



ORDINARY COUNCIL MEETING

Wednesday 17 April, 2024

at 9:00am

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 17 April, 2024

BUSINESS PAPER

The Ordinary Council Meeting of the Shire of Berrigan will be held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 17 April, 2024 when the following business will be considered:-

ITEMS OF BUSINESS

| | | |
|----------|--|-----------|
| 1 | OPENING OF MEETING | 6 |
| 2 | ACKNOWLEDGEMENT OF COUNTRY | 6 |
| 3 | APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS..... | 6 |
| 3.1 | Apologies/Leave of Absence | 6 |
| 3.2 | Applications for Leave of Absence | 6 |
| 3.3 | Attendance Via Audio-Visual Link | 6 |
| 4 | CONFIRMATION OF PREVIOUS MINUTES | 7 |
| 5 | DISCLOSURES OF INTERESTS..... | 7 |
| 6 | MAYORAL MINUTE(S)..... | 8 |
| 6.1 | Mayoral Minute - Interment Industry Levy | 8 |
| 7 | REPORTS OF COMMITTEES..... | 13 |
| | Nil | |
| 7.1 | Minutes of the Audit Risk and Improvement Committee - 29 February 2024..... | 13 |
| 8 | REPORTS TO COUNCIL..... | 15 |
| 8.1 | Correspondence Incoming and Outgoing March to April 2024 | 15 |

| | | |
|-----------|---|-----------|
| 8.2 | Berrigan Shire estimated population June 2023 | 18 |
| 8.3 | GIPA Response - Finley Hospital..... | 20 |
| 8.4 | Establishment of Alcohol-Free Zones..... | 21 |
| 8.5 | Protecting Local Water Utilities from Privatisation | 27 |
| 8.6 | Continuous Improvement Plan - quarterly update | 28 |
| 8.7 | Biosecurity Quarterly Report | 30 |
| 8.8 | Finance - Accounts | 34 |
| 8.10 | Rocks Road - Racecourse Road Intersection, Tocumwal - Update | 39 |
| 8.11 | Inquiry into the Ability of Local Governments to Fund Infrastructure and Services | 41 |
| 8.12 | Southern Riverina Drought Resilience Plan..... | 44 |
| 8.13 | Contributory footpath scheme - Hughes St, Barooga | 46 |
| 8.14 | Street Lighting Options - Chanter Street Berrigan (Late Covering Report) | 52 |
| 8.15 | Development Determinations for Month of March 2024..... | 53 |
| 8.16 | Early Release of Subdivision Certificates Policy..... | 57 |
| 8.17 | Community Gardens Policy | 62 |
| 9 | NOTICES OF MOTION/QUESTIONS WITH NOTICE..... | 68 |
| | Nil | |
| 10 | CONFIDENTIAL MATTERS..... | 69 |
| 10.1 | Finley Saleyards (Late Covering Report)..... | 69 |
| 11 | MOTIONS WITHOUT NOTICE / QUESTIONS WITHOUT NOTICE | 70 |
| 12 | COUNCILLOR REPORTS | 70 |
| 12.1 | Mayor’s Report | 70 |
| 12.2 | Verbal Reports from Delegates | 70 |
| 13 | CONCLUSION OF MEETING..... | 70 |

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



KARINA EWER
CHIEF EXECUTIVE OFFICER



1 OPENING OF MEETING

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

Confidential matters of Council will not be audio recorded.

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

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

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

3.1 Apologies/Leave of Absence

Nil

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil



4 CONFIRMATION OF PREVIOUS MINUTES

Recommendation: That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 20 March, 2024 be confirmed.

5 DISCLOSURES OF INTERESTS



6 MAYORAL MINUTE(S)

6.1 Mayoral Minute - Interment Industry Levy

Author: Mayor, Julia Cornwell McKean

Appendices: 1. Interment Industry Levy - Information Package - April 2024

Recommendation

That Council authorise the Mayor to:

1. Write, expressing Council's objection to the Interment Industry Levy and calling for its abolition, to:
 - (a) the Hon Stephen Kamper MP, Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport, and
 - (b) Andrew Mills, chair of Cemeteries and Crematoria NSW,
2. partner with Local Government NSW, Country Mayors Association and Riverina and Murray Joint Organisation in campaigns to oppose the introduction of the levy and
3. issue a media release stating Council's opposition to the levy and clarifying this is a NSW government tax and not a Council fee.

Background

Last month, the NSW Government announced a new tax on burials and cremations, to be collected by cemetery and crematoria operators – including councils.

This is yet another example of cost-shifting to local government. Cemeteries and Crematoria NSW are a NSW government agency and should be funded from NSW government general revenue.

This new tax, to be passed on to grieving families, increases the cost of burials at a time when these families are often already struggling emotionally and financially.

This new tax will especially hit rural and regional families, where 80% of burials occur at council cemeteries.

The NSW Government's decision to inform cemetery operators of the new tax on the Thursday before Easter was especially cynical.

The information package released by Cemeteries and Crematoria NSW is attached to this report.





Interment Services Levy Information Package

A. Overview

The interment services levy (the levy) is a levy on interment services to fund the cost of Cemeteries and Crematoria NSW, the regulator, to support and regulate the sector appropriately.

The government has set out its strategic directions for the state's cemeteries and crematoria in *Delivering strong consumer and community outcomes for Cemeteries and Crematoria in NSW*. The aim is to ensure every person in NSW has accessible, sustainable, and affordable burial and cremation services into the future.

The strategic statement focuses action on priority areas including:

- Active and strong consumer protection for customers and communities, ensuring quality services by embedding licensing standards and more effective regulation for industry, and conducting research to identify emerging trends and initiatives for continued improvements.
- Supporting sustainable burial practices and identifying more cemetery land to address a shortage of burial space, including more efficient use of existing cemeteries and exploring other interment options.
- Providing certainty for managing Crown cemeteries by finalising a two-operator model with Metropolitan Memorial Parks and a successor to the Catholic Metropolitan Cemeteries Trust, to support industry, staff and consumers and ensure community needs are met.

An effective, properly resourced regulator is essential to achieving these aims. The existing industry levy – in place since 2014 and applying to the 2 Crown operators only – is insufficient resulting in inequity across the sector.

To ensure Cemeteries and Crematoria NSW can be the active and sustainable regulator we need them to be, the government is proposing to implement a recommendation from IPART and the Statutory Review of the Cemeteries and Crematoria Act (the *11th Hour Report*) to expand the former Government's Interment services levy from just Crown cemeteries to all active industry operators, driving equity and levelling the playing field in the sector. The levy represents a less than 1.6 per cent cost of a \$10,000 burial.



B. An expanded levy would deliver better consumer protections and better support for industry

Cemeteries & Crematoria NSW is maturing from a reactive, administratively focused regulator to a proactive regulator that drives sector performance and improves consumer protections. It has taken the first important step of introducing the new Interment Industry Scheme to set the baseline standards expected across the industry.

Achieving this change requires adequate and sustainable funding. Expanding the levy will ensure that Cemeteries and Crematoria NSW delivers benefits to consumers and the industry. Doing so through a levy means that the costs of the regulator are borne by the industry and customers who benefit most and not by all taxpayers.

Consumers and the public will benefit from this change through:

- clearly understanding what they are buying now through simple contract conditions and understand the care and maintenance they can expect into the future;
- transparent pricing that allows informed choices and greater awareness of options to address affordability and competition in the market;
- due respect for culture and faith for individuals and communities; and
- having confidence in the knowledge that safeguards are in place and will be properly monitored over time giving peace of mind to them and their loved ones.

Industry will benefit through:

- fair and consistent standards that are understood and able to be monitored and enforced which will encourage trust and confidence in the sector as a whole;
- education, for operators and staff so they meet the requirements under the Act and their licence;
- data and analysis of customer needs and emerging trends to support operators to meet the needs of customers, innovate where necessary and provide a quality service; and
- ensuring access to burial space into the future through more proactive planning and analysis of demand and supply trends across the industry, including sustainable options for more efficient use of green space.

Additionally, everyone benefits as cemeteries increasingly become sources of sustainable, open, multiple use spaces for the benefit of the whole community.



C. Details of the proposed expanded interment services levy

What is the interment services levy?

The interment services levy is a levy on interment services that funds Cemeteries and Crematoria NSW (CCNSW) to support and regulate the sector, ensuring that everyone in NSW has access to dignified burial and cremation services that are respectful of culture and faith.

What are the details of the proposed levy?

- The levy will be set at \$41 per cremation; \$63 per ash interment and \$156 per burial. This is a relatively small cost for making sure everyone's loved ones are looked after.
- The levy has been set at a level that is based on the cost of regulation of the different services.
- The Levy will not apply to interment of destitute people or children under the age of 12.
- Operators with a Cemetery Operator (Caretaker) Licence (known as Category 4) would be exempt, reflecting that these operators are inactive and no longer conducting regular interments.
- The levy would commence from 1 July 2024. From this date, the levy will be calculated on the number of services the operator performs each financial year. Most operators will pay the levy annually. Their first payment will be made at the end of 2024/25 and will be based on the number of services the operator performs from 1 July 2024 – 30 June 2025.

Will CCNSW consult on this change?

Yes, CCNSW will be consulting on this change in the next two months, commencing with webinars and roadshows throughout the state.

Operators and funeral directors will be invited.

Why can't the CCNSW be funded through general government revenue?

It is accepted as good practice and fair for regulators to seek to recover the costs of their activities from the entities they regulate. Otherwise, every taxpayer in NSW will be funding this industry's regulation.

Victoria has a similar levy on interment services and other regulators in NSW also charge industry for regulation.

How can I find out more about the levy?

Cemetery and crematorium operators, and funeral directors are invited to attend one of our upcoming events in April-May 2024, where you will be able to speak with CCNSW, learn more about some of the important changes underway in the sector (including the levy), and to hear from your industry peers.

Operators and funeral directors will be invited.



7 REPORTS OF COMMITTEES

Nil

7.1 Minutes of the Audit Risk and Improvement Committee - 29 February 2024

| | |
|-----------------------------|---|
| 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: | <ol style="list-style-type: none">1. Minutes - ARIC meeting - 12 December 2023 (under separate cover)2. Minutes - ARIC meeting - 28 February 2024 (under separate cover) |

Recommendation

That Council

1. receive the minutes of the Audit Risk and Improvement Committee meetings held on
 - (a) 12 December 2023
 - (b) 28 February 2024 (draft)
2. endorse the recommendations of those meetings, specifically:
 - (a) *Direction of Council is sought*

Purpose

The minutes of the Audit Risk and Improvement Committee meeting held on the dates below are attached as appendices to this report.

- 12 December 2023
- 28 February 2024.



Recommendations

The meetings made the following recommendations for consideration by the Council.

Note that the Council considered the recommendations of ARIC 02/2024 at its ordinary meeting in March, including recommendation 7.4 (included in the attachments).

ARIC 01/2023 – that the Terms of Reference is presented to Council to formally adopt at the January Council Meeting.

ARIC 02/2023 – the Audit, Risk and Improvement Committee Meeting recommend that the Terms of Reference is presented to Council to formally adopt at the January Council Meeting.

ARIC 01/2024 – that the Council develop, as a priority, a Safety Improvement Plan to address the safety risks associated with the operations of its Section 355 Committees of Management based on an assessment of the highest risk activities undertaken by such Committees’.

Such a Plan to take into consideration:

- the findings identified at the Camden Council where a volunteer worker was killed,
- risk ratings,
- tailored induction of volunteers,
- supervision of volunteers and
- any other identified safety issues.

ARIC 02/2024 – That

- the Committee adopt the draft Internal Audit Charter and recommend it to Council for adoption.
 - a scope be developed for the provision of internal audit services and that this scope be provided to the Committee ‘out of session’.
 - a draft three-year internal audit plan be presented to the next Audit Risk and Improvement Committee Meeting.
-



8 REPORTS TO COUNCIL

8.1 Correspondence Incoming and Outgoing March to April 2024

| | |
|-----------------------------|---|
| 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 Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign |
| Appendices: | Nil |

This report is for information only.

Report

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

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

Incoming

| DATE | FROM | TO | TYPE | RESPONDED DATE |
|---------------|---------------------------|------------------------------|---------------------------------|-----------------------------|
| 26 March 2023 | The Hon Penny Sharpe MLC | Mayor Julia | Letter (Corellas) | N/A |
| 27 March 2024 | OLG | Companion Animal Fund Review | Letter | Submission due 19 April 224 |
| 27 March 2024 | NSW Health Infrastructure | GIPA Application * | Letter | N/A |
| 28 March 2024 | RAMJO | Mayor Julia | Media Release – Water Buy Backs | N/A |



* Contents of application response provided in separate report to this meeting.



