
Non-civic function:	a function or event where the Council official does not have any formal role at the function or event to represent Council and the Council official is invited to attend at no cost, or a discounted cost to Council. Examples include: sporting events; Christmas parties; conferences; or openings.
One year period:	the financial year from 1 July of one year to 30 June of the next.
Register:	the Gifts and Benefits register
Token value:	the monetary limit of the value of gifts or benefits that may be accepted and do not require declaration in the Gifts and Benefits Register. This value is set at one or more gifts or benefits received from a person over a 12-month period that do not exceed a cumulative value of \$100, in accordance with the Code of Conduct.

6. POLICY IMPLEMENTATION

6.1 Responsibility of Council officials

6.1.1 Receipt of gifts.

A Council official must not seek nor accept any bribe or improper inducement. Improper inducements are not just limited to money but can include any gift or benefit, offered directly or indirectly.

A gift of value including cash and other benefits should be declined and should not be accepted.

If it is not possible to decline, then a gift or benefit must be declared using the Gifts and Benefits Declaration Form and reviewed by the Chief Executive Officer. Once reviewed, the Gifts and Benefits Declaration Form must be submitted to the Governance unit to be recorded in the Gifts Register.

All gifts of value should be disclosed and surrendered to Council.

Acceptance of gifts and benefits of a nominal or *token value* that do not create a sense of obligation on yours or Council's part may be accepted.



Policy

6.1.2 Reporting.

You must declare all gifts you are offered. This includes gifts of value, gifts of token value and gifts declined. Section 6.7 sets out how to declare a gift or the offer of a gift.

If a Council official becomes aware of another Council official soliciting gifts or benefits, they should report the circumstances immediately to their manager, a disclosure officer as identified in the Public Interest Disclosures Policy, or the Chief Executive Officer. On receipt of a report, The Chief Executive Officer must consider their reporting obligations under the *Independent Commission Against Corruption Act 1998*.

6.2 Cash or cash-like gifts

A Council official must never seek a gift of cash (or a cash-like gift) for the performance of their official duties. Any gift of cash or a cash-like item offered to you as a Council official must not, under any circumstances, be accepted. In this case, the amount of cash is irrelevant.

6.3 Token value gifts

You may be able to accept a gift with a token value. The intent of the donor, however, must also be considered when deciding whether to accept a token value gift or benefit.

Token gifts and moderate acts of hospitality could include:

1. Gifts of single bottles of reasonably priced alcohol to Council officials at end of year functions.
2. Free or subsidised meals of a modest nature and/or beverages provided infrequently arranged primarily for or in connection with discussion of official business.
3. Free meals of modest nature and/or beverages provided to Councillors or staff who formally represent their Council at work related events such as training, education sessions, workshops.
4. Refreshments of a modest nature provided at conferences where the Councillor or staff may be a speaker.
5. Ties, scarves, caps, coasters, pins, tiepins, diaries, chocolates, flowers and small amounts of beverages.
6. Other items with a monetary value of \$100 or less.

6.4 Preferential treatment and personal dealings

As a Council official you must never seek, nor be given, preferential treatment in your personal dealings with Council. This also applies to immediate family members including parents, spouses or de facto partners, children and siblings as well as friends.

Preferential treatment may include but not be limited to:



Policy

- A competition being run by Council or its volunteers in which a family member or close friend is a prize recipient and where the draw is not conducted in a public forum.
- A supplier whose wife teaches your son at school is engaged regularly without adherence to Council procurement practices.
- A business operated by your brother's spouse is selected to appear in a Council tourism guide.

6.5 Improper and undue influence

A Council official must not take advantage of their position to improperly influence another Council official in the carrying out of their duties. The influence does not have to confer a benefit directly on the person seeking to exercise the influence. It can be for the benefit of a third party; for example a relative or close friend. Examples of improper and undue influence may include but not be limited to:

- Rangers are expressly requested not to enforce camping prohibition laws at a particular recreation spot over a weekend when the Mayor's family will be visiting.
- A development application is determined to be complying despite incomplete paperwork being provided. The development happens to be for a hairdressing salon in a friend's garage.

6.6 Disclosures

Councillors must also consider their disclosure obligations when completing their Disclosures by Councillors and Designated Persons Return required under the Berrigan Shire Council's Code of Conduct.

If the value or cumulative value of gifts or benefits from one donor exceeds the amount of \$500 in the return year, the Gifts Section of the Disclosures Return Form must be completed by the recipient, in addition to the recipient making the declaration of such gifts or benefits in Council's Gifts and Benefits Register.

6.7 Register

Council is required to maintain a public Gift and Benefits Register.

If a gift is accepted of more than token value in circumstances where it cannot be refused or returned, it should be accepted and disclosed promptly in writing using the Gifts and Benefits Declaration Form.

Once approved the form must be submitted to the Governance unit and the gift or benefit recorded in the Gifts Register.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES



Policy

7.1 Legislation

- *Local Government Act 1993*
- *Independent Commission Against Corruption Act 1998*
- *Crimes Act 1900*
- *Public Interest Disclosures Act 2022*
- *Government Information (Public Access) Act 2009*
- *Local Government (General) Regulation 2021*

7.2 Council policies and guidelines

- Governance Policy (under development)
- Code of Conduct
- Fraud Control Policy
- Procurement and Disposal Policy
- Public Interest Disclosures Policy
- Statement of Business Ethics

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		New Policy document	Deputy Chief Executive Officer



8.15 Local Roads and Community Infrastructure - Phase 4

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.1. Build communities that are home to more families and young people
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

The direction of the Council is sought.

Report

Berrigan Shire Council has been allocated \$1,383,704 in Phase 4 of the Federal Government's Local Roads Community Infrastructure (LRCI) program. This has two components:

- Part A – roads and community infrastructure projects: \$877,527
- Part B – road only projects: \$506,177.

The [LRCI Funding guidelines](#) set out Council's obligations under this program. Works must be complete by 30 June 2025.

Eligible road projects for funding under Part B can include traffic calming, street lighting, road and footpath maintenance, rest areas or off-road areas supporting the visitor economy – i.e., carparks.

Proposed projects.

Council has previously indicated that they wished to use this funding to refurbish some of its existing community assets rather than construct new assets.

Some refurbishment projects that require funding to deliver include:

Project	Estimate
Berrigan War Memorial Hall – roof and solar	\$250,000
Berrigan CWA Hall – roof and solar	\$150,000
Berrigan Sportsground – roof	\$200,000
Tocumwal War Memorial Hall – roof and solar	\$250,000
Finley Senior Citizens Hall – roof and solar	\$65,000



Council has also indicated a desire to use the roads component to undertake road safety measures on Vermont St in Barooga.

Consultation

Council has previously indicated a desire to consult with the community before submitting projects for funding under programs such as LRCI.



8.16 Key Worker Housing - Lewis St, Finley

Author:	Deputy Chief Executive Officer, Matthew Hansen
Strategic Outcome:	2. Good government 4. Diverse and resilient business
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting 4.1. Strengthen and diversify the local economy and invest in local job creation and innovation
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance 4.1.1. Partner with government and industry to promote strategic investment in the development of economic assets and infrastructure needed to create jobs
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 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 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:	Nil

Recommendation

That the Council, regarding the construction of key worker housing at 45 Lewis Crescent Finley, direct the CEO to prepare:

1. a design and construct specification for the construction of two townhouses, and
2. a Capital Expenditure Review as per the Capital Expenditure Guidelines issued by the Office of Local Government, with
3. Both documents to be presented to a Council meeting no later than February 2024.

Purpose

This report provides an alternative model for the provision of suitable housing for key workers and asks the Council for direction.



Summary

The Council has an opportunity to build two townhouse-style units on land it owns at 45 Lewis Crescent, Finley at an estimated cost \$800,000.

Council staff propose that this could be delivered via a “design and construct” tender for the construction of the units, with the units to be owned and rented out by Council, without private sector involvement.

The development of the units would be funded from the proceeds of the sale of 27 Davis St Berrigan – already held for this purpose – and a \$500,000 loan. The loan would be for a 10-year term with interest only payments.

interest repayments and other holding costs would be funded from rental income. At the end of the loan term, the property would be sold and the principle repaid with any surplus used to part-fund the development of new housing.

Council is asked to consider preparing :

- a “design and construct” specification for the project
- a detailed Capital Expenditure Review

Once these documents are prepared, the Council can make an informed decision on proceeding.

Background

The Council has identified that a lack of suitable, quality housing is one of the major impediments contributing to the skills and servicing gap in Berrigan Shire.

This has clearly impacted the Council’s own skilled worker recruitment but is also a major issue for Murrumbidgee Local Health District and local aged care providers.

There is an argument that the Council has a role to play in ensuring suitable housing is available for key workers needing to relocate to the Shire for work, including direct provision.

Proposal

Council staff are now able to start on the development of additional housing.

The first proposed project is a multi-dwelling development at 45 Lewis Crescent, Finley. The lot has a double frontage to Lewis Crescent and as such is suitable for the construction of two detached units suitable for accommodating singles, couples or a small family.

Construction costs for a three-bedroom single story townhouse are approximately \$2,800 per square metre. To build two 140 m2 townhouses would therefore cost approximately \$780,000.

Council staff plan to call for “design and construct” tenders for this project rather than prepare its own design. The intent is to build the two units simultaneously to save on site establishment and other costs.

The Council has \$300,000 from its sale of 27 Davis St. It also has access to approximately \$250,000 from the recent sale of land on Lewis Crescent. It will need to identify a funding source for the balance of the works.



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

Council's Operational Plan includes implementation of the Workforce Development Plan.

Staff have committed to a review of the Workforce Development Plan in early 2024. One item that will be included in the plan is the lack of suitable housing for key workers.

Council will also need to consider its Financial Strategy and Long-Term Financial Plan.

Issues and Implications

Policy

Council has recently adopted an [Affordable Housing for Key Workers Policy](#)

Council will need to follow its Procurement Policy and Tender Policy when delivering this project.

Financial

As mentioned above, the Council will require approximately \$780,000 to deliver the project. The Council had previously set aside the \$300,000 it received from the sale of 27 Davis St for future staff housing.

The funding model recommended by Council staff is as follows:

- \$500,000 loan over 10 years with interest-only repayments
- Interest and other operating costs to be funded from rental income.
- Sale in 10 years with the proceeds of the sale paying the principle and surplus (if any) used to fund the development of new housing.

Interest payments for a 10-year interest only loan at 4.5% fixed for the term of the loan would be approximately \$1,885 per month or \$22,620 per year.

Agent costs (5% of rent - \$1,560) and maintenance (approximately 1% of building cost - \$8,000) would also need to be factored in.

Insurance costs would be marginal when considered inside Council's overall property portfolio.

Rental income from each townhouse would be approximately \$300 per week. This would generate \$31,200 – assuming the units are fully let.

- Total annual cost - \$32,180
- Total annual revenue \$31,200.

This is a somewhat conservative estimate.

Council may wish to consider other funding options. This could include the sale of its newly relocated house on Flynn St, Berrigan or its 15-year-old townhouse on Carter St in Berrigan.

Legal / Statutory

There is no legal or statutory bar on Council managing a portfolio of rental properties. The Council already owns three houses which can be rented by Council staff.

Council needs to follow its legal obligations when borrowing funds.



Council is obliged to prepare a Capital Expenditure Review for this project as per the [Capital Expenditure Guidelines issued by the Office of Local Government in 2010](#). This would incorporate the financial model shown in this report.

Human Resources / Industrial Relations (If applicable)

Finding suitable housing for staff needing to relocate to the area has been a perennial problem for Council.

Preparing the Capital Expenditure Review is expected to take the DCEO approximately 25 hours in staff time over a period of six weeks. Preparing a specification should take approximately 15 hours in staff time.

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

An investment in rental property will carry some risk. The largest risk is the cost of construction and managing the construction contract will be critical.

There is also a risk that the Council will not be able to find people to occupy the houses and therefore forego rental income. This can be mitigated through renting one of the units to Murrumbidgee Local Health District (MLHD) directly. MLHD have indicated it would be willing to rent a unit long term if it was available.

Fixing in the interest rate on the loan will provide the Council with some certainty on outgoings but exposes Council should interest rates fall.

The funding model also assumes that the price of housing in Finley will continue to rise, or at least not fall – if the Council is to be able to construct more housing at the end of the 10-year term.

2. People and culture

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



E	Low	Low	Medium	Medium	High
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Failing to have suitable housing available when needed is already having an impact on Council’s ability to attract and retain staff.

3. Governance/Legal

	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 Council will need to meet its legal obligations regarding capital expenditure, procurement and tendering, borrowing, and letting of residential housing.

Options

1. The Council can proceed with the recommendations shown in this report – i.e., develop a suitable specification and formally prepare a capital expenditure review. This will allow Council to decide on proceeding based on solid evidence of the proposed project.
2. The Council could consider other models for the provision of key worker housing not shown in this report
3. The Council could determine that it does not have a role in and/or the capacity to develop suitable housing for key workers directly.

Conclusions

The Council has spent considerable time exploring if, and how, it should develop suitable housing for key workers.

The model suggested in this report appears to be in line with Council intentions at this stage.

8.17 Development Determinations for Month of September 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

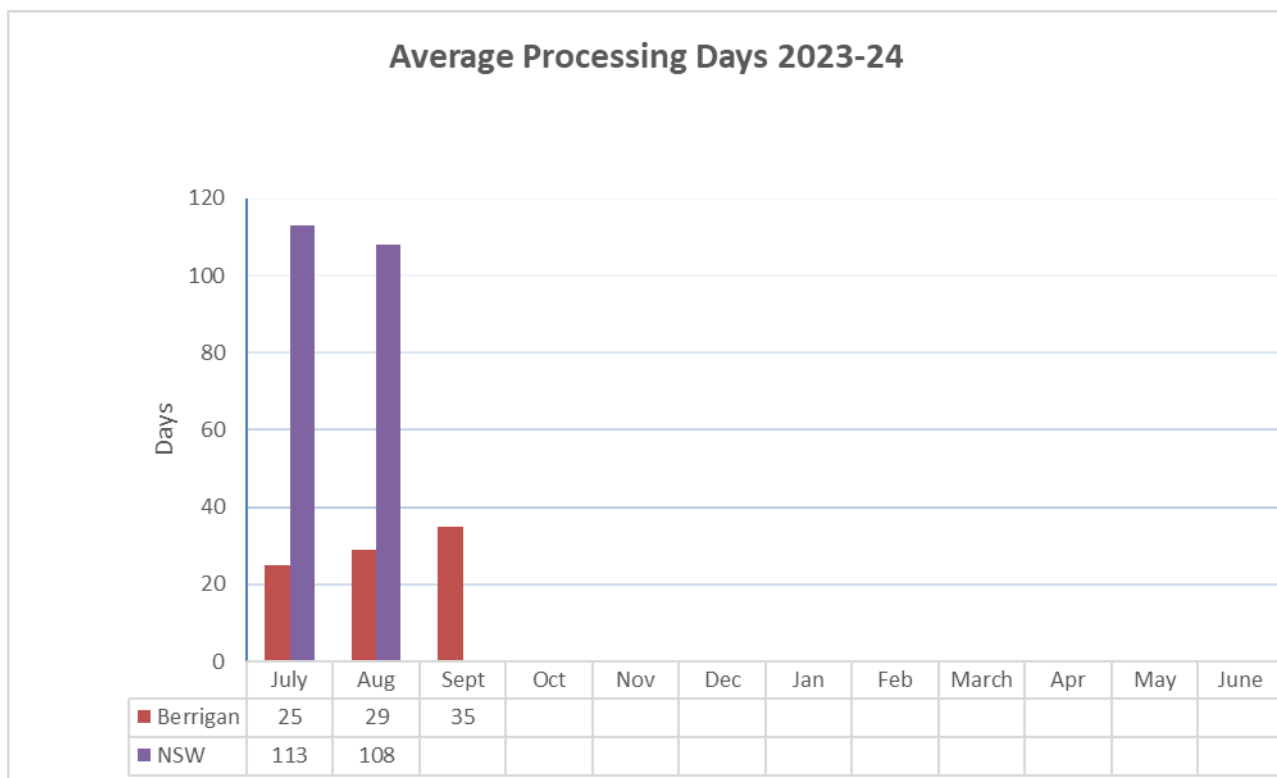
APPLICATIONS DETERMINED FOR SEPTEMBER 2023