OUTGOING

| DATE | FROM | TO | REGARDS | TYPE |
|---------------|-------------|-----------------------------|--|------------------|
| 27 March 2024 | Mayor Julia | Linda MacRae | ARIC Terms of Reference and Internal Audit Charter | Letter |
| 2 April 2024 | Karina Ewer | Silvia Bradley (V/Line) | Support for upgrades to Toc Intermodal | Letter |
| 3 April 2024 | Karina Ewer | BAG | Update on a number of matters | Letter via email |
| 3 April 2024 | Mayor Julia | The Hon Michelle Rowland MP | Meeting Request during ALGA | Letter |
| 3 April 2024 | Mayor Julia | The Hon Mark Butler MP | Meeting request during ALGA | Letter |
| 3 April 2024 | Mayor Julia | The Hon Kristy McBain MP | Meeting request during ALGA | Letter |



8.2 Berrigan Shire estimated population June 2023

| | |
|-----------------------------|--|
| Author: | Manager Economic Development & Tourism, Merran Socha |
| 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: | 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 |
| Appendices: | Nil |

Recommendation

That Council receive and note the report.

Report

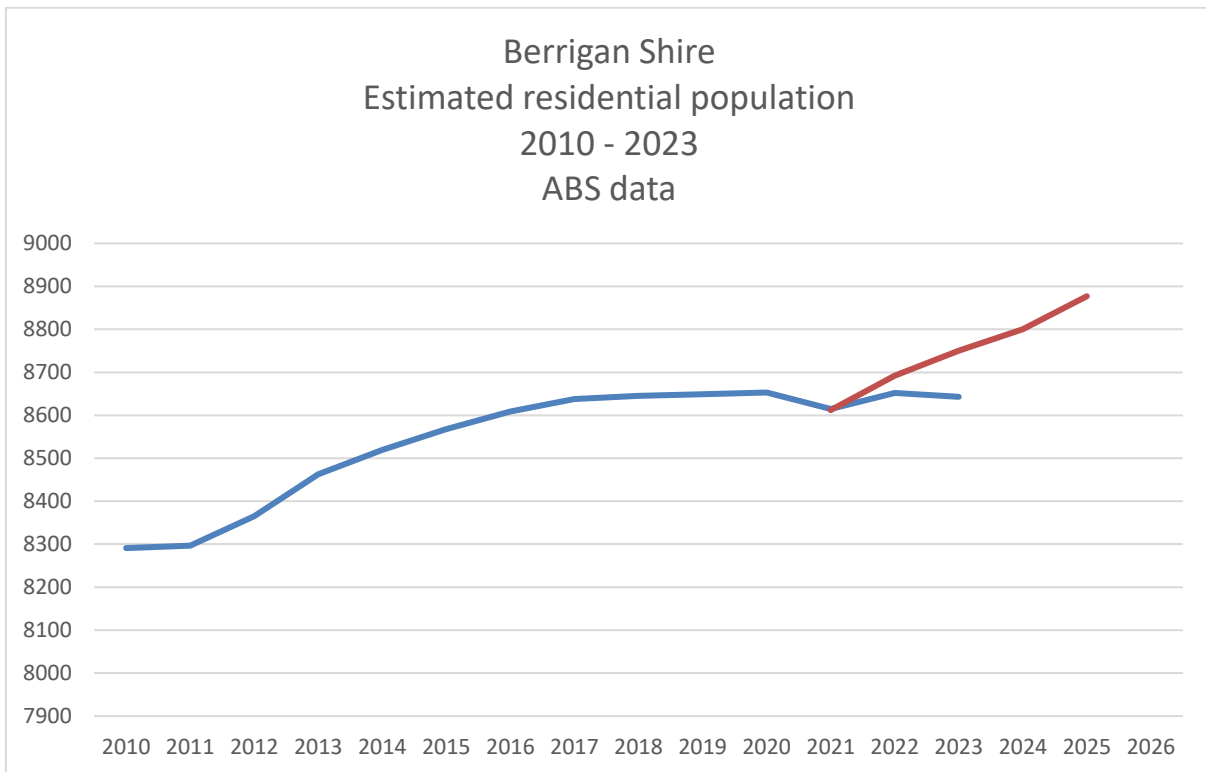
The Australian Bureau of Statistics (ABS) annually releases estimates of the resident populations of a series of sub-national areas - including local government areas. The ABS released the 30 June 2023 figures in March 2024.

The estimated resident population for Berrigan Shire as of 30 June 2023 is 8,643, a decrease of 9 from the previous year (-0.1% change). The decrease is the result of:

- a net increase of 56 migrants from overseas, and
- a net decrease of 6 migrants from elsewhere in Australia coming to Berrigan Shire,
- less a "natural decrease" (births less deaths) of 59.

The net increase of migrants from overseas is of note, as this figure could be reasonably assumed to represent the international workers currently employed at the Cobram abattoir and housed in motel style accommodation in Barooga.

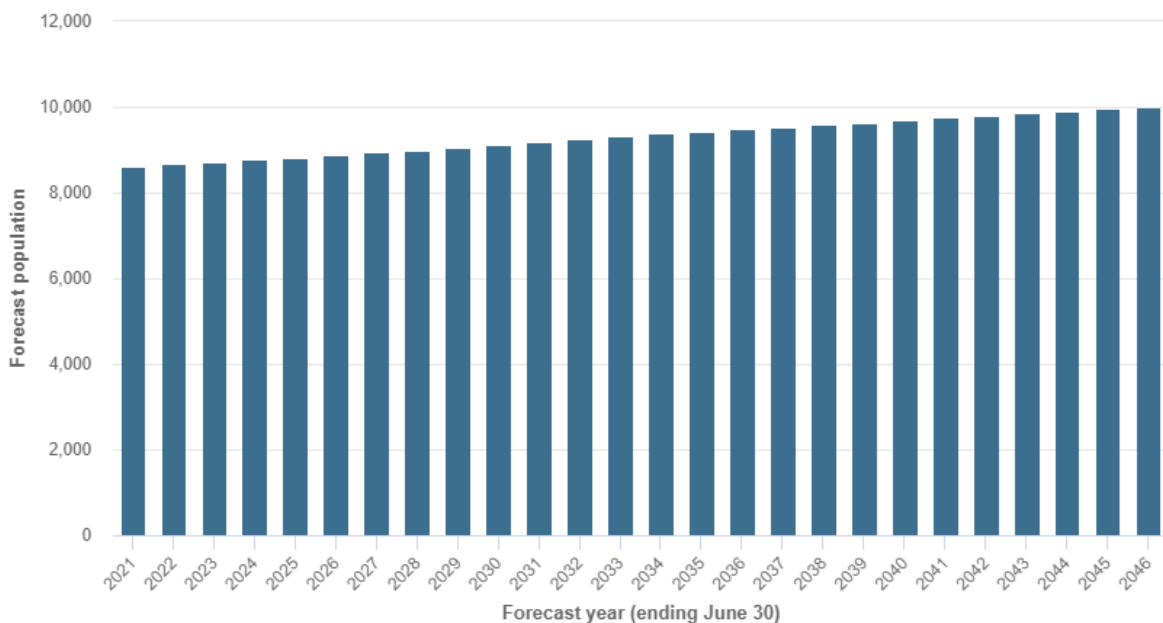
The decrease of 9 is negligible in the statewide context and is a figure derived through historical data, complex modeling and averaging across rural and remote communities and may not reflect our lived experience and on ground reality. In the 22/23 financial year the Council issued 55 new occupancy certificates for residential dwellings. A percentage of these could have been for new residents (unknown).



This blue line in this graph represents ABS data from 2010 to 2023. The red line represents the forecast chart below from id Data.

Forecast population

Berrigan Shire



Source: Population and household forecasts, 2021 to 2046, prepared by id (informed decisions), August 2023.

This graph is the current id Data population forecast to 2046 available on the BSC website.



8.3 GIPA Response - Finley Hospital

| | |
|----------------------|---|
| Author: | Chief Executive Officer, Karina Ewer |
| Strategic Outcome: | 2. Good government |
| Strategic Objective: | 2.2. Strengthen strategic relationships and partnerships with community, business and government |
| Delivery Program: | 2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery |
| Council's Role: | Advocate: The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign |
| Appendices: | 1. GIPA Package for release - Karina Ewer - Berrigan Shire Council - GIPA24-19 - 27.03.24 (under separate cover) |

Recommendation

That Council receive and note the report.

Report

This report is provided for the purposes of informing the Council of the outcome of the GIPA application regarding the Finley Hospital redevelopment plans.

The response from NSW Health is included at **Appendix 1**.