APPLICATION	DESCRIPTION	PROPERTY LOCATION	APPLICANT	OWNER	STATUS	VALUE	DAYS TAKEN	Active	Total
3/24/DA/D1	DWELLING	BUSHLANDS ROAD, TOCUMWAL NSW 2714 (Lot12//DP286078)	RACHAEL SMITH	MR JB HARE & MS RA SMITH	Approved 22-09-2023	\$ 692000.00	56	56	
5/24/DA/DM	TREE REMOVAL	172 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot1/6//DP758097)	MATTHEW MILLER	MR GA & MRS J TURNER	Approved 15-09-2023	\$ 0.00	51	51	
7/24/DA/D5	RESIDENTIAL STORAGE SHED & CARPORT	90 BRUTON STREET, TOCUMWAL NSW 2714 (Lot1//DP1250358)	O'HALLORAN PROPERTY SERVICES	MS KL SUTTON	Approved 05-09-2023	\$ 64938.00	40	40	
10/24/DA/DM	TEMPORARY STORAGE STRUCTURE	FRANKS ROAD, BAROOGA NSW 3644 (Lot6//DP1076143)	MICHAEL ROBINSON	MR MD & MS SV ROBINSON	Approved 26-09-2023	\$ 8000.00	52	52	
15/24/DA/D1	BV DWELLING & ATTACHED GARAGE	1 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot3//DP1274032)	ELITE BUILDING PTY LTD	MR BR MORRIS & MS KIM TEMPLETON	Approved 06-09-2023	\$ 585223.00	27	27	
21/24/DA/D5	RESIDENTIAL STORAGE SHED	67-69 NANGUNIA STREET, BAROOGA NSW 3644 (Lot138//DP752274)	JACINTA HATTY	MR BW & MRS JA HATTY	Approved 13-09-2023	\$ 45000.00	22	22	
22/24/DA/D5	RESIDENTIAL STORAGE SHED	58 VERMONT STREET, BAROOGA NSW 3644 (Lot16//DP584047)	BENJAMIN MCNEILL	MR BJ MCNEILL	Approved 12-09-2023	\$ 11000.00	18	18	
27/24/DA/D6	ADDITIONS TO DWELLING	32 HILL STREET, TOCUMWAL NSW 2714 (Lot23//DP618811)	WARE BUILDERS	MR BJ WALTERS	Approved 11-09-2023	\$ 70000.00	14	14	
30/24/DA/D3	STORAGE SHED FOR PURPOSE OF TRANSPORT DEPOT	45 PLATYPUS DRIVE, BAROOGA NSW 3644 (Lot8//DP253590)	BRENDON KEARNEY	MR BJ & MRS MR KEARNEY	Approved 20-09-2023	\$ 250000.00	106	106	
34/24/DA/D1	BV DWELLING & ATTACHED GARAGE	6 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot8//DP1274032)	KENNEDY BUILDERS	ACD. K PTY LTD	Approved 11-09-2023	\$ 400000.00	2	2	
35/24/DA/D1	BV DWELLING & ATTACHED GARAGE	16 VICECONTE COURT, TOCUMWAL NSW 2714 (Lot19//DP1274032)	KENNEDY BUILDERS	MR JL LAVIS	Approved 11-09-2023	\$ 377000.00	2	2	

4/24/CD/PC	INGROUND FIBREGLASS SWIMMING POOL	33 EMILY STREET, TOCUMWAL NSW 2714 (Lot62//DP1256882)	MURRAY RIVER CERTIFIERS	MR RB & MRS SL TREVEAN	Approved 18-09-2023	\$ 93360.00	Active 0	Total 0
5/24/CD/PC	INGROUND CONCRETE SWIMMING POOL	47 BUDD STREET, BERRIGAN NSW 2712 (Lot23/P/DP3197)	MURRAY RIVER CERTIFIERS	MR MA ROSS & MS KM NOLEN	Approved 18-09-2023	\$ 55000.00	Active 0	Total 0
6/24/CD/PC	INGROUND FIBREGLASS SWIMMING POOL	4 LA BELLE COURT, TOCUMWAL NSW 2714 (Lot4//DP1194758)	MURRAY RIVER CERTIFIERS	MR PL & MRS J MIDDLEBROOK	Approved 18-09-2023	\$ 122000.00	Active 0	Total 0
7/24/CD/PC	INGROUND FIBREGLASS SWIMMING POOL	1 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP834495)	MURRAY RIVER CERTIFIERS	MR PM & MRS LJ PALMER	Approved 29-09-2023	\$ 107060.00	Active 0	Total 0

Key Performance Indicator – Development Assessment:

	Berrigan Shire Council (Sept 2023)	NSW (Sept 2023)
Average time taken to determine a Development Application ¹	35	No data available ²



Although an increase in days for the month of September, this has been achieved with staff vacancies.

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 11 October 2023

APPLICATIONS PENDING DETERMINATION AS AT 30/09/2023

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)
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)
50/23/DA/DM	18-10-2022	SHIPPING CONTAINERS	24-30 VERMONT STREET, BAROOGA NSW 3644 (Lot5/5//DP758057)
57/23/DA/DM	27-10-2022	MUSEUM SHED	300-320 MURRAY STREET, FINLEY NSW 2713 (Lot7005//DP1019585)
135/23/DA/D9	21-06-2023	2 LOT SUBDIVISION	163 RACECOURSE ROAD, TOCUMWAL NSW 2714 (Lot1//DP1242015)
11/24/DA/D3	14-07-2023	ERECTION OF SHEDS TO BE UTILISED FOR THE PURPOSE OF DEPOT	4643 BAROOGA-TOCUMWAL ROAD, TOCUMWAL NSW 2714 (Lot1137//DP1190920)
16/24/DA/DM	02-08-2023	DEMOLITION OF DWELLING	160-162 JERILDERIE STREET, BERRIGAN NSW 2712 (Lot3/5//DP758097)
18/24/DA/D9	04-08-2023	2 LOT SUBDIVISION	15 CADDY CLOSE, BAROOGA NSW 3644 (Lot265//DP1287555)
19/24/DA/D3	10-08-2023	AGRICULTURAL PRODUCE INDUSTRY, 2-LOT SUBDIVISION, ASSOCIATED WORKS	87-123 HAMILTON STREET, FINLEY NSW 2713 (Lot118//DP752299)
24/24/DA/D5	18-08-2023	PATIO AND RESIDENTIAL STORAGE SHED	57 HUGHES STREET, BAROOGA NSW 3644 (Lot4//DP1257753)
26/24/DA/D7	21-08-2023	INGROUND FIBREGLASS SWIMMING POOL	18 DAWE AVENUE, FINLEY NSW 2713 (Lot17//DP247524)
28/24/DA/D5	29-08-2023	RESIDENTIAL STORAGE SHED	1-3 ADAMS STREET, TOCUMWAL NSW 2714 (Lot2//DP257591)
29/24/DA/D2	29-08-2023	GOLF CART STORAGE SHEDS	10-16 BURKINSHAW STREET, BAROOGA NSW 3644 (Lot240//DP41479)
31/24/DA/D5	31-08-2023	RESIDENTIAL STORAGE SHED	43 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot34//DP270154)
32/24/DA/D1	01-09-2023	2 x INDEPENDENT LIVING UNITS (1,2)	50 SCOULLAR STREET, FINLEY NSW 2713 (Lot1/34//DP758412)
33/24/DA/DM	04-09-2023	RECONFIGURATION / EXTENSION TO GOLF COURSE DAM	134 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot5//DP253590)
36/24/DA/D5	13-09-2023	GARAGE WITH CARPORT	8-14 FLYNN STREET, BERRIGAN NSW 2712 (Lot17/2//DP3329)
37/24/DA/D5	22-09-2023	RESIDENTIAL STORAGE SHED	22 HADLEY STREET, TOCUMWAL NSW 2714 (Lot19//DP1250358)
38/24/DA/D5	22-09-2023	RESIDENTIAL STORAGE SHED	15-16 KEOGH DRIVE, TOCUMWAL NSW 2714 (Lot24//DP1100718)
39/24/DA/D1	26-09-2023	BV DWELLING & ATTACHED GARAGE	26 FLYNN STREET, BERRIGAN NSW 2712 (Lot16/1//DP3329)
40/24/DA/D1	27-09-2023	BV DWELLING & ATTACHED GARAGE x 2 - DUAL OCCUPANCY	21 LEWIS CRESCENT, FINLEY NSW 2713 (Lot25//DP1281778)
41/24/DA/D5	27-09-2023	RESIDENTIAL STORAGE SHED	76 PLATYPUS DRIVE, BAROOGA NSW 3644 (Lot3//DP253590)
42/24/DA/D1	28-09-2023	BV DWELLING & ATTACHED GARAGE	QUICKS ROAD, TOCUMWAL NSW 2714 (Lot1//DP1088371)

**TIME TAKEN FOR ASSESSMENT OF APPLICATIONS
LODGED AND PENDING DETERMINATION**

	Development Applications Pending Determination
<i>Less than 40 days</i>	15
<i>41 – 99 days</i>	4
<i>100+ days</i>	5
<i>Total Number of Development Applications Pending Determination</i>	24

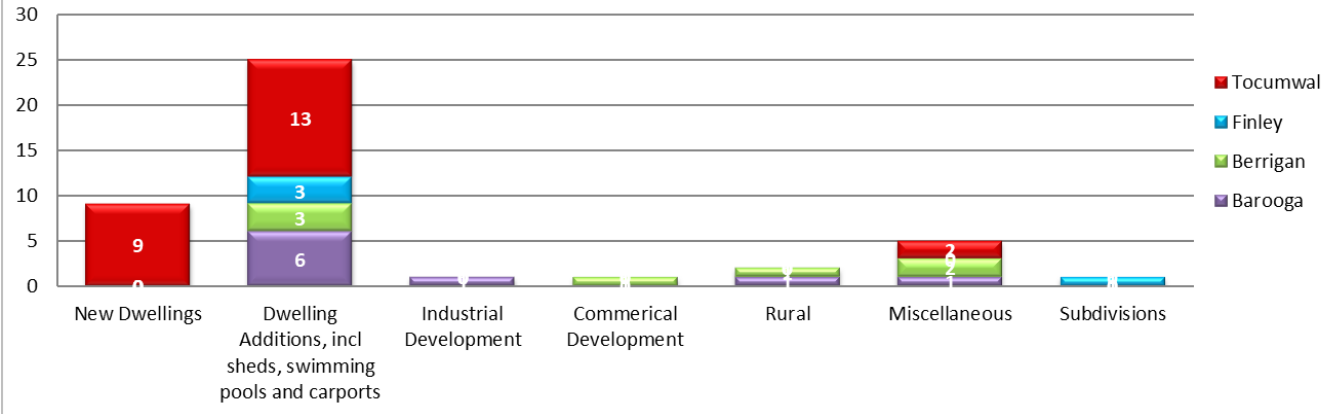
TOTAL APPLICATIONS DETERMINED / ISSUED (including modifications)

	This Month (Sept)	Year to Date	This Month's Value (Sept)	Year to Date Value
<i>Development Applications (DA)</i>	11	37	\$2,503,161	\$5,431,533
<i>Construction Certificates (CC)</i>	12	36	\$5,046,378	\$8,939,094
<i>Complying Development Certificates (CDC)</i>	4	7	\$377,420	\$947,420
<i>Local Activity (s.68)</i>	7	24	\$0	\$0

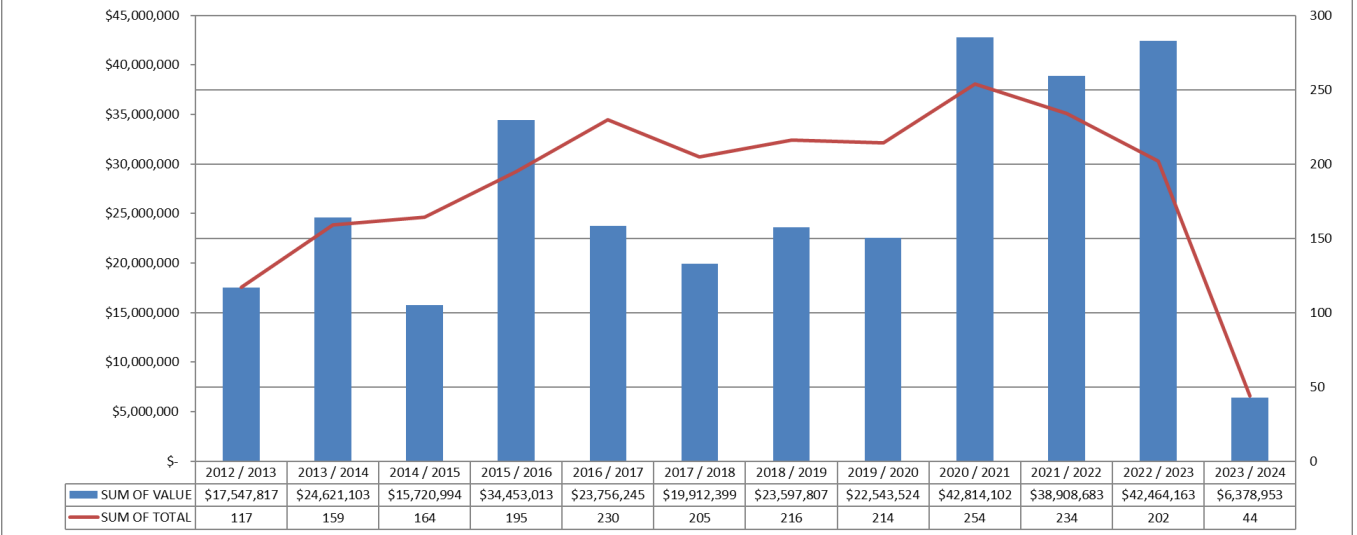
OTHER CERTIFICATES ISSUED FOR SEPTEMBER 2023

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total	SEPT	Year Total
BAROOGA	4	14	0	1	0	0	0	0	0	0	0	0
BERRIGAN	8	10	0	0	0	1	0	0	0	0	1	1
FINLEY	8	37	1	4	0	2	0	2	0	0	0	0
TOCUMWAL	14	31	0	0	0	0	0	0	0	0	1	4
TOTAL	34	92	1	5	0	3	0	2	0	0	2	5

DEVELOPMENT ACTIVITY 2023/2024 as at 30 September, 2023



DEVELOPMENT ACTIVITY as at 30 September, 2023



8.18 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 13.10.2023 (under separate cover) 2. Completed Council Actions from 20.09.2023 - 13.10.2023

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 13.10.2023
- Completed Council Actions from 20.09.2023 – 13.10.2023

Division:	Council	Date From:	20/09/2023
Committee:		Date To:	13/10/2023
Officer:		Printed:	13 October 2023 9:33 AM

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Hansen, Matthew Fry, Tahlia	Reports to Council	Outdoor Dining and Footpath Trading Policy
<p>Resolved OCM 241/23</p> <p>Moved: Cr Edward (Ted) Hatty Seconded: Cr Sarah McNaught</p> <p>That Council</p> <ol style="list-style-type: none"> revoke the Outdoor Dining and Footpath Trading Policy adopted on 15 May 2019, and adopt the Outdoor Dining and Footpath Trading Policy attached as Appendix 1 to this report. <p style="text-align: right;">CARRIED</p>			
<p>03 Oct 2023 5:45pm Hansen, Matthew - Completion Completed by Hansen, Matthew (action officer) on 03 October 2023 at 5:45:33 PM - Policy adopted and updated in policy register and website.</p>			

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Ewer, Karina Ewer, Karina	Reports to Council	Cultural Review and Compliance Audit
<p>Resolved OCM 250/23</p> <p>Moved: Cr Matthew Hannan Seconded: Cr Sarah McNaught</p> <p>That Council:</p> <ol style="list-style-type: none"> Hold an extraordinary meeting on 6 October 2023 to discuss the strategy relating to values and workplace behaviour. Note the Cultural Review and Compliance Audit Report prepared by Morrison Low attached as Appendix 1. Endorse the associated Action Plan – attached as Appendix 2 – to address the recommendations made in the report. Direct the Chief Executive Officer to provide the Council with a monthly report on progress against the Action Plan. Direct the CEO to develop a Strategy in relation to values and workplace behaviour. 			