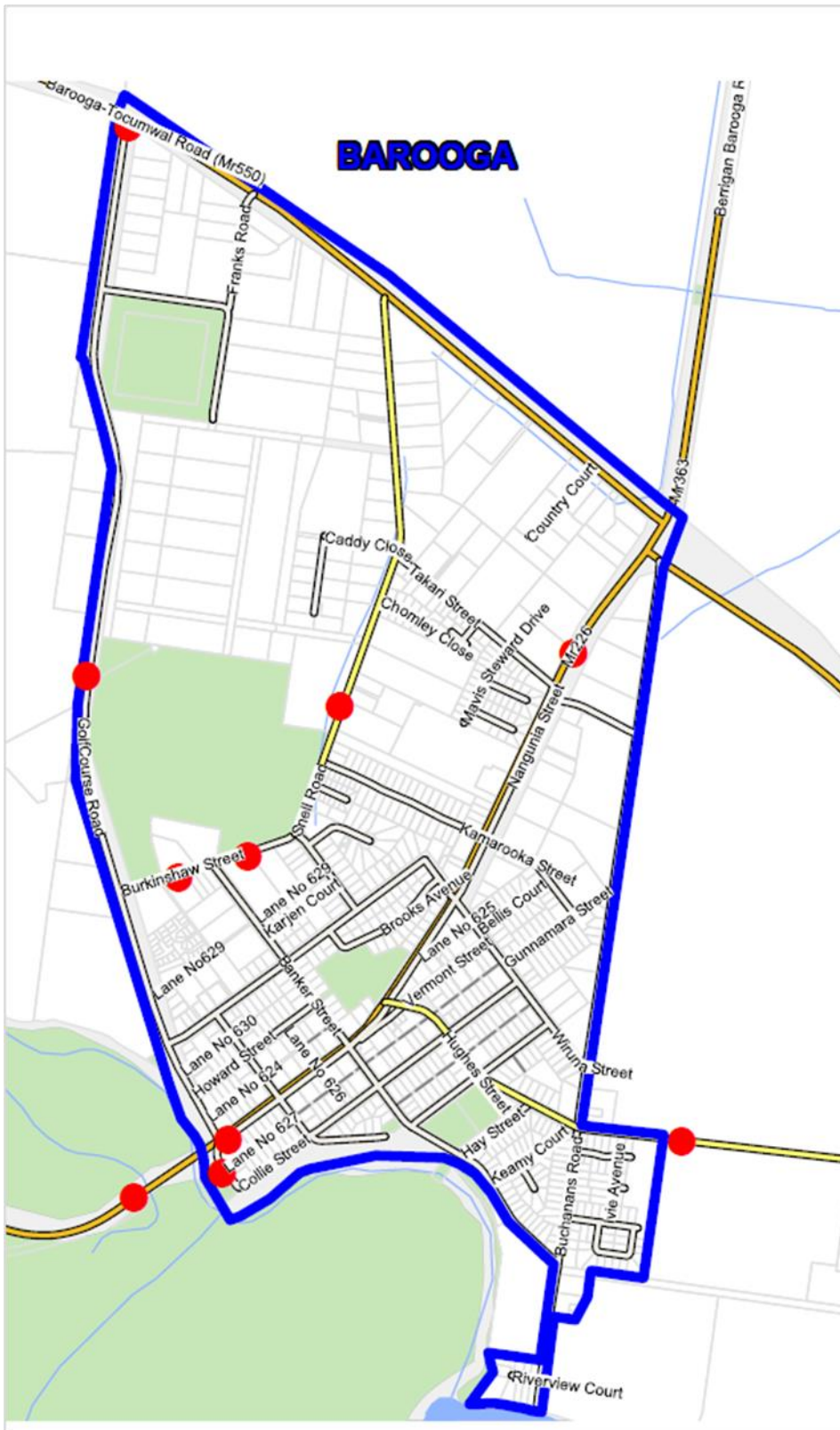


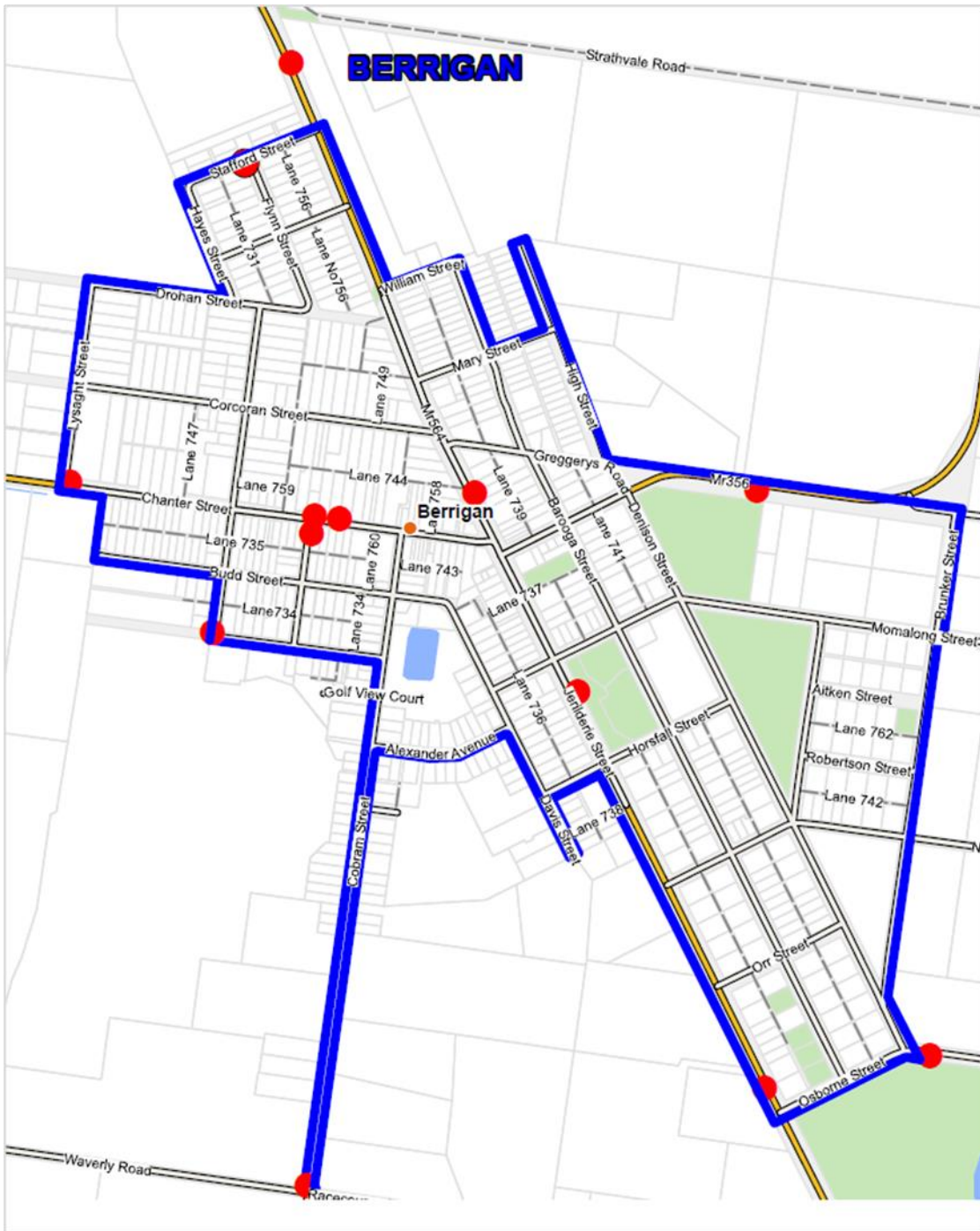
8.4 Establishment of Alcohol-Free Zones

| | |
|----------------------|---|
| 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 the Council establish the following Alcohol Free zones in accordance with Section 644B(4) of the *Local Government Act 1993* for the period 1 July 2024 – 30 June 2028.









Report

This report proposed the Council establish Alcohol-Free Zones in Barrooga, Berrigan, Finley and Tocumwal pursuant to Chapter 16, Part 4 of the [Local Government Act 1993](#) (the Act) and the and the [Ministerial Guidelines issued pursuant to s646 of the Act](#).

Background

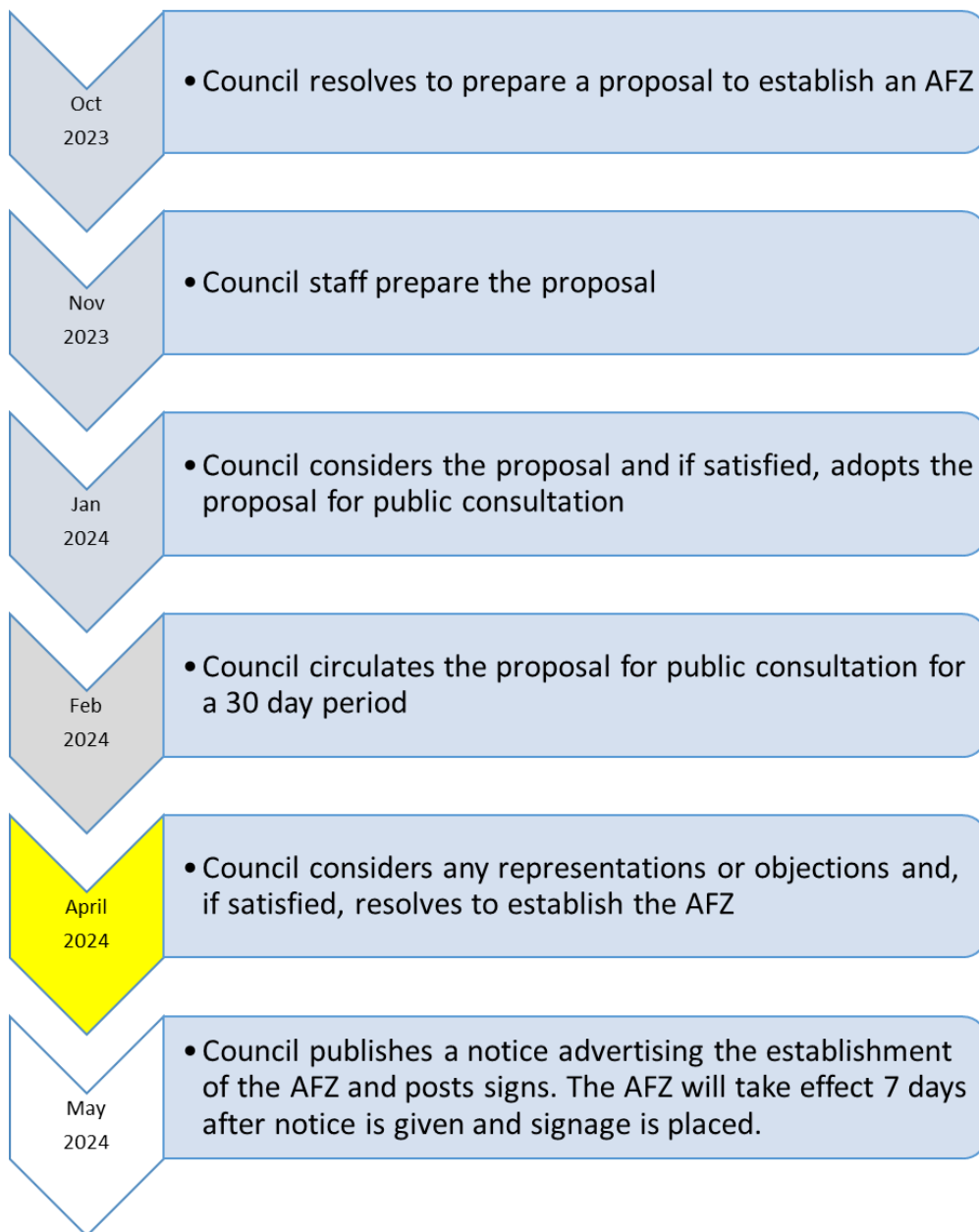
At its ordinary meeting held on **17 January 2024**, the Council adopted a draft proposal for the establishment of Alcohol-Free Zones (AFZs) in the commercial and residential areas of Barrooga, Berrigan, Finley and Tocumwal.



The proposal set out the proposed AFZ areas and the process the Council must follow in establishing the AFZs. A summary of the process is shown on the diagram below.

The proposal was advertised on the Council's website and the proposal was sent to all local police stations and liquor licencees. The window for public submissions on the proposal closed on **Friday, 29 March 2019**. The Council did not receive any formal submissions.

With the Council having received no objections to its proposal, the Council may now resolve to adopt the AFZs. Once adopted, the Council will again be required to advertise these on its website and inform the local police and liquor licencees. The AFZ signs will be updated in the first week after the new AFZs take effect.





8.5 Protecting Local Water Utilities from Privatisation

| | |
|-----------------------------|---|
| 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 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: | 1. Report - Protecting local water utilities from privatisation (under separate cover) |

Recommendation

That Council receive and note this report.

Report

This report is provided to finalise the outcomes of the Protecting Local Water Utilities from Privatisation advocacy I have undertaken with Mayor Julia.

Berrigan Shire Council provided a submission to the Joint Select Committee and as a result, was invited to attend the public hearings in Wagga Wagga.

Attached is the final report from that process. The outcomes are significant and positive and I will continue to monitor whether the recommended changes occur.

This has been a great outcome for our advocacy work and underpins the importance of submissions, particularly when they affect the outcomes for communities.



8.6 Continuous Improvement Plan - quarterly 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 Audit Action Progress Report Q3 2024.pdf (under separate cover) |

Recommendation

That Council note the quarterly 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 the CEO to provide monthly updates on progress against the Continuous Improvement Plan resulting from the Cultural Review and Compliance Audit held in mid-2023.

Also added to the Continuous Improvement Plan are actions to address the recommendations from the Bullying and Harassment Cultural Assessment considered by the Council at its meeting on 6 December 2023.

At the ordinary meeting held on 17 January, the Council resolved to direct the CEO to provide updates on a quarterly basis.

Attached as an appendix to this report is the report showing progress against the plan for the quarter ending 31 March 2024.

A summary of actions and their status is below.

| Status | |
|-----------------------------|-----------|
| Complete | 20 |
| On target | 10 |
| Not due to start | 4 |
| Deferred or not progressing | 7 |
| Not on target | 6 |
| Total | 47 |



Actions not on target are:

| No | Action | Comments |
|-------------|--|--|
| 1.7.2.1.1 | Ensure all employees who interact with Council, or are able to access customer information and records, receive information, training and/or education in GIPA and privacy management | Delayed pending introduction of the Pulse e-learning modules. Expected to be rolled out in May/June 2024 |
| 1.7.2.1.14 | Review Council's Community Engagement Plan and Community Participation Policy to comply with the IP&R Guidelines and clearly identify the relevant stakeholder groups within the Berrigan Shire community and outline the methods that will be used to engage each group, incorporating an appropriate range of Involve and Collaborate methods in addition to Inform and Consult methods. | Need to work on this in the next 6 months. A budget for this action has been included in the 2024-25 Financial Year. |
| 1.7.2.1.34 | Develop and adopt an Internal Audit Charter and publish to Council's website following adoption. | ARIC prepared a draft Charter and recommended adoption to Council. Council did not adopt the draft Charter and are preparing an alternate version |
| 1.7.2.2.2 | Consider developing a Workplace Relationships Policy or similar internal/management policy statement to provide a framework for the management of familial and intimate relationships within the professional context | Not yet commenced |
| 1.7.2.2.4.1 | Include relationship building in the Councillor Professional Development Plan | [CEO has] not yet booked in new PDPs for Councillors. Will ask at the April SPW what they would like to do with these given the service of many will complete in September 2024. Training opportunities however continue to be offered to Councillors. |
| 1.7.2.2.5 | Review staff training program to incorporate training spanning psychosocial safety and respectful working relationships | Not commenced as yet, due to workload and other projects. Will look to start in the coming weeks. |



8.7 Biosecurity Quarterly Report

| | |
|-----------------------------|--|
| Author: | Director Strategic Planning and Development, Andrew Fletcher |
| Strategic Outcome: | 1. Sustainable natural and built landscapes |
| Strategic Objective: | 1.2. Retain the diversity and preserve the health of our natural landscapes and wildlife |
| Delivery Program: | 1.2.1. Partner with community groups and agencies on projects that retain and preserve the health of our natural landscapes and wildlife |
| Council's Role: | Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level 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 this report.

Report

The purpose of this report is to provide an update in relation to Weed Action Plan and other Biosecurity actions being undertaken within the Shire.

Weed Action Plan

The NSW Weeds Action Program is a NSW Government initiative introduced to reduce the impact of weeds under the NSW Invasive Species Plan and the NSW Biosecurity Strategy. The Weed Action Program provides funding to local government for weeds. Eligible activities include:

- early detection of high-risk weeds through inspections and surveillance of high-risk sites and pathways,
- responding to biosecurity emergencies,
- eradication and containment of high-risk weeds and
- increasing the capacity of the community to identify, report and manage weeds.

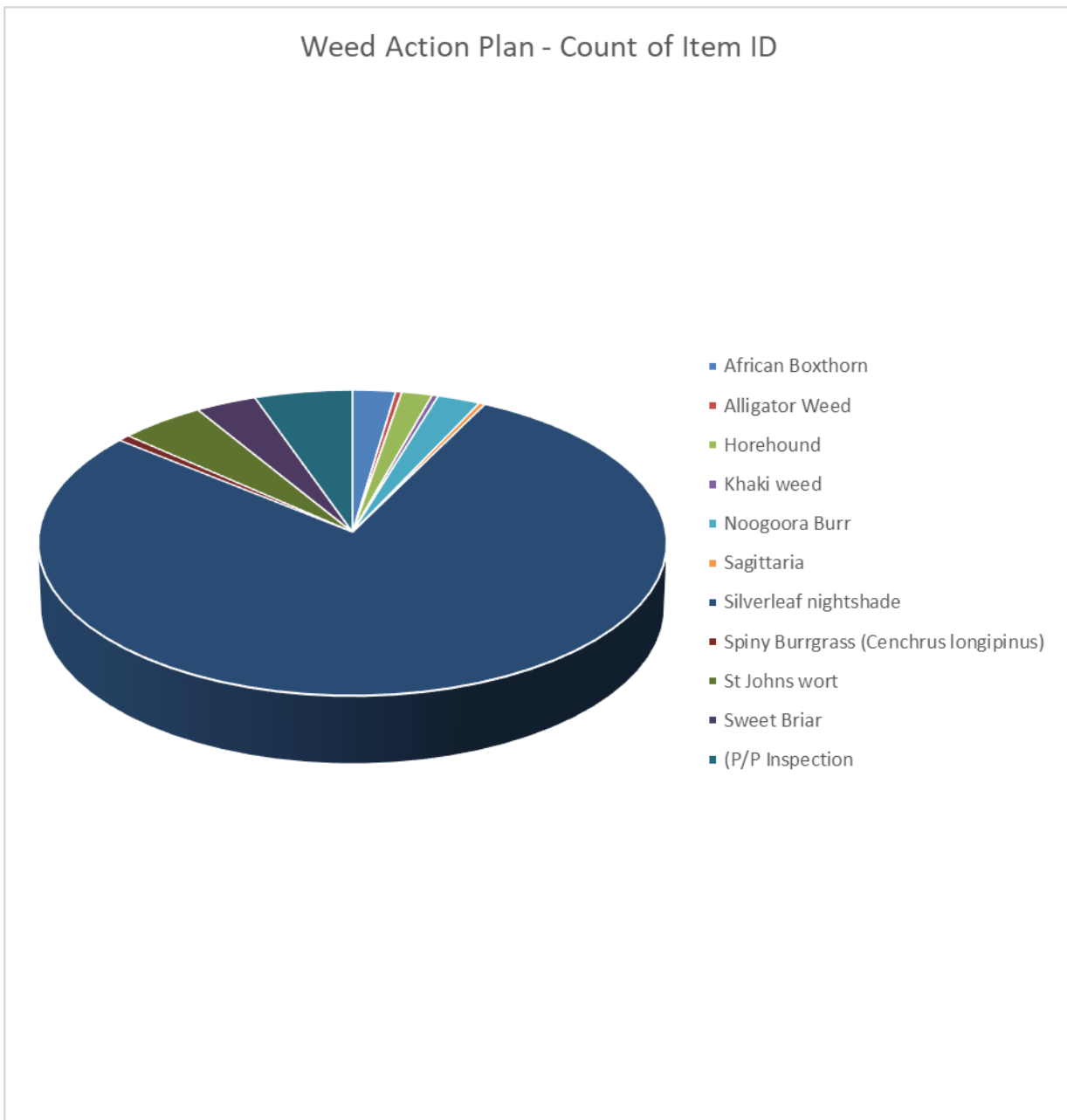
The Biosecurity team report this information to the NSW Department of Primary Industries. The team this year has undertaken the following:

- Roads, reserves and waterways sprayed in accordance with the Weed Action Program.
- 1,100 kms of road control/weed spraying.



- 20 High-risk sites inspected.
- 1,500 kms of road inspections.
- 45 private property inspections.
- 2 inspections for fruit fly, with the tree to be removed.
- On going sprayed for Broadleaf Weeds in the parks.
- Some spraying on the creek walks in Tocumwal.
- Works/spraying at the Toc Aerodrome.

The Weed Action Plan below illustrates the invasive species which have been eradicated and/or controlled. The total at present is 297 infestation points, with Silverleaf nightshade accounting for 233 which is about 78% of the weeds we are controlling within the Shire.





Pest Control

The Biosecurity team officers are also responsible for managing pest control.

The Biosecurity team have undertaken a rabbit baiting program at the Barooga Recreation Reserve. The rabbits baiting program started in mid-March and was finished by the end of the month. The program included extensive consultation, informing any affect community member, and working with the relevant committee, neighbouring Sporties and Golf Club and the Department of Primary Industries. In total 550 rabbits were picked up and disposed of through the program.

Murrumbidgee Health at the beginning of the year provided Bushman spray and Rid to help with mosquito control. The sprays were made available to staff and were provided to the public as part of any organised event. The team also and sprayed high risk areas prior to known public events.

Compliance Inspections

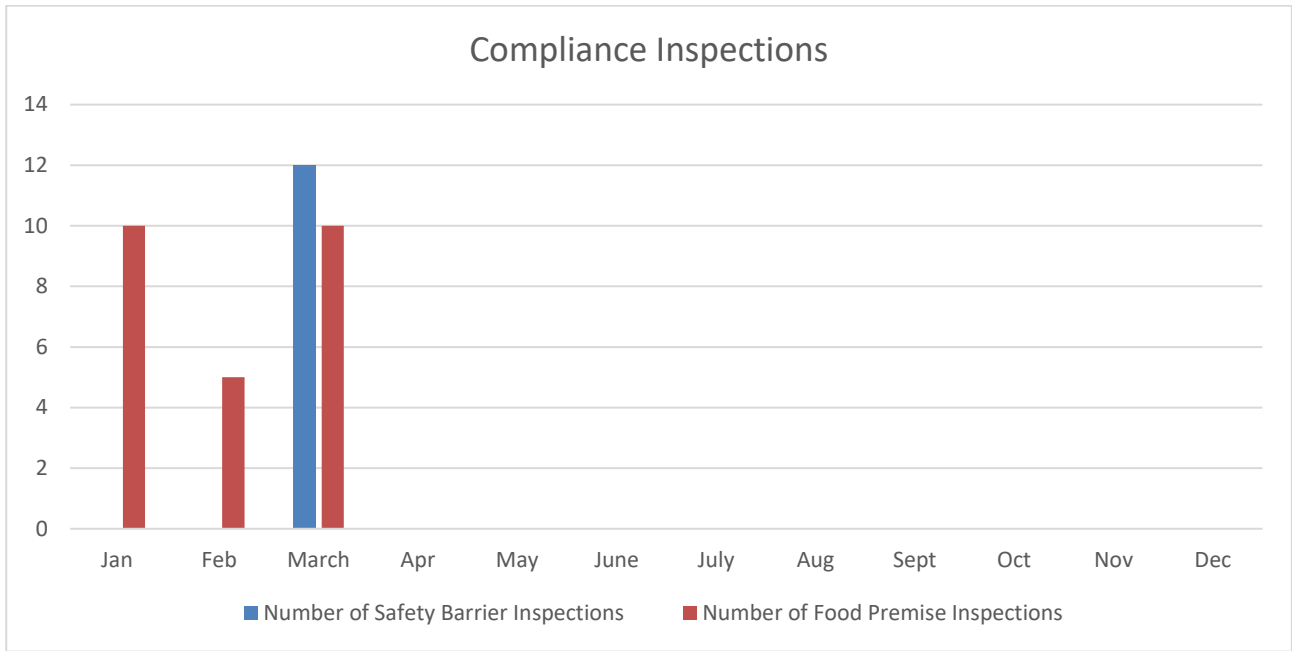
Council is required to undertake mandatory inspections throughout the Shire in relation to food premises and safety barriers associated with swimming pools and spas.

To ensure Council is meeting its obligations, the Biosecurity and Compliance team have an agreed process (and the relevant I.T. support) in inspecting the 75 registered food premises and to issue compliance certificates for the 500+ pools within the Shire.

The team has been allocated the task of undertaking these inspections this year, which consists of 3 FTE. Officers have recently completed the training to enable them to undertake inspections.

In relation to food inspections, officers have adopted a proactive approach (previously an officer reacted and follow up based on any compliant – due to lack of qualified staff). Officers hand delivered an information flyer to all food premises (75) within the Shire and took the time to explain the rules and requirements. This year we have determined not to charge for food inspections and all premises will be inspected by the end of this financial year.

The table below illustrates the number of inspections that have been undertaken this annual year.





8.8 Finance - Accounts

| | |
|-----------------------------|--|
| Author: | Finance Manager, Genevieve Taylor |
| Strategic Outcome: | 2. Good government |
| Strategic Objective: | 2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting |
| Delivery Program: | 2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance |
| Council's Role: | Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council |
| Appendices: | 1. Berrigan_Monthly Report_March 2024.pdf (under separate cover) |

Recommendation

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 March 2024,
- b) confirm the accounts paid as per Warrant No. 03/24 totaling \$4,314,377.76 and
- c) note the report on investments attached.

Purpose

This report is designed to inform Council of its cash and investments as at 31 March 2024 and for council to authorise expenditure for the month ending 31 March 2024.

Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 March 2024 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 March 2024.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 March 2024, totaling \$4,314,377.76 and will be submitted for confirmation of payment as per Warrant No. 03/24
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
 - i. [Council's Investment Policy](#),
 - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),



- iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
 - iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and
 - v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) Council's cash and investment portfolio decreased by \$1,076,268 since February. Funds have also decreased by \$3,034,151 compared to the same period last year.

Statement of Bank Balances as at 31 MARCH 2024

Bank Account Reconciliation

| | |
|---|--------------------------------|
| Cash book balance as at 01 MARCH 2024 | \$ 17,480,130.16 |
| Receipts for MARCH 2024 | \$ 1,227,935.01 |
| Term Deposits Credited Back | <u>\$ 2,000,780.82</u> |
| | <u>\$ 20,708,845.99</u> |
| <i>Less Payments Statement No 03/24</i> | |
| Bank Transfers | \$ - |
| Electronic Funds Transfer (EFT) payroll | \$ 687,527.71 |
| Electronic Funds Transfer (EFT) Creditors E043518-E043745 | \$ 1,557,104.72 |
| Term Deposits Invested | \$ 2,000,000.00 |
| Loan repayments, bank charges, etc | \$ 69,745.33 |
| Total Payments for MARCH 2024 | <u>\$ 4,314,377.76</u> |
| Cash Book Balance as at 31 MARCH 2024 | <u>\$ 16,394,468.23</u> |
| <i>Bank Statements as at 31 MARCH 2024</i> | \$ 16,394,053.23 |
| Plus Outstanding Deposits | \$ 415.00 |
| Less Outstanding Cheques/Payments | \$ - |
| Reconciliation Balance as at 31 MARCH 2024 | <u>\$ 16,394,468.23</u> |

INVESTMENT REGISTER

| INSTITUTION | FUND | DEPOSIT NO. | TERM (days) | RATE | MATURITY DATE | INSTITUTION TOTAL | S&P RATING |
|----------------------|---------|-------------|-------------|---------|---------------|--------------------------------|------------|
| AMP | GENERAL | 133/17 | 365 | 5.10% | 23/05/2024 | \$ 1,000,000.00 | BBB+ |
| AMP | WATER | 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 | 5.25% | 11/01/2025 | \$ 2,090,003.47 | BBB |
| Defence Bank Limited | SEWER | 154/23 | 365 | 4.80% | 1/05/2024 | \$ 2,000,000.00 | BBB |
| NAB | GENERAL | 155/23 | 368 | 5.30% | 30/09/2024 | \$ 5,000,000.00 | AA- |
| WESTPAC | SEWER | 144/19 | 552 | 4.95% | 1/10/2025 | \$ 2,000,000.00 | AA- |
| WESTPAC | GENERAL | 150/23 | 365 | 5.28% | 30/09/2024 | \$ 2,000,000.00 | AA- |
| | | | | | | <u>\$ 22,148,003.47</u> | |