Division:	Council	Date From:	20/09/2023
Committee:		Date To:	13/10/2023
Officer:		Printed:	13 October 2023 9:33 AM

Action Sheets Report

CARRIED
<p>04 Oct 2023 7:51am Ewer, Karina Report regarding the Cultural Audit and strategy to implement recommendations provided to the October Extra Ordinary Meeting on 4 October 2023.</p> <p>05 Oct 2023 11:36am Ewer, Karina - Completion Completed by Ewer, Karina (action officer) on 05 October 2023 at 11:36:23 AM - Superceded by Record 90974</p>

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Hansen, Matthew Fry, Tahlia	Confidential Matters	Lewis Crescent subdivision
<p>Resolved OCM 256/23</p> <p>Moved: Deputy Mayor Carly Marriott Seconded: Cr Renee Paine</p> <p>Council direct staff to hold Lot 38 of the Lewis Crescent subdivision and put Lot 30 on the market for sale.</p>			
CARRIED			
<p>10 Oct 2023 1:20pm Hansen, Matthew - Completion Completed by Hansen, Matthew (action officer) on 10 October 2023 at 1:19:59 PM - Lot 30 has been placed on the market. Council will consider a plan for Lot 38 at the October Council meeting</p>			

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Ewer, Karina Ewer, Karina	Confidential Matters	Request to waive tipping fees
<p>Resolved OCM 258/23</p> <p>Moved: Cr Renee Paine Seconded: Cr John Taylor</p> <p>That Council</p>			

Division:	Council	Date From:	20/09/2023
Committee:		Date To:	13/10/2023
Officer:		Printed:	13 October 2023 9:33 AM

<p>Action Sheets Report</p>
<p>1. endorse the Chief Executive Officer’s decision to waive tipping fees as requested by Don Young on behalf of his client in Tocumwal in his letter attached as Appendix 1.</p> <p>2. Fund these fees from the Council’s Community Works budget.</p>
<p>CARRIED</p>
<p>04 Oct 2023 7:50am Ewer, Karina Work completed prior to Council meeting. This action was an acknowledgement of the actions taken.</p> <p>04 Oct 2023 7:50am Ewer, Karina - Completion Completed by Ewer, Karina (action officer) on 04 October 2023 at 7:50:52 AM - completed</p>

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Hansen, Matthew Fry, Tahlia	New Item	Update on Finley Saleyards
<p>Resolved OCM 262/23</p> <p>Moved: Deputy Mayor Carly Marriott</p> <p>Seconded: Cr John Taylor</p> <p>Cr Carly Marriott requested an update on the Finley Saleyards at the Extraordinary meeting to be held on Wednesday 6 October 2023.</p>			
<p>CARRIED</p>			
<p>03 Oct 2023 5:44pm Hansen, Matthew - Completion Completed by Hansen, Matthew (action officer) on 03 October 2023 at 5:44:08 PM - Report with proposed lease presented to the extraordinary meeting</p>			

Meeting	Officer/Director	Section	Subject
Council 20/09/2023	Ewer, Karina Ewer, Karina	Reports to Council	Local Government Remuneration Framework
<p>Resolved OCM 246/23</p> <p>Moved: Cr Edward (Ted) Hatty</p> <p>Seconded: Cr John Taylor</p> <p>Council authorise the CEO to write a letter in response.</p>			

Division:		Date From:	20/09/2023
Committee:	Council	Date To:	13/10/2023
Officer:		Printed:	13 October 2023 9:33 AM
Action Sheets Report			

		CARRIED
04 Oct 2023 7:49am Ewer, Karina Letter sent 26 Spetmber 2023 under Mayoral signature. Letter is attached to the Outgoing Correspondence report presented to the October Ordinary Council meeting (18 October 2023)		
04 Oct 2023 7:50am Ewer, Karina - Completion Completed by Ewer, Karina (action officer) on 04 October 2023 at 7:50:14 AM - Letter sent		





8.19 Update 2 - Previous Council Action Items

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	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

1. That Council, pursuant to motion 2017/129.5 direct staff to relocate the school bus stop from the intersection of Old Adcocks and Fullers Road to a more suitable and safer location. This work is to be completed no later than 30 December 2023.
2. That Council, pursuant to motion 2017/177 direct staff to meet with the applicant who originally requested the closure of Clements Road in Berrigan, to confirm the applicant will meet required closure costs. If so, Council staff are to proceed immediately with closure of Clements Road, and transfer of the land as per the original request. This work is to be completed no later than 30 March 2024. Council will be informed of any delays in this action.
3. That Council, pursuant to motion 2019/45.2, direct staff to alter the traffic movement on Foundry Lane, Finley. Foundry Lane to be changed to a one-way laneway between Pinnuck Street and Wollamai Street with traffic entering from the south (Pinnuck Street) and exiting to the north (Wollamai Street). This work will be completed no later than 30 December 2023.
4. That Council, pursuant to motion 2019/58, direct staff that the road closure process for a section of Lawlors Road, Finley continue as per the intent of the original Council resolution of 17 July 2013 under the provisions of the Roads Act 1993 and the Crown Lands Management Act 2016. This work will be completed no later than 30 March 2024. Council will be informed of any delays to the completion of this action.
5. That Council, pursuant to motion 2020/37.12, direct staff to develop plans for the Denison Street median strip in accordance with Finley Town Plan, to a shovel ready project. Design works are to be completed no later than 30 March 2024.
6. That Council, pursuant to motion 2020/37.12, direct staff to work with Transport for NSW to develop a plan for the improvement of Jerilderie Street Berrigan (North of Chanter Street). Design Works are to be completed no later than 30 March 2024.
7. That Council, pursuant to motion 2020/94.1, direct staff that the parking locations in Finley



of:

- a. Pinnuck Street, on the northern side, adjacent to the arcade,
- b. Pinnuck Street, on the northern side, adjacent to the Tuppal Hotel (including being changed to parallel parking) and
- c. Burton Street, northern side

are assessed for compliance with the Disabled Discrimination Act and are assessed against other Finley locations with the view to making the region more DDA compliant and all ability access friendly. A report is to be provided to Council on a monthly basis until this work is finalised.

8. That Council, pursuant to motion 2020/94.2, update the original motion to include blue signage in the current tourism signage audit to ensure appropriate information and tourism signage is provided across the Shire. This work is to be completed no later than 30 June 2024.
9. That Council, pursuant to motion 2020/94.3 direct staff to install Litter Deterrent Signs on the west side of Dean Street at 221 Newell Highway Tocumwal to warn motorists of the intention to reduce littering. This action will be completed no later than 30 December 2023.
10. That Council, pursuant to motion 2020/235.1, install Animal Rescue information signs provided by Wildlife Information Rescue and Education Services (WIREs) at the following locations. This work will be completed no later than 30 December 2023:
 - a. Racecourse Road, Tocumwal
 - b. Bushlands Road, Tocumwal
 - c. Woodstock Road, Berrigan
 - d. Corcoran Street, Berrigan.
11. That Council, pursuant to motion 2020/249 direct staff to, after checking with the adjoining owner they still wish to proceed with the closure, close the un-named road bisecting part of Lots 1 and 2 DP521903 under the provisions of the Roads Act 1993 and transfer the land to the adjoining property owner at market value. All costs applicable to the road closure process are to be borne by the applicant. This work will be completed no later than 30 March 2024.
12. That Council, pursuant to motion 2021/19, in consultation with Sporties, install no parking signs on both sides of Burkinshaw Street, Barooga from the intersection of Golf Course Road to the Sporties Entrance to stop vehicles from parking on both sides of the street. This work will be completed no later than 30 March 2024.
13. That Council, pursuant to motion 2021/74.1 direct staff to reclassify Coldwells Road and Chinamans Road from Collector roads to Residential Access roads. This work is to be completed no later than 30 March 2024.
14. That Council, pursuant to 2021/74.2 direct staff that, once both Coldwells Road and Chinamans Road have been reclassified, to update the Transport Asset Management Plan accordingly. This work is to be completed no later than 30 June 2024.



Report

At the April 2023 Ordinary Council meeting, Council was presented with several actions from the previous and the status of those decisions. A number were finalised, some were currently in the process of being acted on and some required rescinding due to changes in the circumstances of Council. An update to the original report was provided to the July 2023 Ordinary Council meeting. This is the second update to that report regarding those actions remaining outstanding.

For a few, I was unable at the time, to provide an update on whether these actions had been addressed. The list of those remaining Action Items is below.

Senior Staff have requested that all remaining items below be given a new motion number so Council can ensure close out of all remaining action items. I have therefore provided a number of motions above that may be moved *en masse* in this instance. If there are any matters Council would like to reconsider, those matters may be rescinded or altered at the appropriate motion listed above.

Motion No	Motion	Comments
2017/129.5	Old Adcocks Road and Fullers Road bus stop	Visual inspection required to ensure has been moved to a safer location
2017/177	Road Closure – Clements Road	Requires inspection and search of files to ensure entire process completed.
2017/181.4	Lane No 948 – from Morris St to existing car park be one way	Visual Inspection complete. Work has been completed.
2019/45.2	Foundry Lane Finley – one way between Pinnuck and Wollamai Sts	Believe the direction was cancelled. Inspection of minutes required.
2019/58	Lawlors Road, Finley – part road closure	Requires inspection and search of files to ensure entire process completed.
2020/37.12	<ul style="list-style-type: none">Denison Street median stripJerilderie Street, Berrigan improvements	Denison Street following up Jerilderie St waiting on TfNSW to finalise
2020/94.1	Dementia friendly parking locations – Finley	This work has not been done and the Finley Dementia Friends Committee are still waiting on a response. Investigation of what is required will be undertaken and a report provide to Council for consideration



2020/94.2	Finley faded signs	Visual inspection of signs required. There is at least one unreadable blue sign on the way into Finley from the South. A list of all signs needing replacement will be sent to Transport for NSW requesting action.
2020/94.3	Litter Deterrent Signs installed on west side of Dean Street at 221 Newell Highway, Tocumwal	Inspection that sign has been located required, including if it needs replacement (if it is there)
2020/108*	Partial Road Closure of Pinchbecks Road	Completed
2020/235	Animal Rescue Signs Tocumwal and Berrigan	Check signs are installed
2020/249	Road closure of un-named road bisecting parts of Lots 1 and 2 DP521903	Requires inspection and search of files to ensure entire process completed.
2021/19.1	Burkinshaw Street, Barooga – No Parking Signs	Under Local Traffic Committee review
2021/74.1	Reclassification of Coldwells Road and Chinamans Road to Residential Access roads	Requires search of files to ensure entire process completed.
2021/74.2	Updates to Transport Asset Management Plan	Requires search of files to ensure entire process completed.

8.20 Designated Persons Returns of Interest - 2022-2023

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
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)
Appendices:	Nil

Recommendation

That Council receive and note the tabling of Pecuniary Interest Returns received from Councillors and designated officers for the period 1 July 2022 to 30 June 2023

Report

Tabled at this meeting are Designated Persons Returns of Interests as required and in accordance with Clause 4.21 of the [Berrigan Shire Council Code of Conduct](#) duly completed by:

Councillors:	Julia Cornwell McKean Carly Marriott Roger Reynoldson Renee Paine John Taylor Matthew Hannan Sarah McNaught Ted Hatty
Designated Officers:	Karina Ewer (Chief Executive Officer) Matthew Hansen (Deputy Chief Executive Officer) Rohit Srivastava (Director Infrastructure) Andrew Fletcher (Director, Strategic Planning and Development) Tahlia Fry (Director Corporate Services) Darron Freund (Operations Manager - Transport) Noureen Wajid (Town Planner) Christopher Koschel (Building Surveyor)

There are no outstanding Returns of Interests for the 2022-2023 financial year.

There are however some positions newly classified as “designated persons” – as per another report in this agenda – and the occupants of these positions will have 90 days to submit their returns from the date of this meeting.

Note that in line with [Information Access Guideline 1](#) issued by the NSW Information and Privacy Commission, redacted versions of these returns will be hosted on the [Council website](#).



8.21 Correspondence Incoming and Outgoing September - October 2023

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

This report is for information only.

Report

It is intended this report will become a standard report for Council, so the elected body are able to see incoming and outgoing correspondence to both the Mayor and me. The report is intended to ensure our work, such as advocacy, is more transparent to the Council and the community.

As this is the first report it is primarily outgoing correspondence as I did not commence collating the data until a range of letters went out to Ministers as follow ups to meetings already undertaken.

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

INCOMING

DATE	FROM	TO	TYPE	RESPONDED DATE
12 September 2023	Mr Jeff Ward	(Mayor) Matthew Hannan	Email (letter attached)	29 September 2023
28 Sept 2023	Jackie Kruger, CEO Leeton	Karina Ewer (and RAMJO GMSs and Mayors)	Email	28 September 2023
4 October 2023	Gino Mandarino	Karina Ewer	Email	N/A
4 Oct 2023	Senate Environment and Communications Legislation Committee	Karina Ewer	Email	N/A



OUTGOING

DATE	FROM	TO	REGARDS	TYPE
26 September 2023	Mayor Julia	The Hon Ron Hoenig MP	Councillor Remuneration	Letter via email
		The Hon Paul Scully MP	Meeting follow up 17 August 2023	Letter via email
		The Hon Ryan Park MP	Meeting follow up 17 August 2023	Letter via email
		The Hon Rose Jackson MP	Meeting follow up 17 August 2023	Letter via email
		The Hon Sarah Mitchell MLC	Meeting follow up 12 September 2023	Letter via email
		The Hon Prue Carr MP	Meeting follow up 18 September 2023	Letter via email
28 September 2023	Karina Ewer	Senate Standing Committee on Environment and Communications	Water Amendment (Restoring Our Rivers) Bill 2023	Submission
29 September 2023	Mayor Julia	Mr Jeff Ward	Finley School Crossing	Letter via email



8.22 CEO First Quarter Performance Action Plan Update

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	1. CEO First Quarter Performance Action Plan Update (under separate cover)

This report is for information only.

Report

I generally provide a quarterly update on the achievement of actions against my Performance Action Plan as agreed at my last performance review.

The information for the First Quarter is included at Appendix 1.



8.23 Management of work requests

Author:	Director Infrastructure, Rohit Srivastava
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:	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

This report is for information only.

Report

The purpose of the report is to brief Council on the status and management of the work requests.

Background

A report was presented to Council at its June 2023 Ordinary meeting. a snapshot of the resolution is presented below:

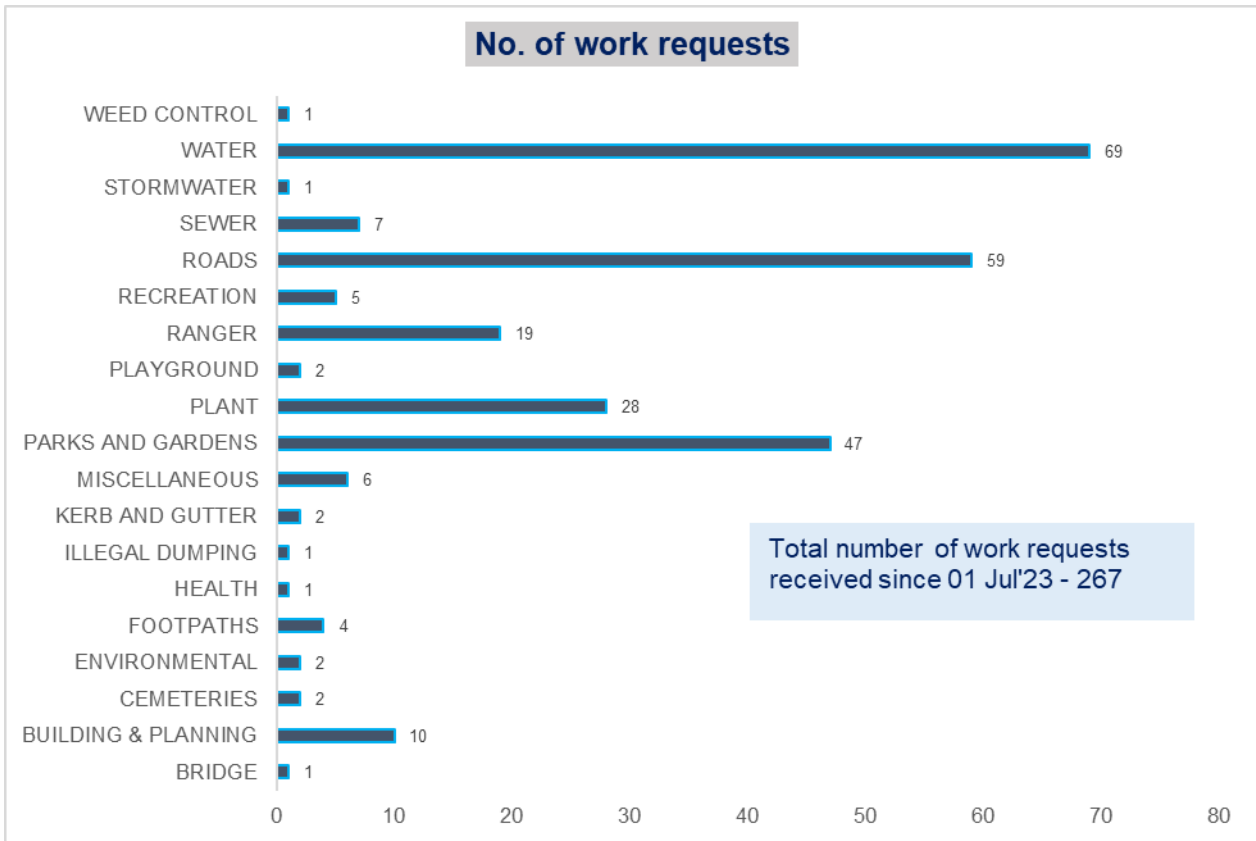
8.14	Work Requests Management
Resolved	OCM 138/23
Moved:	Cr Roger Reynoldson
Seconded:	Cr Sarah McNaught
It is recommended that Council:	
<hr/>	
1.	receive the report;
2.	instruct Director Infrastructure to lead the process of managing works requests through AssetFinda and identify changes required, if any in managing the same; and
3.	request a quarterly report be presented to Council at its September 2023 Council meeting.
CARRIED	

As highlighted in the earlier report of June 2023, most of the work requests were in the Infrastructure Directorate and were related to the services of – Roads, Parks & Garden, Water and Sewer.

The Team have been working to ensure work requests are responded to in a timely manner and the customer is also made aware of the progress.

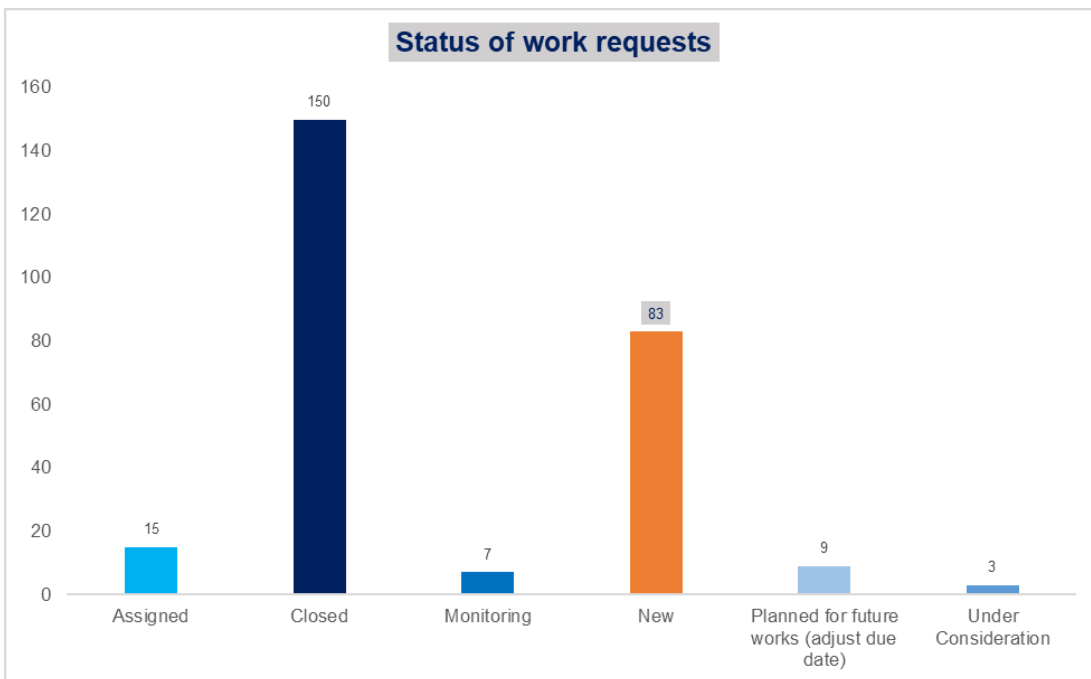


Quarterly (from 01 July 2023) status of the work requests is presented below. Total number of work requests received since 1 July 2023 is 267.



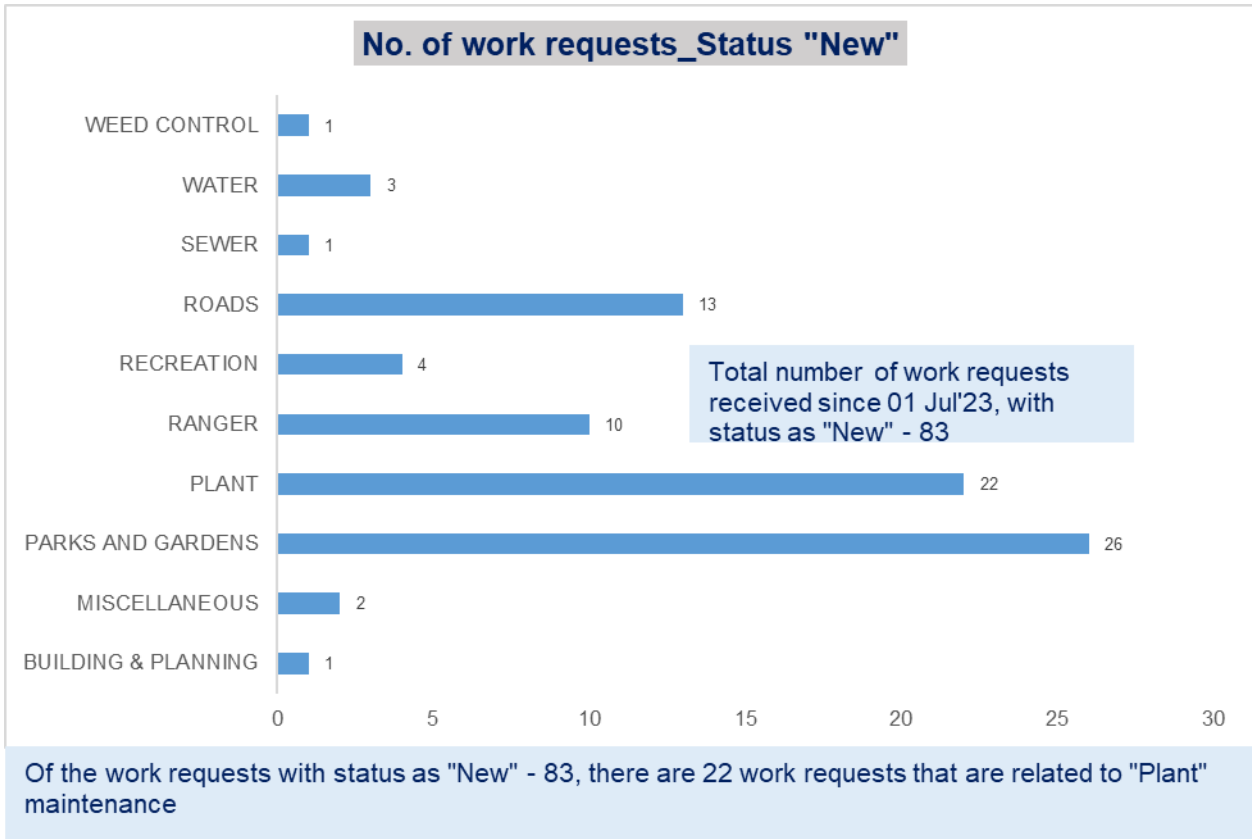
All the work requests received by the Council are assigned to a relevant service manager to action/respond and make necessary comments in AssetFinda.

The status of these 267 work requests received are presented below.





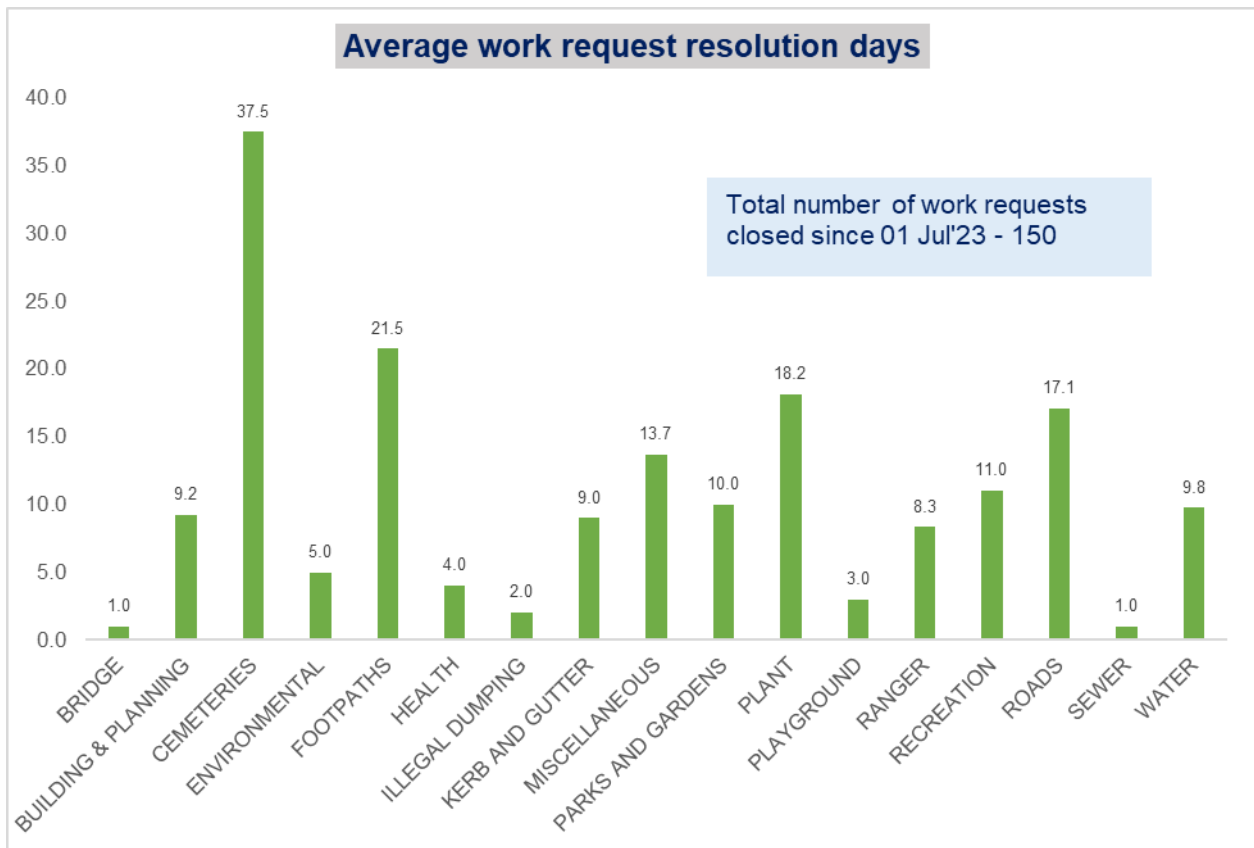
Of the 267 work requests, there are 83 which do not have any comments against them in AssetFinda. These work requests come in the category of status “New”. Service-wise the number of work requests with status “new” is presented below.



Parks & Garden and Roads have most of the work requests which need an update, and they are about 55% and 22% of total work requests received against these services, since 1 July 2023.

The chart above shows areas to improve, service-wise and the Infrastructure Team have been informed that customer service is the primary focus of the Council and that it is important to action these work requests – including noting actions taken – and equally important to keep our customers informed.

Of the 150 work requests which we have been able to close, about 56%, the service-wise snapshot and average days to close them is presented below.



It is envisaged the average number of days to close off service requests will be reduced in the next reporting quarter.

Conclusion

It is suggested Director Infrastructure present a second quarter status report of work requests at Council's January Ordinary meeting.



8.24 Update of image and video library

Author:	Manager Economic Development & Tourism, Merran Socha
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:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

This report is for information only.

Report

The Council has an image and video library that is used on a regular basis for promoting the area. Images are regularly supplied to external agencies such as the State Government for inclusion in local plans and various promotions. The video library is available on the Council YouTube channel and has been used to create TV commercials, local motivational clips for use on social media and for promotions that are used during broadcasts such as the Beach Volleyball.

The image and video library will be updated this year with a filming week booked for 20 November 2023, being done by the media agency Radiant Media, Echuca. This will be a high-production-value shoot producing a TV commercial targeting the summer day trip traveller, at least five short clips focusing on local product strengths such as History and Heritage, Family Activities, and River Activities and Camping. The still image library will also be updated from this shoot with one hundred new images, once again, shot in high resolution suitable for glossy print but also down sizable for use on social media. We will use paid talent as well as locals who are willing to participate, contributing to sets with camping and boating equipment.

Image and video libraries date quickly as business offerings, the landscape, and fashions change. Our last update was in 2020 and the new additions will be available in January 2024.

This project is led by Economic Development and Tourism in collaboration with Communications and is already included in the budget for this financial year.



8.25 Approved Flood Affected Works - Project Management

Author:	Director Infrastructure, Rohit Srivastava
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:	Nil

Recommendation

The report is for information only for Council to update on the approved flood funded project.

Report

The purpose of the report is to inform Council on the progress made on the approved flood affected road assets.

Background

Council at its August 2023 Council meeting awarded the works of project management of all approved flood claim to Shepherd Services Pty Ltd.

As per the condition assessment and the flood damage, the claim submitted to Transport NSW (TfNSW) was 1,811 defects totalling to a value of about \$7.7 million.

Approved flood claim

TfNSW has reviewed our claim and has now approved 1,442 defects to a value of about \$4.66 million.

Project Management of approved flood claim

Shepherd Services has worked with Council officers and have divided the overall approved claim into three packages:

Package 2: Works on damaged sealed roads

Package 3: Works on damaged unsealed roads

Package 4: Works on damaged unsealed roads



Package 1: This package is already tendered, and works are under progress on roads MR363 & MR356.