Total Funds Held at 31 MARCH 2024

\$38,542,471.70

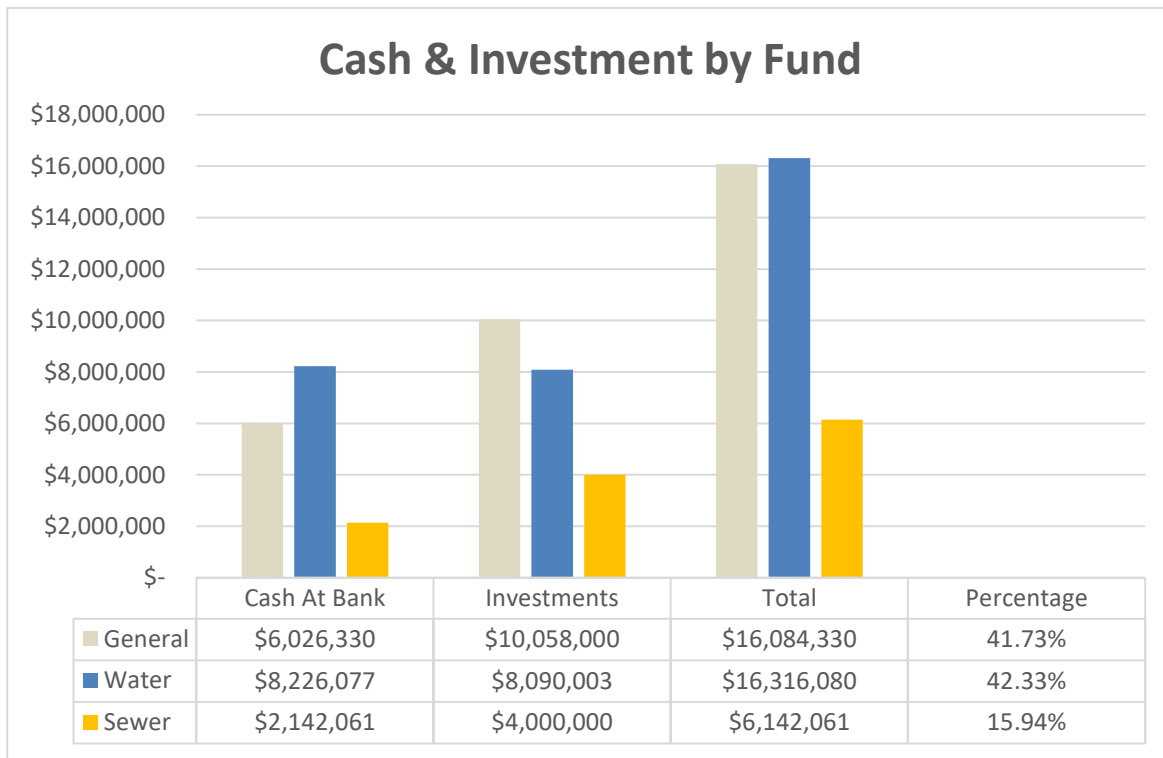
Genevieve Taylor - Finance Manager

*The Council also receives an additional 0.25% commission

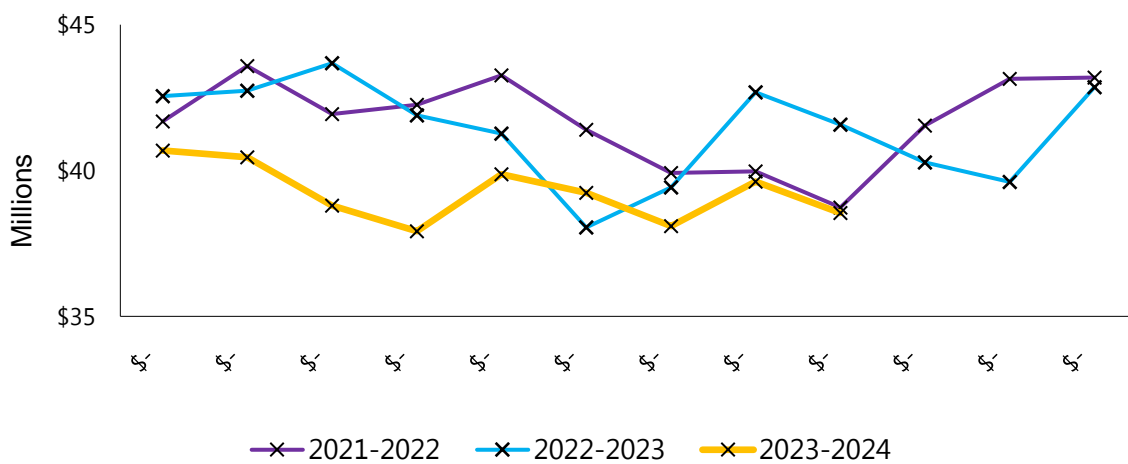
**The Council also receives an additional 0.20% commission



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

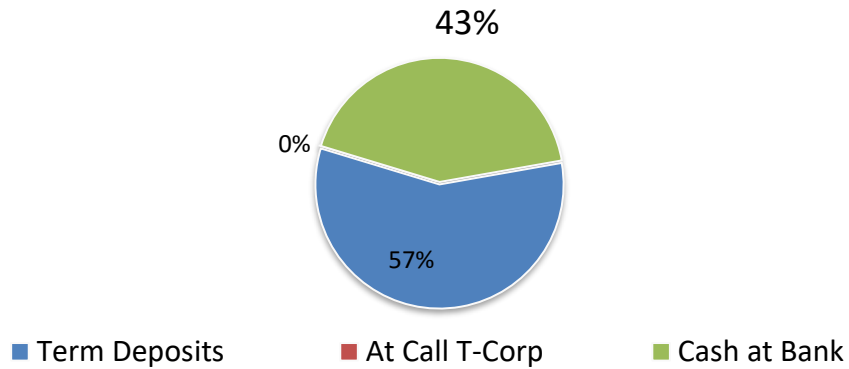


Total Cash and Investments

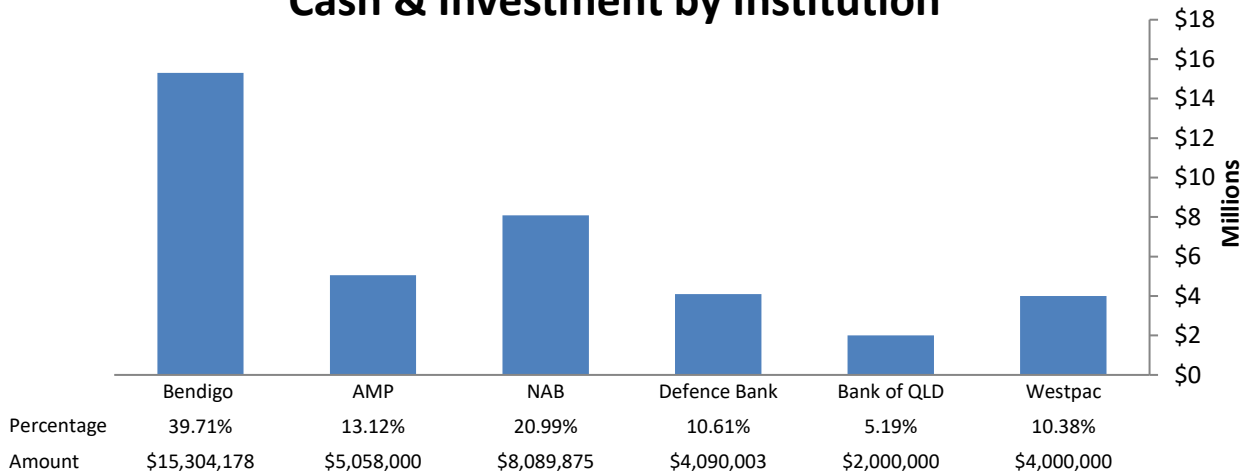




Cash & Investment by type



Cash & Investment by Institution



Term Deposits Credited Back

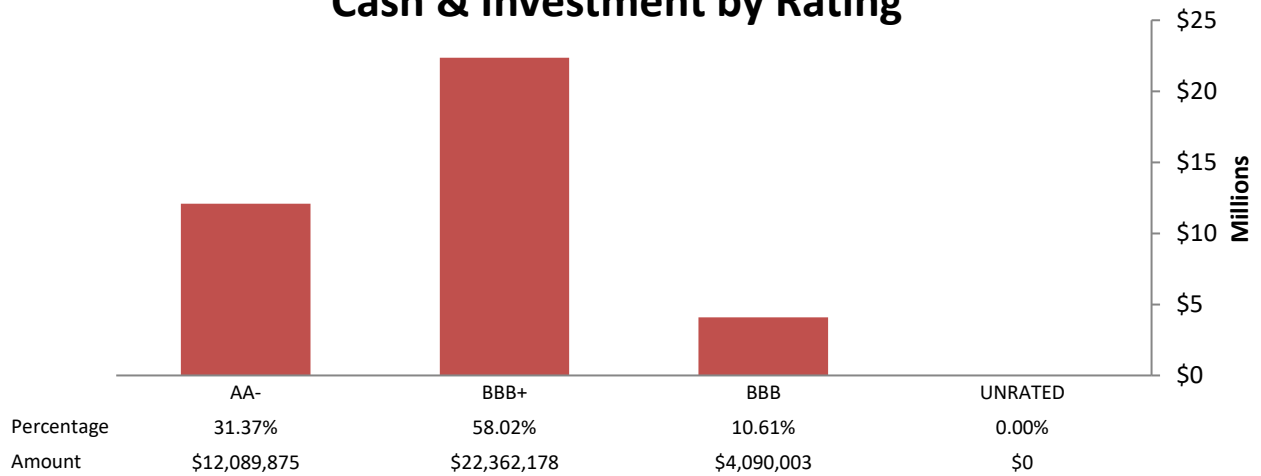
| Prior Financial Institution | Term (Days) | Amount | Interest Rate | Maturity Date |
|-----------------------------|-------------|----------------|---------------|---------------|
| AMP | 368 | \$2,000,000.00 | 4.50% | 23/03/2023 |

Term Deposits Invested / Reinvested

| Current Financial Institution | Term (Days) | Amount | Interest Rate | Maturity Date |
|-------------------------------|-------------|----------------|---------------|---------------|
| WESTPAC | 552 | \$2,000,000.00 | 4.95% | 1/10/2025 |



Cash & Investment by Rating



Outstanding Borrowings:

The Council has outstanding borrowings of \$6,265,783 as of 31 March 2024. This includes both external borrowings (\$3,604,135) and internal borrowings from Council's Sewer Fund (\$2,661,648). Council has not yet drawn down on any new borrowings in the 23/24FY.

Please see below Council's current borrowings:

| Institution | Fund Borrowing | Purpose | Loan Amount | Interest Rate | Opening Balance @ 30.06.2023 | Principal | Interest | Closing Balance @ 31.03.2024 |
|-------------|----------------|-----------------------------|--------------|---------------|------------------------------|-----------|----------|------------------------------|
| NAB | General | LIRS Drainage Loan | \$1,630,000 | 4.26% | \$306,392 | \$142,521 | \$7,845 | \$163,871 |
| ANZ | General | LCLI Lewis Cr/Fin Park Loan | \$1,000,000 | 2.32% | \$715,756 | \$72,201 | \$11,897 | \$643,555 |
| NAB | Water | LCLI Barooga WTP | \$4,000,000 | 1.48% | \$3,086,813 | \$290,104 | \$32,835 | \$2,796,709 |
| Sewer Fund | General | General Fund | \$1,000,000 | 1.48% | \$811,577 | \$72,230 | \$9,008 | \$739,347 |
| Sewer Fund | Water | Finley WTP | \$2,600,000 | 1.48% | \$2,110,101 | \$187,800 | \$23,422 | \$1,922,301 |
| | | TOTALS | \$10,230,000 | | \$7,030,639 | \$764,856 | \$85,007 | \$6,265,783 |



8.10 Rocks Road - Racecourse Road Intersection, Tocumwal - Update

| | |
|-----------------------------|--|
| Author: | Chief Executive Officer, Karina Ewer |
| Strategic Outcome: | 1. Sustainable natural and built landscapes |
| Strategic Objective: | 1.3. Connect and protect our communities |
| Delivery Program: | 1.3.1. Coordinate flood levee, local road, sewer and stormwater asset management and planning |
| Council's Role: | 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

Purpose

The purpose of this report is to advise the council of the future works and application for funding for the Rocks Road Intersection.

Staff will be making an application to the Safer Roads Program funded by Transport for New South Wales (TfNSW) to fund the staggering of the intersection of Racecourse Road and the Rocks Road. At present, staff are progressing preliminary designs and preparing high level estimates to inform the funding application. It is intended to change the priority of the intersection as part of the staggering of the intersection (meaning the Racecourse Road will form two T-intersections onto the Rocks Road).

In the short term, Staff will be improving warning signs and devices around the intersection via the installation of larger signage, improving line marking and introducing rumble strips to warn drivers of the intersection. It is proposed to maintain the current priority in the short term to avoid increased risks associated with the re-education of drivers on this intersection.

Should Council wish to formally reduce the number of heavy vehicles entering Tocumwal via Racecourse Road, Council should consider rescinding the current B- Double access permitted on Racecourse Road from the intersection of the McCulloch's Road to the Newell Highway.

It should be noted there is no guarantee of obtaining funding, and Council should be prepared for this possibility. TfNSW crash data for the period 2019-2023 identified only one other self-reported incident at this intersection which resulted in a moderate injury. This may shift grant funding to higher priority black spots within the state.



Staggering the intersection will require the acquisition of land. This will be at cost to Council and unlikely to be included as part of the grant funding process. Council will therefore need to identify potential sources of funds to purchase the required land areas in question. That information will be provided at a later date, once market valuations are received. Council may wish to formally delegate negotiating powers to the CEO for undertaking the short-term works as this is of low financial risk to Council.