Procurement Timeline (Package 2, 3 & 4)

Shepherd Services have worked with Council's Procurement and Infrastructure Team and have developed tender documents for three packages. The documents have been discussed and reviewed by Council officers.

The timeline for tendering is presented in schedule below:

Action	Proposed date
Tender Close	03 November 2023
Tender online briefing	23October 2023
Tender Evaluation and Award (by Council Resolution)	18 November 2023
Expected works commencement	25 November 2023
Expected completion date	28 June 2024

It is proposed that the received tenders are evaluated as per Council's procurement policy and the evaluation team be:

- Director Infrastructure
- Manager Transport
- Representative from Shepherd Services

Council's timeline to complete all the approved flood works claim is June 2025. Council officers with assistance from Shepherd Services are trying to complete the approved works by June 2024.

Role of project management consultant – Shepherd Services

Shepherd Services have been engaged to provide an end-to-end service to manage complete process of approved flood claim. Key tasks that Shepherd Services will undertake on this project include:

- Superintendent's Representative to manage and focus on Quality, Cost, Time and Safety.
- Ensuring accurate costing of contractor and day labour costs by undertaking regular review and reporting.
- Set up of GIS program management database.
- Change Management where scope needs to be varied while ensuring eligibility.
- Ensuring Regular communication with Council and TfNSW.
- Working with Council to understand the implications if Council need to adjust priorities mid program/contract.
- Program Reporting
- Adapting the program around weather conditions or other factors beyond Council and contractor control.



Shepherd Services will also ensure all the sites have been properly set out and quality assurance of Works are undertaken.

Shepherd Services, as part of their scope of works will ensure completion & acquittals are done and the project is complete in all respects at Council and TfNSW.

Conclusion

The report is for information only for Council to update on the approved flood funded project.



8.26 Solar-Powered lighting on Golf Course Rd, Barooga

Author:	Director Infrastructure, Rohit Srivastava
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:	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 award:

Supply and installation of solar-powered lights on street and footpath to LeadSun Australia Pty Ltd for a value of \$162,000.

Report

The purpose of the report is to brief Council on the progress and status of the grant funded project under Stronger Country Communities Fund (SCCF) - Round 5.

Although, the project value is within the delegation of the CEO, considering the community interest, it has been presented to Council.

Background

Council nominated and received funding towards three projects under the SCCF – Round 5. The current project allocated funding is presented below:

Project name	Approved funding
Chanter St Berrigan Streetscape Enhancement - Removal of Overhead Powerlines	\$500,000
Replacement of cricket practice facility - Barooga Regional Multi-Sport Facility	\$270,024
Installation of Solar-Powered lighting for shared pathway on Golf Course Rd, Barooga	\$185,000



On Barooga's Golf Course Road, there is limited visibility during night time hours. The installation of new streetlights presents an opportunity to incorporate solar-powered streetlights, which doesn't need any new or existing power source.

The total length of Golf Course Road is 2.7 km. Council has already installed solar streetlights over a 730m stretch, from the intersection of Howard St and Golf Course Rd, extending northward to a point 160 meters beyond the Burkinshaw St–Golf Course Rd intersection. This initiative was made possible through funding from the LRCI round 3 program.

The next phase of the project involves installing solar streetlights for the next 1,290m, commencing 160 meters north of the Burkinshaw St–Golf course St intersection and continuing to the Barooga cemetery.

Furthermore, Council staff have identified insufficient lighting along the asphalt footpath from Burkinshaw St to the Cobram Barooga Golf Resort. To maintain consistent illumination on the footpath, Council staff propose incorporating lighting the footpath along with the streetlight installation.

Procurement policy

Following the Council's procurement manual, Council officers requested three written quotations with the following requirements.

Streetlights at Golf Course Road, Barooga

- **Location:** Barooga
- **Street:** Figure 1 (refer below)
- **Road Type:** Arterial
- **Length:** 1,290 meters
- **Battery Requirements:** Minimum of 3 days
- **Luminaire requirement:** Compliant with AS1158

Bollards for footpath, Golf Course Road, Barooga

- **Location:** Barooga
- **Street:** Figure 1 (refer below)
- **Length:** 340 meters

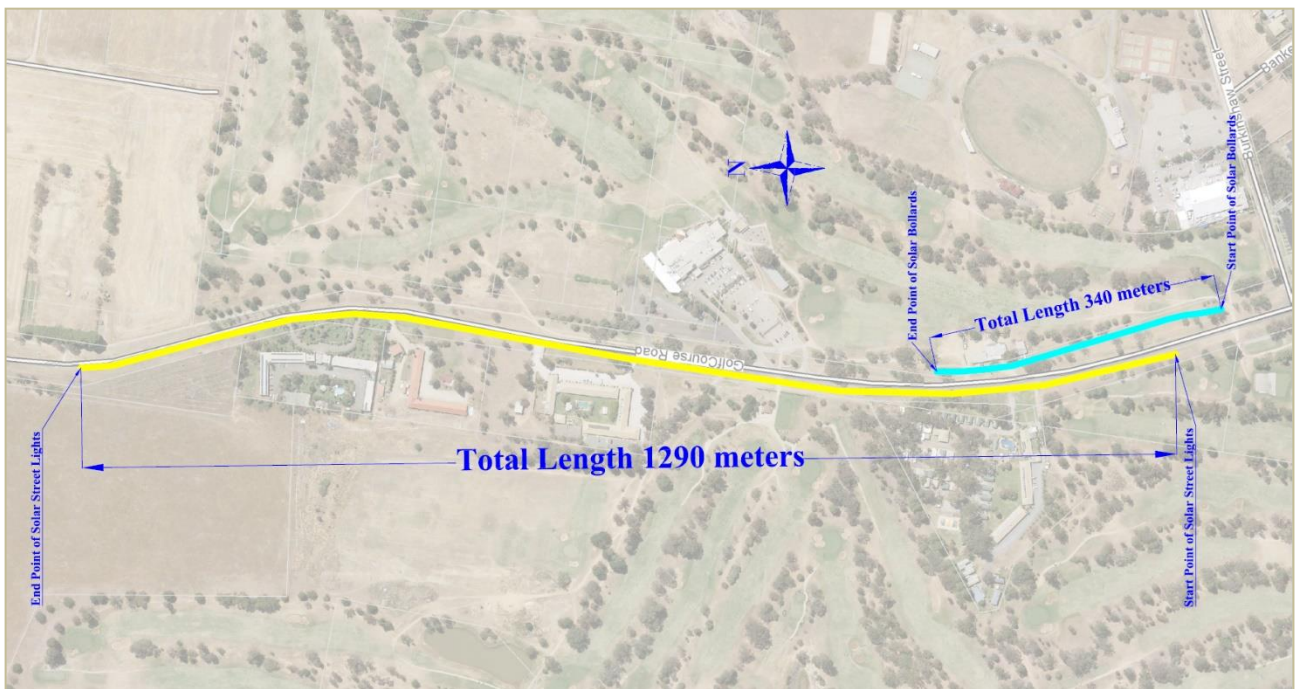


Figure 1: Site location

The quotation was sent to the following suppliers of solar-powered lighting:

1. Leadsun Australia PTY LTD
2. PowerStack Australia PTY LTD
3. Solar Street Lights Australia PVT LTD

Product Comparison

The three products are quite similar in specifications and are presented below:

Contractor	Leadsun	PowerStack	Solar Street Lights Australia
Pole height	6.8m	6m	6m
Light capacity	AS1158 compliant	AS1158 compliant	AS1158 compliant
Battery	4 days backup	5 days backup	5 days backup
Motion Sensor	Included	Add on	Add on
Programmable on & off	Included	Included	Included



Image



Quotations Received

The three quotes received are presented below and discussed further.

<i>Solar streetlight</i>				
<i>Contractor</i>	<i>Price per unit</i>	<i>Spacing</i>	<i>Poles required</i>	<i>Total</i>
<i>Leadsun</i>	\$ 3,150	42m	30	\$ 94,500
<i>PowerStack</i>	\$ 10,683	40m	32	\$ 341,878
<i>Solar Street Lights Australia</i>	\$ 4,300	48m	27	\$ 116,100
<i>Bollards</i>				
<i>Contractor</i>	<i>Price per unit</i>	<i>Spacing</i>	<i>Poles required</i>	<i>Total</i>
<i>Leadsun</i>	\$ 1,594	12m	30	\$ 47,814
<i>PowerStack</i>	\$ 3,068	18m	19	\$ 58,300
<i>Solar Street Lights Australia</i>	NA	NA	NA	NA



It is to be noted there are already some lights on the footpath from Burkinshaw Street towards Barooga cemetery (Figure 2).

Considering the three quotes above, it is proposed Council install 30No. streetlights and instead of 30No. bollards at 12m distance, install 10No. light poles (about 36m) to make lighting consistent along the footpath.

It is recommended Council proceed with awarding the project to Leadsun as per the below:

Product	No.	Amount
Solar-powered streetlights	30	\$ 3,150 x 30 = \$94,500
Solar-powered lights for footpath	10	\$3,150 x 10 = \$31,500
Installation (approximately)	40	\$900 x 40 = \$36,000
Total Project Cost		\$162,000

Installing two products (LeadSun and PowerStack) on the same stretch of road will allow Council to assess the performance of both products and plan for the installation of similar products in the future at other locations.

Recommendation

Award the supply and installation of solar-powered lights on street and footpath to LeadSun Australia Pty Ltd for a value of \$162,000.

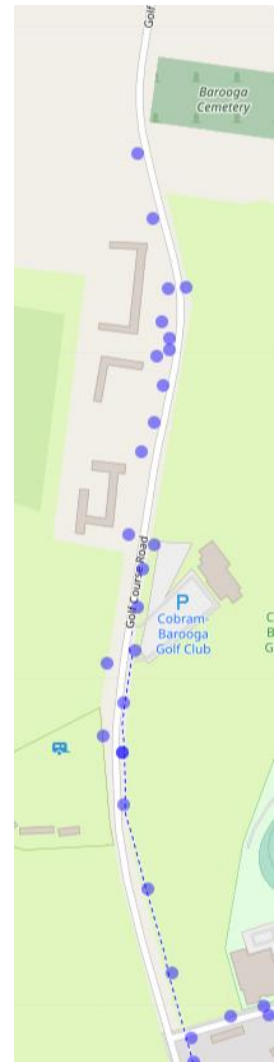


Figure 2: Existing footpath lights



8.27 Barooga Swing Bridge Park

Author:	Director Infrastructure, Rohit Srivastava
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.1. Create safe, friendly and accessible communities
Delivery Program:	3.1.1. Build communities that are home to more families and young people
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:	1. Barooga Foreshore Plan - Final Draft .pdf (under separate cover)

Recommendation

That Council:

Option 1: implement Barooga Foreshore Landscape Plan for Swing Bridge Park and execute items 1-7, listed under Swing Bridge Park for an allocated project budget of \$350,000; *Or*

Option 2: implement Barooga Foreshore Landscape Plan for Swing Bridge Park and execute items 1-7 *and* construct a new playground at Swing Bridge Park for an overall allocated project budget of \$470,000.

Report

The purpose of the report is to get Council decision on the way forward.

Background

The Barooga Adventure Play Trail incorporates and links three separate projects along the Foreshore. This project is based on current research which demonstrates the health and wellbeing contribution of green space. The project is supported by community feedback Berrigan Shire Council (BSC) received, which demonstrates the high importance the local community members place on keeping their public spaces green, particularly during times of drought.

The Barooga Adventure Play Trail project is a direct outcome of the Barooga Town Concept Plan which was completed in 2018. During extensive community engagement, the Foreshore was identified as a high priority for improvement by local community members. A concept was developed for an overall trail linking all three parks. Individual concepts for the three parks outlined clear and distinct identities for each - Lions Park, Collie Park, and Swing Bridge Park. Overall, they cater for a wide range of uses and each park provides different facilities.



Diversifying the existing product on offer will improve existing assets to cater for a wider range of interests and age groups. Barooga already has an established reputation for its active recreation facilities and a strong outdoor culture. This project will build on the existing natural assets and tap into a growing market in Australia for nature-based recreation.

Figure 1 shows three parks and associated connections.

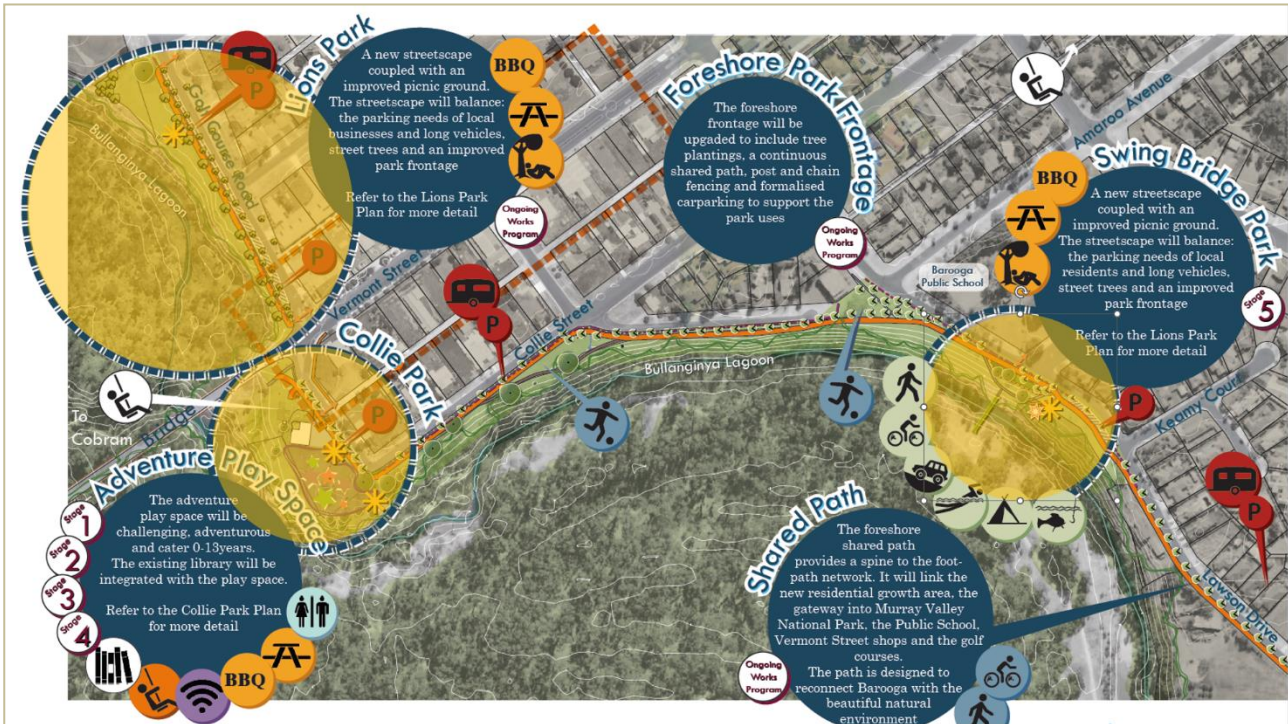


Figure 3: Three parks at Barooga foreshore

The main works under the Foreshore Landscape Concept Plan are mentioned under Table 1.

Table 1: Works under landscape concept plan

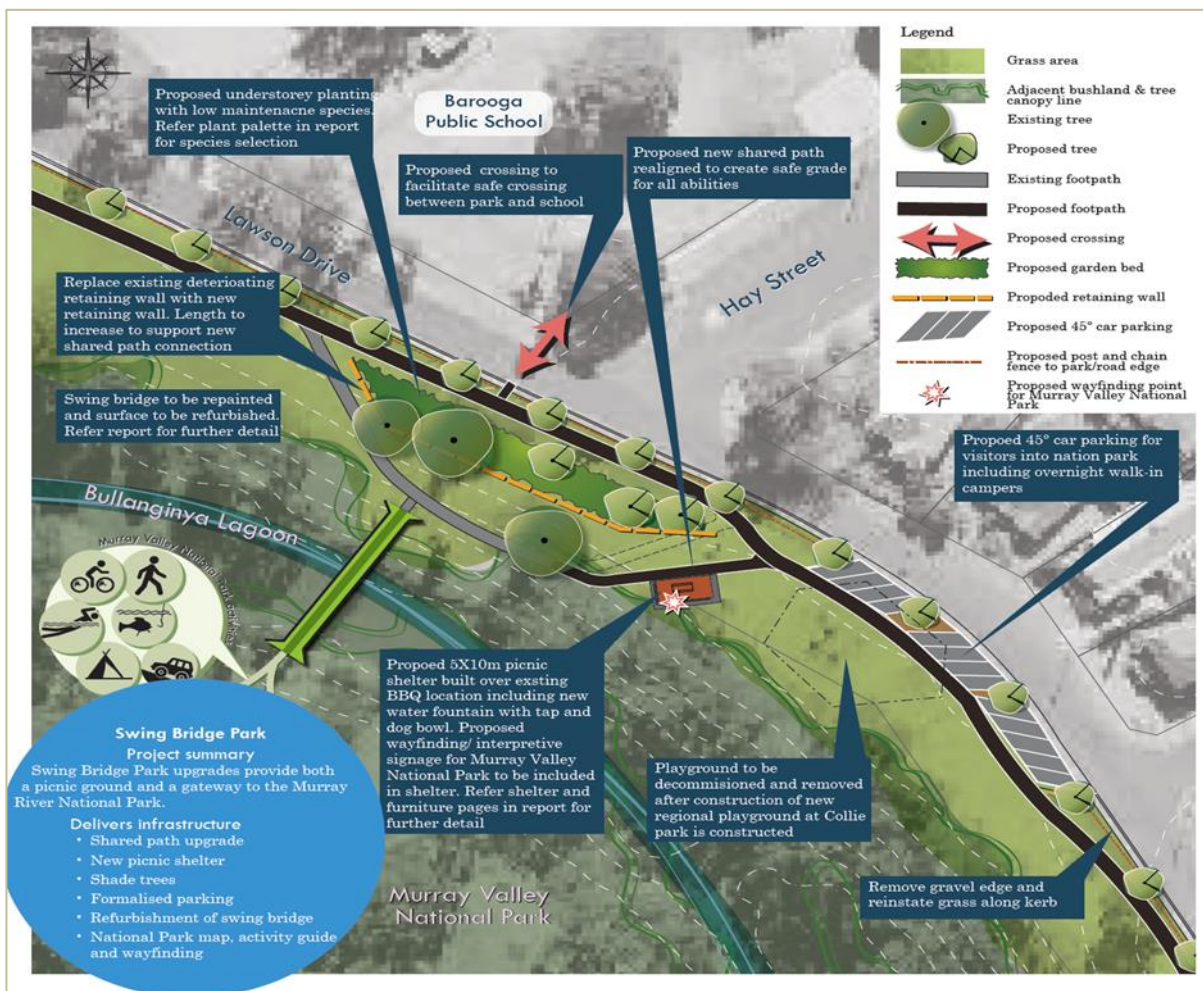
Stages	Description	Status
1	Shared Path	Completed
2	Collie Park Adventure Playground	Completed
3	Story Time Garden	Completed
4	Swing Bridge Refurbishment	Completed
5	Swing Bridge Park	Not Started



Swing Bridge Park

The identified works at Collie Park and Lions Park have been completed. The works identified under Swing Bridge Park are listed below.

1. Shared path upgrade
2. New picnic shelter
3. Shade trees
4. Formalised parking
5. National Park map, activity guide and wayfinding
6. Replacement of the deteriorating retaining wall
7. Decommissioning and removal of the old playground





The estimated cost of the identified works at Swing Bridge Park in the year 2014 was about \$332,000. The cost included the cost of refurbishment of the swing bridge and new decking for a value of \$100,000.

Council has recently completed works to the Swing Bridge for about \$150,000. Considering the costs are not relevant to the current times, it is estimated the works identified under items 1-7 above would cost about \$350,000.

It is to be noted the exiting playground is recommended to be decommissioned and removed.

Council officers have explored the option of providing a small playground at the same place for a value of about \$60,000 only for the equipment, supply and installation (excluding delivery charges). New fencing and the preparation of the ground would cost approximately \$60,000.

Some of the options we can install for a targeted age group of 3-7 years are presented below. The whole playground is expected to cost about \$120,000.



Potential available budget

Council has received \$1million under the flood grant AGRN1030/1034 - NSW Severe Weather and Flooding. The funds are largely for flood affected, non-critical infrastructure. Council has utilised this grant to strengthen the Barooga Swing Bridge for a value of about \$150,000.

The remaining funds available under this grant are therefore \$850,000. Council officers have nominated the Barooga Swing Bridge Park project under this grant for an overall value of \$850,000. Any savings from this project will be utilised to execute any other qualifying project. Some of the potential ideas for action should these funds not be fully expended, will be discussed at the Corporate Workshop.

The installation of the new playground will have some ongoing costs into the future, including meeting maintenance and replacement requirements and depreciation. The size of the installation however will not see those costs as extreme. A long term costing can be developed should Council wish to see it before making a decision. Originally it was planned this playground should be decommissioned and removed due to the installation of the Adventure Playground.

Options

Option 1: Council implement Barooga Foreshore Landscape Plan for Swing Bridge Park and execute items 1-7, listed under Swing Bridge Park for an allocated project budget of \$350,000; *Or*



Option 2: Council implement Barooga Foreshore Landscape Plan for Swing Bridge Park and execute items 1-7 *and* construct a new playground at Swing Bridge Park for an overall allocated project budget of \$470,000.

Council officers recommend proceeding with Option 1 as per the Swing Bridge Park – Landscape Concept Plan.



8.28 Change of Times for Strategic and Policy Workshops

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
Council's Role:	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 change the times for Strategic and Policy Workshops to commence at 5.00pm commencing 7 February 2023. Strategic and Policy Workshops will remain on the first Wednesday of each month. Council Ordinary Meetings will remain on the third Wednesday of every month commencing at 9.15am.

Report

At the October Strategic and Policy Workshop (SPW) Council indicated it would like to trial moving the start times of SPWs to 5pm from the February 2024 meeting.

It should be noted, SPWs are not open to the public in general, other than if longer presentations or discussions with Council are appropriate.



8.29 Local Government Remuneration Tribunal 2024 Annual Review

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	2. Good government
Strategic Objective:	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
Delivery Program:	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
Council's Role:	Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	<ol style="list-style-type: none">1. LGRT - Invitation letter to Councils seeking submissions2. BSC Submission - 2023 Local Government Remuneration Tribunal review (under separate cover)3. 26.09.2023 Ron Hoenig - LGRT investigation request (under separate cover)

Recommendation

That the Council direct the Chief Executive Officer to prepare a draft submission to the Local Government Remuneration Tribunal review of the 2024 annual determination for consideration at the ordinary meeting of Council on 15 November 2023.

The submission is to be based on:

- the submission made for the 2023 review and
- the letter from the Mayor to the Minister of Local Government dated 26 September 2023.

Report

The Local Government Remuneration Tribunal has written to Council inviting submissions as part of its review for the 2024 annual determination of fees payable to Councillors and Mayors.

The letter is attached to this report as Appendix 1,

Submissions are due no later than 21 December 2023 and should be endorsed by resolution of the Council.

Berrigan Shire Council made a submission to the 2023 review, attached as Appendix 2. This submission is still relevant and could be resubmitted, with updated figures. Note that it is likely that most of the matters raised in the submission will be seen as outside the Tribunal's remit. The Tribunal did last year, however support the concept of a review of the system of remuneration so resubmission could further that agenda.



Council could also include in its submission matters raised in the letter from the Mayor to the Minister for Local Government sent last month on this topic – attached as Appendix 3. The letter calls for an investigation into changing the structure under which Mayors and Councillors are remunerated.



Local Government Remuneration Tribunal

Ref: A7503044

To Mayors/General Managers

via email to Councils

Dear Mayors/General Managers,

I write to advise that the Local Government Remuneration Tribunal has commenced its review for the 2024 annual determination.

As outlined in section 241 of the Local Government Act 1993 (LG Act), the Tribunal is required to make an annual determination, on the fees payable to Councillors and Mayors. The determination is to take effect from 1 July 2024.

The minimum and maximum fee levels for each category will be assessed by the Tribunal as part of the 2024 review process.

Submissions

The Tribunal invites submissions from individual councils as part of this review. **It is expected that submissions are endorsed by their respective council.**

Any submission that Council may wish to make should be received no later than 21 December 2023 and should be emailed to remunerationtribunals@psc.nsw.gov.au attention Joanne Nava.

2023 Annual Determination

In 2023 the Tribunal undertook a review of the categories and the allocation of councils into each of these categories as required under the LG Act. The Tribunal is only required to determine categories at least once every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in detail in the 2026 review.

A copy of the Tribunal's 2023 Annual Determination can be found [here](#).

Please note that any material provided to the Tribunal may be made available under the Government Information (Public Access) Act 2009.

As part of the annual review the Tribunal will seek to meet with Local Government NSW, as it does each year, to receive a sector wide view for local government in NSW.

Level 4, 255 George Street, Sydney NSW 2000 ■ GPO Box 3988, Sydney NSW 2001
Tel: (02) 9272 6006 ■ www.remtribunals.nsw.gov.au



If you require any further information, please email or joanne.nava@psc.nsw.gov.au telephone on 02 8226 0250.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Viv May'.

Viv May PSM
Local Government Remuneration Tribunal
3 October 2023



8.30 Berrigan Shire Dementia Alliance

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:	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:	Nil





Recommendation


That Council nominate Cr XXX to attend the Berrigan Shire Dementia Alliance meetings as Council's representative.


Report

On 18 September 2023, I received the following email from Nola Pinnuck as the Chair of the Berrigan Shire Dementia Alliance.

Berrigan Shire Dementia Alliance

 nolapinnuck@bigpond.com
To:  Karina Ewer - MBA, MCDR, MAHRI, GAICD
Cc:  philcouchman@bigpond.com;  kjmcallister1@bigpond.com;  ben.levesque@finleyregionalcare.com.au;  aliliueff@gmail.com

 Follow up. Start by Sunday, 24 September 2023. Due by Sunday, 24 September 2023.
You replied to this message on 6/10/2023 7:56 AM.

 Reply  Reply All  Forward  

Mon 18/09/2023 2:04 PM

Hello Karina

I am delighted to advise that the activities of the Berrigan Shire Dementia Alliance (of which I am the chairperson) are "alive and well".

Our latest activity was an information session held at the Finley RS Club last Thursday 4 September - when Dr. Alam Yoosuff addressed 142 people from the Shire (and some also from Deniliquin) about the Alliance's role and including insight into dementia, diagnosis and support. We were delighted with this response and will be following up with sequel events - 12 October and then another in November (date to be advised). These will be addressing complimentary topics.

My reason for making contact is to advise that since the departure of Jo Ruffin, our Alliance is without a representation from the Berrigan Shire Council.

As can be seen by the attendance at last week's session - the interest and need for information and support around dementia is large and growing.

Can I ask if the Berrigan Shire Council is able to nominate a representative to join our group? We meet monthly - at Finley Regional Care. It is usually a lunchtime meeting (12:30pm) and the fourth Thursday of the month. Jo Ruffin often joined via MSTeams - and this would be possible once again.

I look forward to your response.

Nola Pinnuck
Chairperson
Berrigan Shire Dementia Alliance

With the departure of Dr Jo Ruffin, Council no longer has a social planner. I am asking if Council would prefer to have a Councillor attend these meetings rather than a staff member as this will ensure the group's profile is raised as part of Council's work to be a more inclusive community.



8.31 July HR Scan

Author:	HR Coordinator, Samala Armer
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 receive and note the report

Report

At 31 July 2023, the Berrigan Shire Council workforce consists of:

Total FTEs*	JULY 2023
Male Employees	64
Female Employees	33
Total Actual Employees	107
Full Time Employees	91
Part Time Employees	11
Casual Employees	5

*FTE – Full Time-Equivalent

Council does not currently collect other diversity indicators other than binary sex models. A broader range of Equal Opportunity Employment statistics will be included in future when we move to Pulse HR, such as ethnicity, disability etc. to ensure those measures are also being considered in recruitment in a considered and consistent way. Changes to these statistics



will be included as part of the work being undertaken in the Workforce Planning Review project.

Staff Changes between May 2023 and July 2023

Resignations

Council had 6 staff resign between 1 May 2023 and 31 July 2023 (3 resigned, 2 contracts ended, 1 Casual – no longer required)

Appointments

There were 5 staff appointments between 1 May 2023 and 31 July 2023.

Recruitment

Current positions being or to be advertised include:

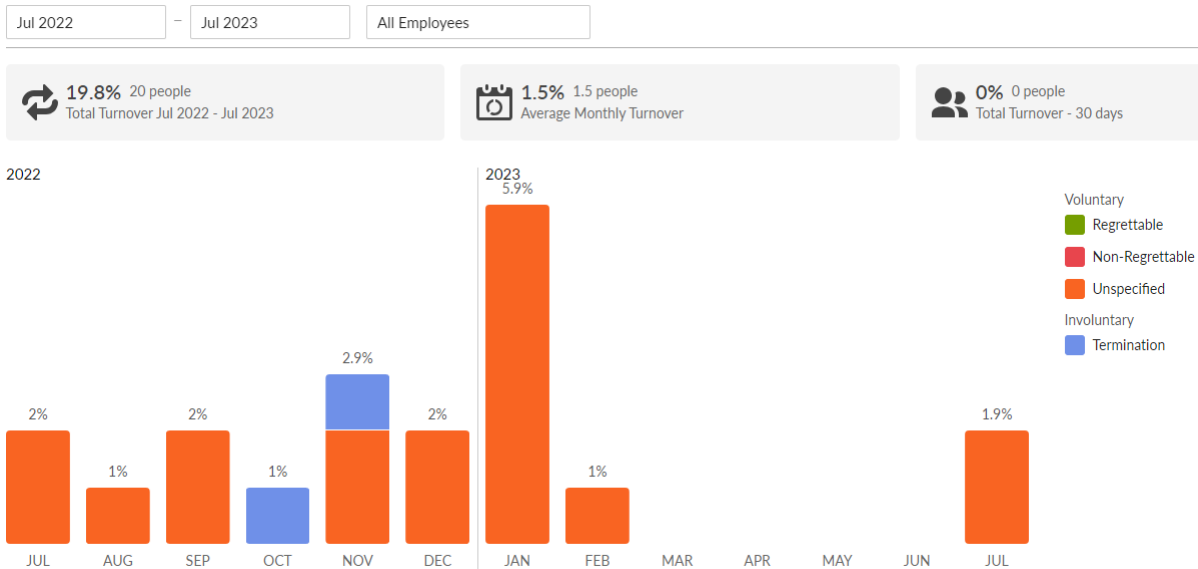
- Manager Finance
- Communications Officer (6-month maternity leave contract)
- Corporate Planning and Improvement Officer
- Water and Sewer Maintenance Crew Member
- P&MO Specialist – Grader Operator
- Customer Experience Officer (Casual)
- Building and Planning Manager
- Library Officer (Part-Time)
- Casual Pool Lifeguards 2023/2024 Season
- Community Response Officer (12-month fixed term contract)

Human Resources and the Executive Leadership Team continue to review vacancies within Council to assess what skills are needed prior to re-advertising a position when it becomes vacant, to ensure Council can deliver service to the community and complete required works.