Given the very near miss of the most recent accident, should Council do nothing with this intersection and another accident occur, there is a high risk of community backlash and risk to Council's reputation



8.11 Inquiry into the Ability of Local Governments to Fund Infrastructure and Services

| | |
|-----------------------------|---|
| 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: | 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. Draft Ability of LGs to Fund Infrastructure and Services - BSC Submission (under separate cover) |

Recommendation

That Council endorse the submission for the Parliamentary Inquiry into the Ability of local governments to fund infrastructure and services and direct the CEO to make the submission before the 26 April 2024 deadline.

Report

On 14 March 2024, the NSW Parliament established an inquiry into the ability of local governments to fund infrastructure and services. There is considerable interest at both Federal and State levels regarding the current structure of funding and how it affects local government financial sustainability.

I will also be preparing a submission for the federal inquiry which will be based on this submission.

The Terms of Reference for the NSW Parliamentary Inquiry are provided below.



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON STATE DEVELOPMENT

Inquiry into the ability of local governments to fund infrastructure and services

TERMS OF REFERENCE

That the Standing Committee on State Development inquire into and report on the ability of local governments to fund infrastructure and services, and in particular:

- (a) the level of income councils require to adequately meet the needs of their communities
- (b) examine if past rate pegs have matched increases in costs borne by local governments
- (c) current levels of service delivery and financial sustainability in local government, including the impact of cost shifting on service delivery and financial sustainability, and whether this has changed over time
- (d) assess the social and economic impacts of the rate peg in New South Wales for ratepayers, councils, and council staff over the last 20 years and compare with other jurisdictions
- (e) compare the rate peg as it currently exists to alternative approaches with regards to the outcomes for ratepayers, councils, and council staff
- (f) review the operation of the special rate variation process and its effectiveness in providing the level of income Councils require to adequately meet the needs of their communities
- (g) any other related matters.

The terms of reference for the inquiry were referred to the committee by the Hon Ron Hoenig MP, Minister for Local Government on 8 March 2024 and adopted by the committee on 14 March 2024.

Committee membership

| | | |
|--------------------------|------------------------|---------------------|
| Hon Emily Suvaal MLC | Australian Labor Party | <i>Chair</i> |
| Hon Sam Faraway MLC | The Nationals | <i>Deputy Chair</i> |
| Hon Mark Buttigieg MLC | Australian Labor Party | |
| Dr Amanda Cohn MLC * | The Greens | |
| Hon Emma Hurst MLC | Animal Justice Party | |
| Hon Stephen Lawrence MLC | Australian Labor Party | |
| Hon Taylor Martin MLC | Liberal Party | |
| Hon Peter Primrose MLC | Australian Labor Party | |

* Dr Amanda Cohn MLC substituted for Ms Cate Faehmann MLC from 15 March 2024 for the duration of the inquiry.

If Council would like any changes to the document please let me know.





8.12 Southern Riverina Drought Resilience Plan

| | |
|-----------------------------|---|
| Author: | Chief Executive Officer, Karina Ewer |
| Strategic Outcome: | 1. Sustainable natural and built landscapes |
| Strategic Objective: | 1.2. Retain the diversity and preserve the health of our natural landscapes and wildlife |
| Delivery Program: | 1.2.1. Partner with community groups and agencies on projects that retain and preserve the health of our natural landscapes and wildlife |
| 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 Agent: Typically, this would involve the Council delivering a service, funded by a government agency that is, or is likely to be regarded as, the responsibility of another government level |
| Appendices: | 1. Draft Region response to CSIRO review_Southern Riverina (under separate cover) 2. 12609664_Regional Drought Resilience Planning_240404 (under separate cover) |

Recommendation

That Council endorse the Southern Riverina Drought Resilience Plan and place the document on public exhibition for 28 days as per the section 160 of the *Local Government Act 1993*.

Report

This report is to provide Council with the final draft of the Southern Riverina Drought Resilience Plan prior to it being provided for public comment.

The plan has been reviewed by the CSIRO (feedback provided at Appendix 1) and incorporated into the plan as presented at this meeting.

The plan is quite large but is provided at Appendix 2 for Council's information.

It is hoped Councillors who wish to provide feedback regarding the plan can do so during the public exhibition period so that all feedback can be provided to the consultants as a group.

All other Councils are providing the same reports to their Councils throughout April and the beginning of May with a view to finalise the document in June 2024.

The second phase of this project will be to implement some of the proposals in the plan, for which some funding from the State Government has been provided. A report will be provided to each Council as to which project(s) will be funding by the NSW Reconstruction Authority once the plan is finalised by all Councils.





8.13 Contributory footpath scheme - Hughes St, Barooga

| | |
|-----------------------------|--|
| Author: | Asset & Engineering Manager, Ramesh Shrestha |
| 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 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:

- delay the project until the completion of possible subdivision works on Southern side of Hughes Street as the cost will be significantly less for footpath construction if stormwater drainage works and earthworks are completed in advance and
- commit the budget to construct footpath to the 2027/28 financial year under the 4-Year delivery program and

Purpose

The purpose of this report is for Council to consider a proposal to construct a footpath along Hughes St from Buchanans Rd to MON Natural Foods to be part funded via contributions from adjoining landowners pursuant to sections 217-219 of the *Roads Act 1993*.

The footpath project is designed to provide connectivity for pedestrians to access the MON Foods site more safely. It is not part of the routes include in Council's current Pedestrian Access Mobility Plan adopted by Council. The current plan ranks as priority 4 "a path on Buchannan's Road between Hughes street and Isabell Avenue to connect to Lawson Drive.

Summary

Council proposed constructing a footpath along Hughes St between Buchanans Rd to MON Natural Foods, in response to concerns about pedestrian safety.

The works were proposed to be part funded via contributions from adjoining landowners pursuant to sections 217-219 of the *Roads Act 1993* (the Act).



As per the requirements of the Act and Council's Contributory Footpath and Kerb and Gutter Schemes Policy, in November 2023 adjoining landholders were provided with a letter setting out the proposal and asked for their opinion. Of the 16 adjoining landholders, eight objected, two supported and six did not respond.

It is my recommendation that Council does not proceed with the proposed footpath. There is the potential for future subdivision works along Hughes St. If these eventuate, the proposed footpath may be damaged, or may need removal and replacement in whole or in part. Financially, it may be better to coordinate construction of this footpath with future development along Hughes St, should Council wish to continue with this project.

Background

Footpath construction along Hughes Street in Barooga from Buchanans roads to MON Natural Foods had been initiated by Council to provide safe pedestrian access to people who work at MON Foods and who live in the surrounding area.

I have inspected the site and consider it possible to construct a footpath on the southern side. On the northern side, there are trees, thick bushes, overhead powerlines with 6 poles, and low land flood plains.

The total length of the proposed footpath from Buchanans road to MON Natural Foods is 830m. There are challenges to the construction of a footpath on southern side as well. Out of 830m only a 370m long stretch has stormwater pipe network, reasonable natural surface level and space to construct a footpath. After that point there is no stormwater pipe network and a significant drop in natural surface level. It will be a significant cost to Council to expand the stormwater drainage pipes and backfill the area to form the required base for a footpath.

Construction of new dwellings and new subdivision proposal are expected on the southern side of Hughes Street along that stretch in the near future, which could address the backfill and expansion of drainage issues to construct the new footpath. Financially, it would be better to wait to construct the footpath until all subdivision works are completed for the following reasons:

- there will be a high chance of damage to the footpath during subdivision works where a contractor would need to drive their construction equipment/machinery over the footpath
- it will be technically easier and cost significantly less to construct the footpath after the completion of possible subdivision works and
- it may be possible to include the requirement for a footpath in the subdivision approval process, with Council possibly contributing at that time to the remaining construction costs, including implementing the half cost scheme requirements at that time.

The total cost for the whole stretch of the footpath (830m) was not prepared considering the significant cost for the expansion of drainage networks and backfill materials. There will be a significant cost for these two items. The cost estimation for 370m long footpath where enough space to construct footpath and stormwater pipe network is exist is \$30,498 (Excluding GST).

An estimated breakdown of the proposed footpath half cost scheme is detailed below in this report.

Most of these works were planned to be partially funded from contributions from owners in accordance with Council's Contributory Footpath and Kerb and Gutter Schemes Policy.

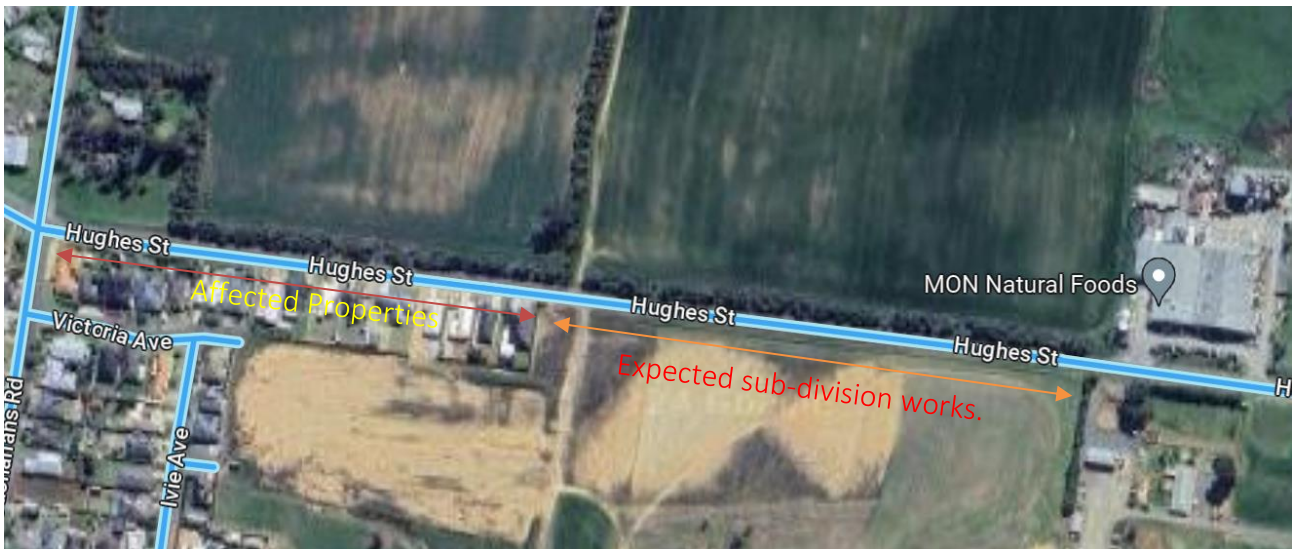


While there are always equity issues related to contributions for footpath construction and usage, Council is restricted by the Act in application of charges and has developed its policy in consideration of these restrictions.

A letter with a questionnaire was sent to affected property owners in November 2023. There are 16 affected property owners – with eight objections, two in support and six did not respond to the proposal.

Copies of those Questionnaire responses received are attached as an appendix to this report.

Set out below are the details of Scheme: 01-23-24 along with a map showing the affected properties.



A site meeting has not yet been held. My advice to Council therefore is to delay the footpath construction until the commencement of subdivision works in the area noted above, as this would be financially advantageous to Council and the affected property owners.

Further Considerations

Most of the objectors to the footpath are those properties towards the corner of Hughes Street and Buchanan's Road who actually front Victoria Avenue (circled in red below). These properties have a rear fence along Hughes Street. It is in the opinion of Council officers, unreasonable to ask for a contribution to the half cost scheme for these residents as they would gain no benefit or frontage to the footpath.

Secondly, those with frontage to the footpath (circled in green below) would not generally travel east if we are thinking about connected communities. Access to reserves, shops, schools and sporting precincts etc are to the east of their area.



There is currently no Development Application in the system for the area and none have been foreshadowed to our planning department.

If /when that land is subdivided, then Council would request a footpath be installed as part of the development to link the community to its amenities. At that time, Council could 'link' this proposed footpath with any requested of the development.

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

Issues and Implications

the proposed footpath is constructed before the completion of possible subdivision works and construction of dwellings along Hughes Street, there will be a significant cost for the extension of stormwater drainage works and earthworks to make a base for footpath. There will be high chance of damaging proposed footpath during the construction work next to footpath.

Policy

Contributory Footpath and Kerb and Gutter Schemes Policy

Financial

The cost estimation for a 370m long footpath where there is enough space to construct a footpath and stormwater pipe network already exists is \$30,498 (excluding GST).

Legal / Statutory

Sections 217 – 219 the Act allow Council to recover up to 50% of the cost of specific works on a road from the owners of adjacent properties.

Community Engagement / Communication

Letters with questionnaires were sent to affected property owners in November 2023.



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 |

There will be a significant cost implication for the construction of footpath if we start before the completion of subdivision works. The budget for the proposed footpath should therefore be included in the 2027/28 financial year.