Current Staff Turnover Rate

The turnover rate is expressed as percentage. It is worked out by dividing the total number of leavers in a year by the average number of employees in a year, then multiplied by 100.

At a strategic level, employee retention rates of 90% or higher are considered good and what Council is aiming for. Currently, we are not achieving this goal - turnover is sitting at 19.8% - hence a 80.2% retention rate from July 2022 to July 2023. Given the current resignation rates it is expected, this percentage will improve in the coming reporting periods.



Reasons given for leaving Council from May 2023 to July 2023 include the following:

Total Leavers	6
Other Employment	0
Retirement	1
Termination	0
Redundancy	0
Family – Travel	0
No Longer Required	1
Performance	0
End of Contract	2
Personal	2

Information regarding the reasons for leaving Council are taken from exit interviews where they are undertaken and resignation letters where that information is provided.

From May 2023 to July 2023 Council had one staff member retire, who had been with Council for 18 years. Two staff had their contracts end, one was a casual staff member and two left for personal reasons.



Current Leave Balances (all Staff) – LEAVE ACCRUAL REPORT

Type	Total Hours July 22	Total Hours Oct 22	Total Hours Jan 2023	Total Hours April 2023	Total Hours July 2023
Annual Leave	16,383	20,605	18,733	18,612	18,465
Long Service Leave	28,551	28,877	27,561	27,319	26,670

Excess Leave

40 employees currently hold excess leave with all employees having completed plans to reduce those leave balances. The majority of those excess leave holders have started to take their leave. Those holding excess leave are not shown separately for the purposes of this report.

As you can see leave accruals have started to decrease due to staff taking leave and having plans in place with relevant managers, CEO & HR Coordinator.

Absenteeism

Staff absenteeism is calculated by assessing sick leave taken (including any leave without pay where applicable) against the hours available. The calculation indicates year to date.

A healthy absenteeism rate is 1.5%. Absence in the workplace is an occasion or period of being away from work due to physical illness, stress-related illness, mental health days or the occasional “sickie” (false sick day), or absence due to other reasons that are not planned leave related (such as career’s leave).

High absenteeism is an indicator of negative job behaviour and should be monitored, certainly reasons for high absenteeism should be investigated.

Council’s absenteeism rate is currently sitting at 4.7%.

When considering the absenteeism rate it is important to note that it has decreased by 581 hours from the last reporting period, we have seen an increase in Covid-19 cases and the flu in the last reporting period however this has not had a negative impact on our absenteeism rates.

I will continue to monitor the absenteeism from staff and report if an investigation is required in the future. Overtime has also decreased in the last reporting period.

Indicators

Council considered a set of Human Resource indicators shown in the table below.



Measure	Definition	January 23	April 2023	July 2023	Trend
Full Equivalent Time employed (FTE)	As written. FTE based on standard 70-hour fortnight indoor and 76-hour fortnight outdoor	87	86	91	
Men		71%	70%	69%	
Women		29%	29%	31%	
Average salary	Average <u>annualised</u> salary, excluding overtime and allowances				
Men		\$67,355	69,732	73,488	
Women		\$72,965	85,601	89,670	
Outstanding leave balance (\$000)	Balance of leave outstanding				
Annual		\$801,290	\$916,009	\$882,494	
Long Service Leave		\$1,114,130	\$1,188,437	\$1,091,272	
Absenteeism (hours)	Absence from work (sick, career, compassionate etc.) over past 12 months	8,283	8,560	7,979	
Overtime rate	Overtime hours worked in the previous 12 months	8,006	8,449	8,397	



Measure	Definition	January 23	April 2023	July 2023	Trend
Percentage of cost of the workforce	Salaries as a percentage of Operating Expense	N/A	N/A	N/A	
Turnover rate	Turnover of staff over previous 12 months	30.8%	27.5%	19.8%	
Average tenure	Average length of employment for current staff	7.9 years	10.1 Years	9.3 Years	
Employee satisfaction	As measured by regular staff surveys on a scale of 1 to 5, with 5 being the highest	46/87	58/86	55/91	
Time to fill vacancies	Time between creation of a vacancy and commencement of a replacement (workdays)	N/A	N/A	N/A	

1. The percentages of male to female employees continues to show a gendered bias in Council. The statistics however do not show the fact that most female staff tend to work in the office environment where the male employees primarily tend to work in the construction and delivery environment. The construction and delivery services of Council hold the largest staff numbers, this will continue to skew the figures for the foreseeable future. It does not mean Council are not considering staff for “non-traditional” roles, rather those applying for positions with Council tend to apply along gendered lines due to the types of work offered in each environment.
2. The increase in the pay rates for male staff is due to the recent wage harmonization during this period, most of which are outdoor staff. The increase in salary for female staff is due to the recent appointment of Tahlia Fry to Director of Corporate Services.
3. Annual and Long Service Leave balances have decreased due to staff taking leave and having their leave management plans in place. All staff with excessive leave have provided a leave plan to their Manager, CEO and HR Coordinator to ensure we can achieve downward trend. Staff have already commenced taking extended leave.
4. Overtime has decreased as the initial flood works has been completed. Corresponding decrease in absenteeism has been noted. The two (overtime and absenteeism do tend to follow similar trends). A watch will be kept on absenteeism rates. Continuing to fill vacancies should have a positive effect on both overtime and absenteeism.
5. A slight increase with Employee turnover, was due to the staff contracts ending or for personal reasons. Culture is shifting and staff seem to be happy and the results are starting to show in our Pulse Surveys. We will continue to work with staff being open and transparent as we review Council’s current wage system and Salary Policy. In the current economic climate however, it will remain difficult to attract and retain staff. The project to review our Workforce Management Plan and accompanying policies and procedures are expected to start to assist many of the issues being experienced.

According to the [2022 Local Government Workforce Skills and Capability Survey](#) provided by the Australian Local Government Association, all local governments were experiencing a higher proportion of ‘unplanned’ turnover of up to 27%. In the last quarter and our turn over remains lower than that benchmark, we will continue to monitor as we strive to fill current skills vacancies in Council.

6. In 2022 the Employee Tenure Report from the Bureau of Labor Statistics indicates Local Government median tenure is 6.9 years. <https://www.bls.gov/news.release/pdf/tenure.pdf> . Whilst Council staff remain above that figure, I do expect the average tenure to drop as we have a number of long-term employees who have recently resigned from Council and more will retire throughout the remainder of 2023 and early 2024.
7. Measures are taken from our employee Pulse Survey which is conducted quarterly. The Pulse Survey is a cultural survey which measures employee satisfaction with their work and conditions and allows continuous improvement suggestions to be provided. It has proved a valuable feedback platform for staff and managers.



8. Council's current software makes calculation of this metric difficult. Council will be implementing the new HR Core management software in the coming weeks, once fully implemented HR will be able to provide to an accurate measure.



8.32 Southern Riverina Country Universities Centres

Author:	Chief Executive Officer, Karina Ewer
Strategic Outcome:	3. Supported and engaged communities
Strategic Objective:	3.2. Support community engagements through life-long learning, culture and recreation
Delivery Program:	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
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. Board skills matrix2. DRAFT Constitution - CUC Southern Riverina Ltd (under separate cover)3. 2023 Dashboard - Tocumwal - Finley - Jerilderie

Recommendation

1. That Council provide ongoing support for the development of the Country Universities Centres Southern Riverina and endorse the work being done by the Steering Committee to apply for the Regional University Study Hubs grant on behalf of all four Local Government Areas.
2. That Council further acknowledge the development of the CUC Southern Riverina Board which will provide the overarching governance structure for the project.
3. That Council endorse the CEO to approach members of the community to be on the Board for the CUC Southern Riverina.
4. That Council nominate XXX to apply for a position on the Board to represent the Berrigan Shire Local Government Area.

Purpose

The purpose of this report is to update Council as to the progress of the Steering Committee in working on the Country Universities Centres (CUC) Southern Riverina and to seek Council support for the Steering Committee to submit a grant application to the Regional University Study Hubs grant round 1.

Summary

It is hoped that before this meeting I will have a copy of the Business Proposal ready for Council to read. That proposal is being finalised by the Country Universities Centre team as the lead body.



The funding has been made available as a direct result of the Australian Universities Accord Panel interim report.

Program objectives are to:

- Enable students in rural, regional and remote Australia to access and complete higher education without having to leave their community.
- Meet a demonstrated gap in support for study in a regional, rural or remote community.
- Support students who wish to stay in their community while they complete their course of study.
- Enhance the experience of students studying within their own community.
- Encourage strong links between the hubs and other organisations in the area, including other support services that students may access and industry.
- Complement, rather than replace, existing and planned university investments and activities in regional areas, such as satellite campuses and study centres.

Each hub reflects the community it serves and is established with consideration of the:

- geographic location of the study hub in relation to the community,
- population size, demographic and cultural needs of the local community,
- local industry and businesses in the area and the skills they need and
- location of local TAFE and VET providers

The Steering Committee have been strong with regards to the fact the funding application must include all four sites (Finley, Deniliquin, Hay and Moama), rather than allow for competition amongst the four sites, which we agree would undermine the process to date.

Background

As part of the application process, CUC Central will establish a skills based, not for profit Board. The skills required of Board members are included at Appendix 1.

A draft constitution is also being prepared based on previous established bodies corporate under which 17 other CUCs currently operate. The draft constitution is included at Appendix 2.

The proposed governance structure of the CUC Southern Riverina is set out below.

As per the 17 other CUCs, the CUC Southern Riverina will be established as a company limited by guarantee and registered as a charity with the Australian Charities and Not for Profits Commission and the ATO. CUC Central will arrange for the incorporation and registrations upon notification of success in the Commonwealth funding round.

It will therefore be important we have Directors selected prior to submission of the application.



Also to be established, though after the establishment of the Board, will be the local Advisory Committee. It is envisaged one for each LGA will be required, with a Board member from each Shire, chairing the Advisory Committee. The Advisory Committees in this way will ensure local representation is possible directly to the Board.

No positions on either the Board or the Advisory Committee will be paid roles.

Deloitte Scoping Study

Deloitte undertook a scoping study commissioned by the Commonwealth Department of Education to analyse the fitness of locations in terms of need and readiness to have a Regional University Centre. Attached at Appendix 3 is the data dashboard CUC have received from the Commonwealth Department of Education. The information presented lists the Tocumwal – Finley – Jerilderie SA2 (educational areas) as 18th out of the 597 SA2 regional/remote areas in Australia. Given there are a number of the top 20 locations already have an RUC, the analysis places the local SA2 around Finley very well in terms of potential applicants for this funding rounds. It should be noted, this analysis is only one factor taken into account as part of their assessment process. The other areas are ranked as follows:

- Deniliquin – no ranking with 1 readiness issue identified
- Hay – no ranking with 1 readiness issue identified
- Moama – rank 114
- Deniliquin surrounds – rank 157
- Echuca – rank 187

Application

At the last Steering Committee meeting, all LGAs were represented and agreed to engage Katrina Tehan to assist with writing the grant application. Each Council will provide a quarter of the cost for Katrina to undertake this work. It is estimated this will probably cost each Council up to \$2,000 ex GST, though more definitive pricing should be available at the meeting.

The Business Case will be provided to Council for information as soon as it is ready.

Given all LGAs have been able to identify existing buildings, the capital expenditure for the project should be minimal and will form part of the funding application in total. The funding application is intended to fund the project from establishment through to its operational costs through to 2027, by which time it is expected the group will be well established in their communities.

Those projects successful in this round are expected to be opened in the 2024-2025 financial year.

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

Community Strategic Plan

Issues and Implications

The cost of the grant writing is the only cost to Council I can foresee at this time. No further costs, other than a nominated person's time on the Board and Advisory Committee should be applicable to this project.



Policy

Nil

Financial

Approx \$1,500 at the time of writing the report.

Legal / Statutory

Nil – the body corporate will be set up by CUC Central

Community Engagement / Communication

Continuing community advocacy will ensure the community is engaged with the project and will support it into the future.

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

The financial impacts to Council will and have been, kept to a minimum. The investment into the grant funding application is the only investment being asked of Council.

2. Governance

	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

As the structure being set up to run the CUC Southern Riverina project is a body corporate, Council will have no exposure to governance risks.



3. 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

Meeting the “growing your own” talent pool objectives is an important factor in the economic development of any community. Each of the communities affected by the opening of these centres stands to gain significant economic gains. Council therefore has a high risk of positive press etc in this instance.

Options

1. Adopt the motion as presented
2. Adopt and altered motion
3. Discontinue support for the CUC Southern Riverina project

Conclusions

Council has been strong in its support for this project and I believe the application process to be the next step in seeing the project to its fruition. It is important Council continue its support of this project as it will assist in the development (both economic and social) of the community and underpin its transition as the population continues to increase.



Country Universities Centre Southern Riverina

Board Skills Matrix Tool

Country Universities Centre Southern Riverina
Board Skills Matrix Tool
Date: 6 October 2023



Industry, knowledge / experience	Director #	Director #	Director #	Director #	Director #	Director #	Director #
Knowledge of education sector							
Knowledge of higher education public policy direction							
Knowledge of, or experience working with, the local community							
Experience working with government, Commonwealth, State, Local							
Technical skills / experience							
Accounting / Finance							
Law							
Marketing							
Information Technology							
Human Resource Management							
Senior Management							
Strategy development / implementation							
WHS							
Corporate governance							

Country Universities Centre Southern Riverina
 Board Skills Matrix Tool
 Date: 6 October 2023



Auditing / compliance							
Risk management							
Policy development							
Relevant Qualifications or other experience							



REGIONAL NEEDS DASHBOARD

study to inform future locations for Regional University Centres' delivered to the Australian Government Department of Education, Skills and Employment on November 2021. Department of Education Integrated Data Analytics team has updated data inputs, delivered to Regional Policy team August 2023.

Tocumwal - Finley - Jerilderie

NSW

CONTEXTUAL INFORMATION

Demographic and other key contextual information related to the region, including the broader SA3 region.

Regional information	
Population	9,800
Indigenous population	3%
Region size (sqkm)	5,011
Postcode (with largest population)	2712
Region type ¹	SA2
ARIA measure	Inner regional
Distance to nearest campus (km)	104

Education enrolments	
Higher education (all)	150
Higher education (online only)	61
VET (Cert IV and above, all)	550
VET (Cert IV and above, online only)	46



Broader region information (SA3)

Upper Murray exc. Albury

Population ⁸	43,400
Region size (sqkm)	28,232
HE enrolments (all) (2021)	944
HE enrolments (online only) (2021)	445

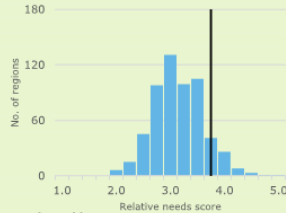
SA2 regions within broader SA3	In-scope ⁹
Corowa	No
Corowa Surrounds	No
Deniliquin	No
Deniliquin Surrounds	No
Moama	No
Tocumwal - Finley - Jerilderie	Yes

REGIONAL NEEDS RESULTS

Summary of the key needs results, including the relative scoring of this region to all assessed regions. The overall score is a function of the 'relative needs' and 'needs volume' of a region. All regions receive an overall needs score, however, regions with an identified readiness threshold issue do not receive a ranking.

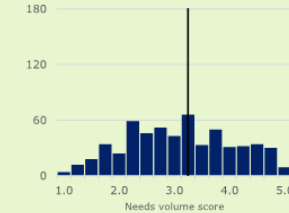
Relative needs score 3.6

An assessment to determine the relative extent of a community's underrepresentation in access to and achievement of positive tertiary outcomes. Regions are assessed from largest relative need (5) to smallest relative need (1).



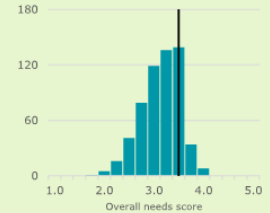
Needs volume score 3.2

An assessment of total need or demand (i.e. volume) for Centre services within the region. Regions are assessed from largest volume (5) to smallest volume (1).