2. Reputation

| | 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 |

It is anticipated there will be some complaints from MON workers should the project not proceed immediately. One of the affected property owners works for MON Food and noted it is dangerous to walk along the side of Hughes Street to work. Given there were eight objections however, it is also anticipated there would be negative public comment should the works go ahead, especially if the footpath is damaged during the construction of the subdivision.

3. Natural Environment

| | Consequence | | | | |
|------------|-------------|--------|------|-----------|-----------|
| Likelihood | 1 | 2 | 3 | 4 | 5 |
| A | Medium | High | High | Very High | Very High |
| B | Medium | Medium | High | High | Very High |



| | | | | | |
|---|-----|--------|--------|--------|------|
| C | Low | Medium | High | High | High |
| D | Low | Low | Medium | Medium | High |
| E | Low | Low | Medium | Medium | High |

There is a very low chance of environmental impact at proposed construction site due to its low lying nature. The construction of the drainage network that will occur as part of the subdivision, will have a positive impact rather than negative.

Options

1. Delay the construction until possible subdivision work and dwellings along the Hughes Street commence. The budget for the construction of footpath should therefore be provided in the 2027/28 financial year in the 4 Year Delivery Program.
2. Proceed with part of footpath under Half cost Scheme (331m) as proposed, however it will not meet the objective of the project, as it will not provide connection from Buchanans road to MON Foods.
3. Proceed with the construction of footpath under Half Cost Scheme disregarding the additional cost for the construction stormwater drainage network and earthworks.

Conclusions

Considering the possible subdivision works next to the proposed footpath along the Hughes Street (Southern side), it would be better to postpone the project until the developer completes their subdivision works. The budget to construct the footpath has been proposed under the Delivery Program to be included in 2027/28 financial year with assumption that subdivision works in the area will be completed by the time.



8.14 Street Lighting Options - Chanter Street Berrigan (Late Covering Report)

| | |
|-----------------------------|---|
| Author: | Graduate Project Engineer, Harpreet Singh Sidhu |
| Strategic Outcome: | 4. Diverse and resilient business |
| Strategic Objective: | 4. Diverse and resilient business 4.1. Strengthen and diversify the local economy and invest in local job creation and innovation |
| Delivery Program: | 4.1. Strengthen and diversify the local economy and invest in local job creation and innovation 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: | Part Funder: The Council either provides funding to another body to meet part of the cost of that body providing a function/service activity, or receives funding from another body (usually a government agency) to meet part of the cost of the Council delivering it. Service Provider: The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council |

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



8.15 Development Determinations for Month of March 2024

| | |
|-----------------------------|--|
| Author: | Administration Support - Building & Planning, Kelly Milich |
| 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

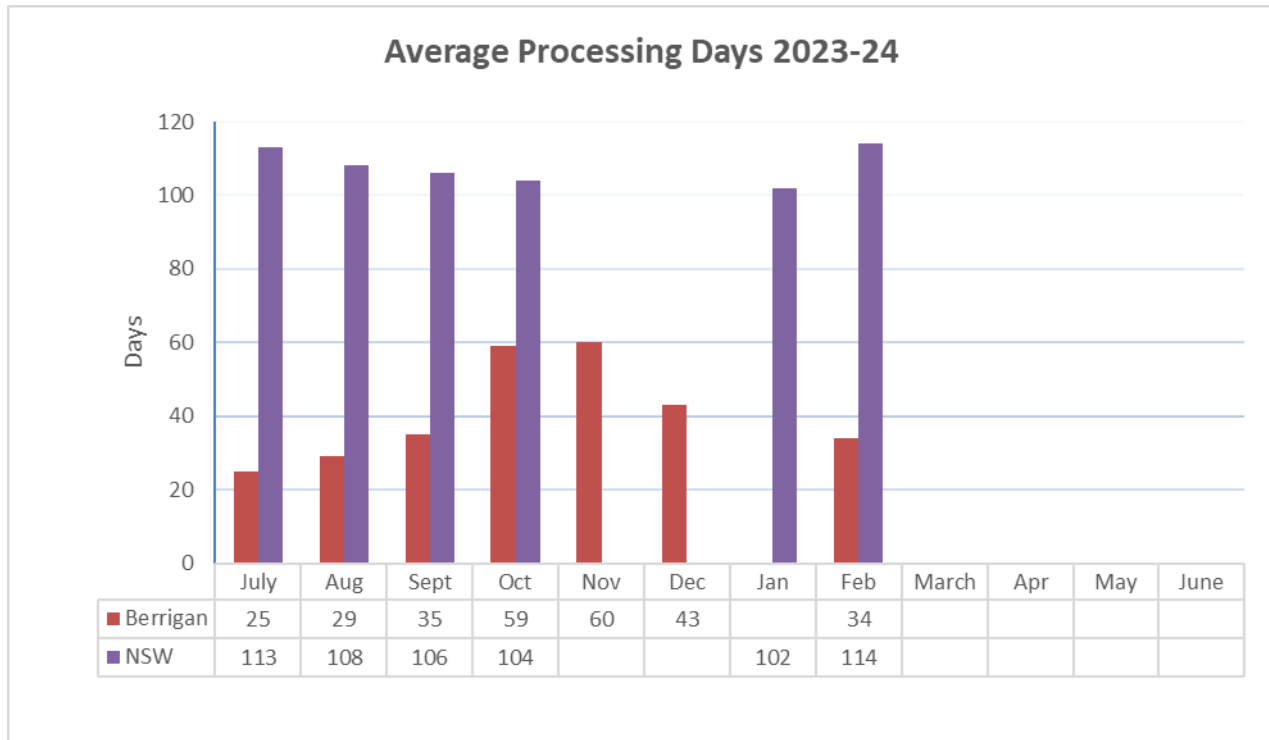
APPLICATIONS DETERMINED FOR MARCH 2024

| Application | Proposal | Property | Status | Work Value |
|-------------|--|-----------------------------------|----------|-------------|
| 74/24/DA/D3 | Water Treatment Plant | 27-29 Buchanans Road, Barooga | Approved | \$3,000,000 |
| 61/24/DA/D5 | Carport | 9 Hoyle Street, Tocumwal | Approved | \$17,568 |
| 64/24/DA/D5 | Residential Storage Shed | 1 Viceconte Court, Tocumwal | Approved | \$17,759 |
| 71/24/DA/D5 | Carport | 135 Denison Street, Finley | Approved | \$23,000 |
| 81/24/DA/D5 | Residential Storage Shed | 1 Morris Drive, Tocumwal | Approved | \$23,000 |
| 53/24/DA/DM | Demolition of an Existing Carport & Construction of Garage & Walkway | 21 Barker Street, Tocumwal | Approved | \$15,000 |
| 70/24/DA/DM | New Tiled Steps | 50-54 Deniliquin Street, Tocumwal | Approved | \$3,500 |



Key Performance Indicator – Development Assessment:

| | Berrigan Shire Council (Mar 2024) | NSW (Mar 2024) |
|--|-----------------------------------|----------------------------|
| Average time taken to determine a Development Application ¹ | 11 | No data available for Mar. |



There is no available data on the NSW Planning Portal for January and March. The table will be updated when we have access to the relevant information.

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.



APPLICATIONS PENDING DETERMINATION AS AT 31/03/2024

| Application No. | Date Lodged | Description | Property Location |
|-----------------|-------------|---|---|
| 46/24/ACT/ZF | 04-03-2024 | WATER METER CONNECTION | BAROOGA - TOCUMWAL ROAD, BAROOGA NSW 3644 (Lot1//DP1300596) |
| 47/24/ACT/ZF | 06-03-2024 | WATER METER CONNECTION | 29 HADLEY STREET, TOCUMWAL NSW 2714 (Lot14//DP1250358) |
| 37/24/RA/R4 | 11-03-2024 | VEHICLE CROSSOVER | 22 HADLEY STREET, TOCUMWAL NSW 2714 (Lot19//DP1250358) |
| 38/24/RA/R4 | 11-03-2024 | VEHICLE CROSSOVER | 27 COBRAM STREET, TOCUMWAL NSW 2714 (Lot8//DP591022) |
| 67/24/DA/D5 | 11-03-2024 | DEMOLITION OF CARPORT, ERECTION OF RESIDENTIAL STORAGE SHED | 66 BANKER STREET, BAROOGA NSW 3644 (Lot3//DP519704) |
| 68/24/DA/D5 | 13-03-2024 | RESIDENTIAL STORAGE SHED | 49 HENNESSY STREET, TOCUMWAL NSW 2714 (Lot6/10//DP758981) |
| 69/24/DA/D1 | 14-03-2024 | BV DWELLING & ATTACHED GARAGE | 22 LEWIS CRESCENT, FINLEY NSW 2713 (Lot30//DP1281778) |
| 70/24/DA/DM | 18-03-2024 | NEW TILED (STEPS) TO FRONT OF COMMERCIAL (FUNCTION CENTRE) BUILDING | 50-54 DENILQUIN STREET, TOCUMWAL NSW 2714 (Lot7/24//DP758981) |
| 71/24/DA/D5 | 18-03-2024 | CARPORT | 135 DENISON STREET, FINLEY NSW 2713 (Lot7//DP216004) |
| 72/24/DA/D5 | 19-03-2024 | RESIDENTIAL STORAGE SHED | 14-16 MURRAY STREET, TOCUMWAL NSW 2714 (Lot5/32//DP758981) |
| 73/24/DA/D2 | 19-03-2024 | ADDITIONS AND ALTERATIONS TO EXISTING BUILDING | 139 HUGHES STREET, BAROOGA NSW 3644 (Lot1//DP1299291) |
| 74/24/DA/D3 | 20-03-2024 | WATER TREATMENT PLANT | 27-29 BUCHANANS ROAD, BAROOGA NSW 3644 (Lot322//DP626847) |
| 75/24/DA/D2 | 21-03-2024 | ADDITIONS TO MOTEL | 49-55 GOLF COURSE ROAD, BAROOGA NSW 3644 (Lot204//DP752274) |
| 48/24/ACT/ZJ | 21-03-2024 | SEPTIC TANK INSTALLATION | 336 LOGIE BRAE ROAD, FINLEY NSW 2713 (Lot78//DP752297) |
| 76/24/DA/D1 | 21-03-2024 | BV DWELLING & ATTACHED GARAGE | 336 LOGIE BRAE ROAD, FINLEY NSW 2713 (Lot78//DP752297) |
| 77/24/DA/D1 | 25-03-2024 | BV DWELLING & ATTACHED GARAGE | 8-14 FLYNN STREET, BERRIGAN NSW 2712 (Lot18/2//DP3329) |
| 78/24/DA/D1 | 25-03-2024 | DWELLING | 8-14 FLYNN STREET, BERRIGAN NSW 2712 (Lot19/2//DP3329) |
| 79/24/DA/D9 | 25-03-2024 | 2 LOT SUBDIVISION | 3109 MULWALA-BAROOGA ROAD, BAROOGA NSW 3644 (Lot6//DP1027384) |
| 80/24/DA/D1 | 25-03-2024 | BV DWELLING | 8 HILLSON STREET, TOCUMWAL NSW 2714 (LotA//DP358840) |
| 81/24/DA/D5 | 25-03-2024 | RESIDENTIAL STORAGE SHED | 1 MORRIS DRIVE, TOCUMWAL NSW 2714 (Lot41//DP270154) |
| 82/24/DA/D9 | 26-03-2024 | 11 LOT SUBDIVISION | 91-99 FINLEY STREET, FINLEY NSW 2713 (Lot13//DP819885) |
| 59/24/CC/C1 | 26-03-2024 | CARPORT | 8 ORANGE GROVE, BAROOGA NSW 3644 (Lot29//DP803483) |



| | | | |
|-------------|------------|---------|---|
| 60/24/CC/C1 | 26-03-2024 | CARPORT | 135 DENISON STREET, FINLEY NSW 2713 (Lot7//DP216004) |
|-------------|------------|---------|---|

OTHER CERTIFICATES ISSUED FOR MARCH 2024

| | s10.7(2) Planning Certificate | | s10.7(5) Certificate | | 735A Certificate | | s9.34 Certificate | | s6.24 Building Certificate | | Swimming Pool Certificate | |
|--------------|----------------------------------|------------|----------------------|------------|------------------|------------|----------------------|------------|-------------------------------|------------|------------------------------|------------|
| | MAR | Year Total | MAR | Year Total | MAR | Year Total | MAR | Year Total | MAR | Year Total | MAR | Year Total |
| BAROOGA | 11 | 53 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| BERRIGAN | 6 | 36 | 0 | 8 | 0 | 8 | 0 | 6 | 0 | 0 | 0 | 2 |
| FINLEY | 8 | 78 | 0 | 6 | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 |
| TOCUMWAL | 10 | 87 | 1 | 1 | 0 | 3 | 0 | 2 | 0 | 0 | 0 | 6 |
| TOTAL | 35 | 255 | 1 | 16 | 0 | 14 | 0 | 11 | 0 | 0 | 0 | 9 |



8.16 Early Release of Subdivision Certificates Policy

| | |
|-----------------------------|---|
| 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 1.1.3. 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: | 1. Policy No. 58 - Early Issue of Subdivision Certificates Policy - 21.06.2017.pdf |

Recommendation

That Council revoke Policy No.58 Early Release of Subdivision Certificates.