Overall needs score 3.5

A weighted average of relative needs and needs volume to determine the overall needs score and ranking of a region. Regions are scored between highest need (5) and lowest need (1).



Needs ranking

Regions that do not have any readiness issues identified are then ranked by the overall needs score.

Ranked 18 of 277 regions with no readiness issues identified. Total number of regions is 597.

READINESS THRESHOLD

These factors inform the initial threshold considerations for the level of readiness for a community to establish a RUC, and the likelihood of success if a RUC is established.

No initial readiness issues identified

Measure	Value	Threshold ²	Met? ³
Population growth above minimum threshold	-0.2%	-1.0%	Yes
Population size above minimum threshold	9,800	3,000	Yes
Population size below maximum threshold	9,800	50,000	Yes
Year 10 completions above minimum threshold	80.8%	75.0%	Yes
Existing RUC or university campus in region ⁴	No	No	Yes
Nearest campus above minimum distance threshold (km) ⁵	104	40	Yes

WEIGHTINGS

Weightings have been applied to the relative needs measures and overall needs scores.

Relative needs weightings ⁶	
Access and participation	40%
Retention and experience	40%
Transition and outcomes	20%

Overall needs weightings ⁷	
Relative needs	70%
Needs volume	30%

NEEDS MEASURES

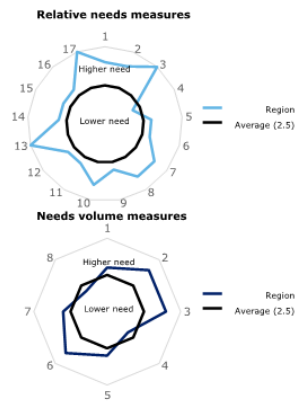
The specific measures used to determine the overall needs score and ranking. Values for each measure are normalised between 1 (lower need) to 5 (higher need) to support comparisons between regions and aggregating multiple measures. The radar charts (right) present the normalised values for each measure: scores below average (inside the black circle) represent lower levels of needs, whereas scores above average (outside the black circle) represent higher levels of need.

Relative needs measure	Theme	Value
Proportion of population enrolled in HE (2021)	Access and participation	1.5%
Proportion of population enrolled in VET (2021)		5%
Average growth in HE enrolments (2017-21)		5%
Average growth in VET enrolments (2017-21)		0%
Proportion of Indigenous population enrolled in HE (2021)	Retention and experience	2%
Proportion of Indigenous population enrolled in VET (2021)		15%
Proportion of population with a tertiary qualification (2021)		15%
Level of disadvantage (SEIFA deciles, where 1 = most disadvantaged) (2021)	Transition and outcomes	3
Proportion of HE students that complete within 3 years (2018 cohort)		56%
Proportion of HE students that unenrol within 4 years (2018 cohort)		33%
Average VET completion rate (2017-19)		58%
Average VET completion rate for Indigenous learners (2017-21)		77%
Proportion of HE graduates satisfied with overall experience (2017-21)		75%
Proportion of HE graduates gaining employment (2018-21)		77%
Proportion of HE graduates continuing further study (2018-21)		82%
Proportion of HE graduating into relevant employment (2018-2021)		70%
Average growth in higher skilled labour demand (2015-22)		6%

Needs volume measures	Theme	Value
Total HE enrolments (online) (2021)	Direct current demand	61
Total VET enrolments (Cert IV above and online) (2021)	Direct latent demand	46
Population (aged 15-64) (2021)	Indirect current demand	5,132
Population growth (2017-2022)	Indirect latent demand	-0.2%
Broader SA3 HE enrolments (online) (2021)		445
Broader SA3 VET enrolments (Cert IV above and online) (2021)		204
Broader SA3 population (aged 15-64) (2021)		23,613
Broader SA3 population growth (2017-22)		0.4%

Normalised values

Values are normalised between 1 (lower need) and 5 (higher need) to better compare regions.



Additional notes:

- Region types are either 'SA2', 'Custom SA2' or 'SA3'. The different groupings are required to better reflect economic regions and compare geographic locations.
- Threshold - the level set for each readiness threshold measure that a region must pass in order to be considered in-scope for a Centre.
- Met? - Whether or not a region meets a readiness threshold.
- Campus - an existing campus is defined as either being an existing RUC campus or a higher education institution that offers over 5 subjects and has more than 100 full time students.
- Minimum distance - defined as the minimum distance in km between the region and an SA2 region with an existing university campus or RUC.
- Relative needs weightings - the weighting that is applied to the combined score of relative needs measures corresponding to their relevant indicator.
- Overall needs weightings - the weighting that is applied to all volume measures and all relative needs measures when calculating the overall needs score.
- SA3 population - the population of the broader SA3 region, excluding any metropolitan sub-areas.
- This table captures all the regions within the broader SA3 region (excluding any metropolitan sub-areas). 'In-scope' indicates whether a location is included in the dashboard analysis.



8.33 Review of Local Environmental Plan

Author:	Director Strategic Planning and Development, Andrew Fletcher
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 1.1.2. Coordinate and develop Community Participation Plans in accordance with relevant legislation and the Council's Community Engagement Framework 1.1.3. Enhance the visual amenity, heritage and liveability of our communities
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)
Appendices:	Nil

Recommendation

That Council:

1. endorse the attached Draft Strategic Framework and District Plans for public exhibition and comment,
2. consider any comments and prepare the Local Environmental Plan via a planning proposal reflecting the changes in zoning and wording identified in the Strategic Framework and District Plans and
3. wait to prepare a Rural Land Use Strategy until the Department of Planning & Environment has reviewed and determined the revised Local Environmental Plan.

Purpose

The Council endorse the Draft Strategic Framework and District Plans (the strategy) and exhibit the strategy for public comment. After exhibition, review all comments and finalise the documents, recommend any amendments to the current Local Environment Plan and submit to the Department of Planning and Environment (the Department) as a planning proposal.

Background

The following (Background and Existing Project & History) is a review of what has occurred. The intent is to outline the facts and help determine a way forward.

The primary outcomes sought from the review of the existing Local Environmental Plan (LEP), as defined in the Expression of Interest (EOI) in November 2021 included:



- review the of Objectives/Outcomes of the Riverina Murray Regional Plan and Council's Local Strategic Planning Statement (LSPS) and the Berrigan Shire Community Strategic Plan,
- address minor amendments to fix errors in the current LEP,
- implement any recommendations/outcomes of supporting strategic planning strategies,
- carry out relevant community consultation and
- develop District Structure Plans and make recommendations for the subsequent review of Council's Development Control Plan to address the future development needs of each of the Shire's four townships (Berrigan, Barooga, Finley and Tocumwal).

It is important to recognise what Council were seeking as part of the process, with emphasis on ensuring consistency with other strategies and on ensuring the development of the Shire's four towns.

The EOI did outline Council's existing Planning Priorities (from the LSPS) and although it may have been previously suggested that a *'key deliverable was going to identify land adjacent to our towns that can be used to support primary industry while also not limiting the option for developers to consider lifestyle options on smaller parcels of rural land'*; this is not evident in a review of the EOI, or submissions received from consultants.

Habitat Planning were appointed as the consultants engaged to review the Berrigan Shire Local Environment Plan 2013 and prepare a planning proposal to amend the LEP. Their submission outlined the proposed approach and defined that the review would be a focussed strategic assessment of the Local Government Authority, and in particular the major townships (urban).

Existing Project & History

The overall project was started in December 2021, which included agreeing on the project plan, consultation and the process.

The profile and issues paper were commenced in January 2022, this document resulted in the collection of data, reviewed all existing strategies, considered the urban and rural environment, internal consultation and was used as the basis of preparing the context report (and subsequent strategy).

The Berrigan Shire – Strategic Context Report July 2022 was drafted, outlining the broader strategic investigation. The report is the foundational document to inform the Strategic Directions Plan.

To help prepare the Strategic Directions Plan, and as in accordance with the agreed project plan, a reference group was formed and significant consultation undertaken with residents, businesses and public forums to review the urban district plans.

Council received updates on the progress of this project at its Corporate Workshop held at Yarrowonga October 2022 at which time the Council was provided with a summary of the Draft Strategic Framework, agreed to conduct public consultation on the drafts of the local districts plans and raised questions in relation to the Rural Land Use Strategy (RLUS).

In relation to the RLUS, Council was advised that to achieve diversity in agricultural zoning, a separate rural land use strategy was required because all our towns had infill housing opportunities that could be developed.



A Strategic Planning and Policy Workshop was held 1 March 2023, the comments were reviewed and Council briefed. The meeting was also attended by representatives from the NSW Department of Planning who provided their informal advice on the opportunities needed to be addressed as part of a RLUS.

The strategy has been prepared after, and consistent with, the information within the Berrigan Shire – Strategic Context Report July 2022. The strategy was to largely address the urban environment and has been completed in accordance with the agreed brief/EOI.

On 21 June 2023, a report was provided to Council about the review of the LEP and included three options. Council agreed the following motion:

That Council endorse one single planning proposal, covering both Urban and the Rural Land Use Strategy. Staff to seek a variation to the existing contract with Habitat Planning (at an additional cost to Council). Staff to ensure that a project plan with strong timelines is written into the new contract, in regard to delivering the Local Environment Plan and Land Use Strategy.

Project Plan to be presented to Council within 2 weeks of the variation to contract.

In discussions with Habitat, they were aware of a variation in scope and contract but outlined that due to their current workload they would not be able to commence the work for 9-12 months.

As detailed below, it is submitted that there may be another option available to Council.

Rural Land Use Strategy (RLUS)

The importance of preparing a Rural Land Use Strategy (RLUS) is understood, including references within the existing strategic work, such as the Local Strategic Planning Strategy.

As outlined in the Ministerial Directions when preparing a strategy, there is a requirement to review strategies, undertake research, consult, and ensure the correct processes have been followed. There is also a need to ensure the department would support any proposed strategy and subsequent change to the LEP.

It is understood there was a meeting with Council and the representatives from the Department, who provided their informal advice on the opportunities needed to be addressed as part of a RLUS. Post this meeting, it is evident the Department's requirements for a RLUS are significant and are outside the scope of the Council's current contract and engagement with Habitat Planning.

A concern to Council staff, based on numerous discussions with the Department and the consultants who prepared the strategy (Habitat Planning), is that a combined strategy will not be looked upon favourably if the contract was amended.

In relation to the RLUS officers note the following:

- There is a need to prepare a strategy.
- The contract with Habitat has not been amended and the Strategic Context Report and draft Strategic Framework and District Plans may become dated.
- The time (9-12 months) and cost (\$100K+) to prepare the necessary work and the potential impact a combined strategy may have on the need to provide residential land within the urban environment.



- The Department have advised that to achieve diversity in agricultural zoning, a separate RLUS was required because all of the Shire's towns had infill housing opportunities that could to be developed.
- The need to explore the option of undertaking a RLUS with other similar Councils in the Shire's region. The potential concerns and changes in agriculture are unlikely to be 'limited' to Berrigan Shire and often joint ventures/studies carry greater weight and offer the potential to share costs.
- The need to explore all avenues via amending the current LEP rather than zoning changes to allow for a dwelling related to an agricultural use.

Council do not make the final decision in relation to amending the LEP, and if the Department chose not to support a combined strategy, it may result in no changes at all. Rather than risk the review being abandoned or becoming dated, officers would like to suggest an alternative option which has not yet been outlined to Councillors.

Options

The following options provided are fairly consistent (but simplified) with what was previously suggested to Council in June 2023. Irrespective of which option is chosen, officers are aware there have been significant delays experienced with the review of the Local Environment Plan, and there are industry wide shortages for planners, however once determined, officers are seeking to proactively progress the changes to the LEP.

The options provided below are the three most obvious outcomes, recognising there are a few combinations that could occur in relation to the required strategic work.

Option 1 – Preferred

Council endorses for public exhibition and comment the work undertaken to date and attached as appendices, which includes a change to the proposed LEP.

Officers are not seeking to downplay the importance of Council's decision or the need for a Rural Land Use Strategy (RLUS), rather this change is suggested as a suitable alternative in delivering a similar outcome and was not originally contemplated by Council.

The suggested change is to enable consideration of applications to support agribusinesses within the 'Irrigated Land' areas by amending the LEP. This has now been included in the strategy attached, see pages 77 (Land Use Conflict – Agriculture) and 103 (Rural Housing Entitlements).

After the change has been included within the LEP (or if the Department does not agree), officers to prepare an EOI for the preparation of a RLUS. This would allow for a comprehensive strategy over the next 9 – 12 months and outline what controls may be appropriate.

The benefits of amending the LEP include creating certainty, both for landowners/developers in the urban and rural environment. The Department has also outlined Council can make edits/amendments to the wording of the LEP.

This approach would minimise cost, not prolong the review, allow the urban environment the opportunity for expansion/rezonings and allow Council to gather data (number of Development Applications) to determine a need for any further change through an RLUS.



The constraints or risks posed by this option is that the Department may not agree with the amended wording of the LEP and will result in a delay in the implementation of an RLUS.

Option 2 - Previously Agreed

Council endorses for public exhibition and comment the work undertaken to date and attached as appendices.

Council then proceeds to engage experts (amendment to the existing EOI) to prepare a Rural Land Use Strategy (RLUS). The RLUS be comprehensive and provide evidence that land will not be fragmented, will be productive and has the support of the farming community.

Once completed RLUS be endorsed for public exhibition and comment and then proceed to be lodged as a separate planning proposal.

This option responds to developer and community interest in seeing this project progress and development can proceed with some confidence in the urban environment.

The constraints or risks posed by this option are the costs, time delays and the lack of certainty about increasing the diversity of rural zoned land. This option will require two separate planning proposals – an incremental approach to amending our Local Environment Plan, but is the approach originally recommended by NSW Department of Planning Officers and agreed by Council.

Option 3 - Not Preferred

Council internally prepares an RLUS. Once completed the two strategies are endorsed for public exhibition and comment and then proceed to a planning proposal.

The benefit of this option is that it responds to the Councillors' requirement that we increase diversity of our rural zones and undertake all the work through one planning proposal.

The constraints or risks posed by this option include the preparation of a strategy that is not fit for purpose, may not meet the requirements of the Department and the demand on staff (time and skills). This option would also result in a delay in the implementation of the existing strategy and create uncertainty in relation to the development of the Shire's towns.

Conclusion

Council have provided staff with a clear direction that the review of the Local Environment Plan needed to consider how we can increase the diversity of our rural land zones and consider residential entitlements. Unfortunately, the review of the LEP has somewhat stalled (for various reasons) and the intent of preparing a Rural Land Use Strategy was not part of the original (or proposed) EOI.

Considering the strategic context report, draft strategy attached, and the aims of Council, it is submitted that Option 1 is an appropriate way forward.



9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

9.1 Notice of Motion - Town CBD Road Limits

Author: Deputy Mayor, Carly Marriott

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: 1. NSW Speed Zoning Standard - August 2023 (under separate cover)

I, Councillor **Carly Marriott**, hereby submit the following Notice of Motion to the Berrigan Shire Council's Ordinary Meeting of Council to be held on 18 October 2023.

Motion

That Council adjust the central business district road limits within all four towns, to be lowered to 40km/hr.

CEO report

The below is a report from the Chief Executive Officer as per clause 3.12 of the Berrigan Shire Council Code of Meeting Practice.

The NSW Speed Zoning Standard is attached to this Notice of Motion.

I have referred to the Local Traffic Committee on Tuesday 17 October 2023, that all CBD road speeds within all four towns are lowered to 40km per hour.

More information on speed zones in NSW is available on the [Transport for NSW website](#).



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 Tocumwal Truck Stop

This matter is considered to be confidential under Section 10A(2) - (c) and (g) 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 and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.



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 15 November 2023 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.

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