Purpose

The purpose is for Council to consider revoking the 'Early Release of Subdivision Certificates' Policy (Policy No. 58).

The policy does not achieve the desired purpose, has resulted in increased work for officers in collecting outstanding fees and/or developers not paying and maybe contrary to the *Environmental Planning and Assessment Act 1979*.

Background

The intent of the policy is understood by officers, which was to facilitate development within the Shire.

The policy was created in 2017, when development was not as prevalent and there was a desire to promote and encourage development. It is unclear if any legal advice was provided prior to creating the policy, or if the policy was reviewed (by suitably qualified experts) before being adopted.

The process of applying the policy is that a fee is required to be paid and there are defined conditions without direction as to who has authority to approve. The policy also makes distinctions between the type of titles that can be created and when the policy applies. The existing policy is attached.

From a review of the policy, it has not been readily applied, however when the policy has, there have been issues in collecting outstanding fees and not having the 'authority' to enforce.



Issues and Implications

Given the changes in circumstance, such as the impacts of COVID, the increases in land prices, the desire to live and develop in rural towns, the changing demographics and a review of the *Environmental Planning and Assessment Act 1979* (the Act), it is submitted that the policy is dated, not required and in the officer's opinion potentially contrary to the Act.

The Act and relevant regulations require Council (as the consent authority) to exercise its authority and include all relevant conditions on any development determination. To then have a Council policy, which authorises a developer from not meeting specific conditions on a legal document (the development consent) would appear to be at odds with hierarchy (State Act has greater weight than an adopted local policy). It is also submitted that the policy is not due process, as if Council agree to waiver/alter the obligations or conditions of any development consent, the relevant consent should be modified under the Act.

The Act and regulations also require officers to ensure the conditions of the development consent have been met before releasing/signing the subdivision certificate. If the plan is certified before works have been completed, it may result in an officer not meeting the requirements of the Act. *Division 6.4 Subdivision work and certificate relating to subdivision, 6.15(1)(c) Restriction on issue of subdivision certificates*; requires all conditions of the development consent to be complied with before issuing. It is the officer's opinion the policy is at odds with this section of the Act and could force a delegated officer to act contrary to their responsibilities.

Another concern of officers is the legal authority in ensuring compliance once a subdivision certificate has been issued. Officers don't provide consent to ensure that all the conditions of any subdivision are met, which includes works but also any financial contributions (open space, water and/or sewer). Once the subdivision has been certified, there are limited powers to then require the developer/owner to comply or pay any outstanding contributions. Previously the change in when the fees are required to be paid (via an agreement) or providing the early release, has meant that the fees have not been collected and/or are still outstanding. This requires considerable time and effort of officers to chase or requires Council to engage a solicitor to take legal action (additional expense).

Options

It is suggested that there are two options as follows:

1. Revoke Policy No.58 Early Release of Subdivision Certificates
2. Adopt Policy No.58 Early Release of Subdivision Certificates

Due to the above issues and implications, officers are suggesting Option 1 which is to revoke the policy.

Conclusion

To ensure compliance with the Act and regulations and to ensure that works and any financial contribution are met, it is recommended that the policy be revoked.

It is also suggested that in future, Council do not agree to any variation to when a financial contribution should be paid, as this may also be contrary to sound planning and the Act.



Policy

58 EARLY RELEASE OF SUBDIVISION CERTIFICATES

Version 02

File Reference No: 07.094.3

Strategic Outcome: Sustainable natural and built landscapes

Date of Adoption: 21/06/2017

Date for Review: 16/06/2021

Responsible Officer: Development Manager

1. POLICY STATEMENT

Berrigan Shire Council has an interest in ensuring the continued development of land in the Shire for higher and better use as residential, commercial, industrial or agricultural land – in line with the Council's Local Environmental Plan 2013.

The early release of subdivision certificates is one process the Council can use to encourage and support future development. However, the Council also has an obligation to ensure that the interests of the Council and the broader community are protected.

The policy will balance these two aims by setting out the principles it will follow when releasing subdivision certificates before all required works are completed.

2. PURPOSE

The purpose of the policy is to regulate the early release of subdivision certificates to encourage appropriate development of land while protecting the interests of the Council and the community.

3. SCOPE

The policy applies to all subdivisions in the Berrigan Shire local government area

4. OBJECTIVE

This Policy has been developed to assist the Council with Delivery Plan Objective 1.1.1.2

Coordinate strategic land-use planning and effective development assessment and control



Policy

5. DEFINITIONS

Compliance Certificate: A certificate referred to in section 109C (1) (a) of the *Environmental Planning and Assessment Act 1979*.

Development Consent: Consent under Part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development.

Occupation Certificate: A certificate referred to in section 109C (1) (c) of the *Environmental Planning and Assessment Act 1979*.

Subdivision Certificate: A certificate referred to in section 109C (1) (d) of the *Environmental Planning and Assessment Act 1979*.

6. POLICY IMPLEMENTATION

6.1. General principle

As a general principle, the Council **will** permit the release of subdivision certificates prior to all works being complete and certified **provided** the developer can meet the conditions set out in this policy to the satisfaction of the Development Manager

6.2. Acceptable installation of utilities

The Council **will not** release a subdivision certificate until the relevant authorities responsible for accepting and maintaining the following services have formally advised the Council that the work completed under contract is acceptable.

- Electricity
- Gas, and
- Telecommunications

6.3. Bank Guarantees

The Council **will not** accept bank guarantees as surety for incomplete works and services that are to be undertaken by private construction companies.

The Development Manager **may**, at his/her discretion, accept a bank guarantee in exchange for early release of subdivision certificates where the developer has entered into a contract with the Council to complete the required work.

6.4. Community and Strata Titles

6.4.1. **Community Title**

The Council **will not** release Community Title subdivision certificates until either:

- a) works associated with the subdivision of the land have been undertaken in accordance with the requirements of this policy, **or**



Policy

b) for works associated with medium density dwelling developments incorporating the subdivision of land which has been approved under the provisions of clause 4.1c of Berrigan Local Environmental Plan 2013 the following applies:

(i) completion of the first stage of an approved "Staged Development" and issue of building Occupation Certificate, **or**

(ii) completion of

1. at least one dwelling unit and issue of an Occupation Certificate, **and**
2. construction of subsequent dwelling units included in the development consent to at least Framework Compliance Certificate stage, **and**
3. the works associated with the subdivision approval have been completed

6.4.2. Strata Title

The Council **will not** release Strata Title subdivision certificates until completion of all required construction work associated with the subdivision **and** after issue of building Occupation Certificates.

6.5. Exceptions to policy

The General Manager is authorised to permit exceptions to this policy where he/she considers that strict compliance with the policy would frustrate the purpose of the Policy set out above.

7. RELATED POLICIES

7.1. Legislation

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

7.2. Policies and other Council plans

- Berrigan Local Environmental Plan 2013
- Commercial Credit Policy
- User Fees and Charges Policy
- Berrigan Development Control Plan 2014



8.17 Community Gardens Policy

| | |
|-----------------------------|--|
| 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: | 3.1.2. Facilitate all age healthy lifestyles and ageing in place |
| 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. Community Gardens Policy - April 2024 |

Recommendation

That Council

1. revoke the Community Gardens Policy adopted on 16 November 2024 and
2. adopt the Community Gardens Policy attached as an appendix to this report.

Report

In 2016, the Council adopted a Community Gardens Policy with the aim of encouraging volunteer groups to establish community gardens.

At this stage, only the one community garden has been established. The Berrigan Conservation Group and Tidy Towns Committee of Management established a community garden at Hayes Park, next to the swimming pool. Council staff suggested a site at Railway Park in Finley which was not supported by the advisory committee. To my knowledge, there has not been interest in Tocumwal.

The policy is overdue for review and can, if the Council wishes, be re-adopted. Attached as an appendix is a draft Community Gardens Policy. It has only cosmetic changes from the existing policy.

Council may, if it wishes, revoke the policy. If so, the resolution below may be suitable.

That Council revoke the Community Gardens Policy adopted on 16 November 2024.



Policy

91

COMMUNITY GARDEN

| | | |
|------------------------|--|----------------|
| Strategic Outcome: | Sustainable natural and built landscapes | |
| Policy type | Strategic | |
| Date of Adoption: | 17 April 2024 | Minute Number: |
| Date for Review: | 19 April 2028 | |
| Responsible Officer: | Director Corporate Services | |
| Document Control: | Replaces the Community Garden policy adopted 16 November | |
| Delivery Program Link: | 3.1.2 Facilitate all age healthy lifestyles and ageing in place. | |

1. POLICY STATEMENT

Community gardens provide a space where people can get together and grow fruits, vegetables, herbs and flowers. They help make our communities more sustainable and provide an opportunity to share gardening knowledge and experience.

Berrigan Shire Council wishes to support existing community gardens and encourage the development of new gardens.

2. PURPOSE

This policy sets out how Council will support the establishment of community gardens initiated by community groups and encourage, where appropriate, the development of community gardens on appropriate private and Council controlled land.

3. SCOPE

This policy is designed to facilitate the establishment of community initiated and managed community gardens on Council owned and managed land.

Excluded from this policy are nature strip gardens where the garden beds are established on a nature strip and managed collectively or individually by residents or community groups.

4. OBJECTIVE

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



Policy

3.1.2 Facilitate all age healthy lifestyles and ageing in place.

5. DEFINITIONS

For the purpose of this policy, community gardens are defined as places where residents and community garden volunteers meet and undertake a range of activities associated with the day-to-day development and management of the garden.

6. POLICY IMPLEMENTATION

6.1 Background

Community gardens provide a range of physical, social, economic, cultural and environmental benefits. Benefits which include:

- educational opportunities,
- the promotion of community connections, and
- the sharing of knowledge, skills and local resources.

Community gardens can be divided into either shared or individual plots, however most gardens consist of a combination of both catering for a range of community needs.

For the purpose of this policy the type of community garden: kitchen garden; demonstration garden; sensory garden; memorial garden for example, will be determined by the community group developing and managing on a day-to-day basis the community garden.

6.2 Council role and responsibilities

Council understands that community gardens provide a broad range of benefits to individuals, as well as the wider community.

In support, Council will.

- Assist the development of community gardens through the provision of advice for interested community groups or individuals, which will include advice about insurance and risk management.
- Promote existing community gardens through Council's website, newsletters and events.
- Construct and install signage for community gardens on Council owned and managed land.
- Investigate, on request from Community groups, new opportunities to designate land for use as a community garden.



Policy

- Provide a consistent approach to the assessment of community garden applications on Council controlled or managed land by developing a set of procedures that will include the following Site Selection Criteria for Community Gardens.

6.3 Site selection

6.3.1 Location

Appropriate sites include community land owned by Council or Crown Land with an appropriate Plan of Management in place.

These are sites that are usually established for community use such as park lands, open spaces and community facilities that have outside areas. Priority will be given to sites located in higher density areas and near existing community facilities or community organisations that might be able to support or partner the project.

6.3.2 Safety

Sites should have no major safety or health concerns; and have good passive surveillance (for example, can be easily seen from nearby houses or community facilities). Sites must also undergo a risk assessment with hazards identified, including the secure nature of the site. Where possible hazards should be eliminated, or where not possible, additional control measures adopted.

6.3.3 Accessibility

Sites should be accessible for a range of user groups. Sites should allow disabled access, have vehicle access (e.g., for delivery of mulch and soil) and accommodate groups wanting to visit the garden.

6.3.4 Solar access and water

Sites need to be suitable for growing vegetables and receive full sunlight - ideally for at least 5 -6 hours per day.

Sites with easy access to water or buildings nearby from which rainwater can be collected

6.3.5 Size

Sites which are large enough to accommodate garden beds, composting systems, rainwater tanks, seating areas, shelter for gardeners and for community workshops and demonstrations.

6.3.6 Soil contamination

Sites may need to be checked for soil contamination. If high levels are present, then advice will need to be sought from experts on whether it is suitable for growing food.



Policy

6.3.7 Multiple use

Sites where a community garden can be integrated without conflicting adversely with other land uses and where the community garden can still be used by non-gardeners for passive recreation and educational workshops.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Crown Lands Management Act 2016*

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Social Justice Framework

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 | 16 November 2016 | New Policy document | Social and Strategic Planning Coordinator |
| 1.1 | 17 April 2024 | Minor review | Director Corporate Services |

APPENDICES



9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil



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 Finley Saleyards (Late Covering Report)

This matter is considered to be confidential under Section 10A(2) - (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 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 May 2024 from 9:00am in the Council Chambers, 56 Chanter Street, Berrigan.

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