



# ORDINARY COUNCIL MEETING

Wednesday 17 January, 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 January, 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 January, 2024 when the following business will be considered:-

**ITEMS OF BUSINESS**

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



KARINA EWER  
CHIEF EXECUTIVE OFFICER





## **1 OPENING OF MEETING**

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

Confidential matters of Council will not be audio recorded.

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

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

Nil

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

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

Nil



4 CONFIRMATION OF PREVIOUS MINUTES

**Recommendation:** That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 6 December, 2023 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil



## 8 REPORTS TO COUNCIL

### 8.1 Finley Pony Club - Request for Assistance

<b>Author:</b>	<b>Recreation Officer, Christie Watkins</b>
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>No Role:</b> The Council chooses not to have a role in relation to a particular service or activity
<b>Appendices:</b>	1. 18.12.2023 Northern Zone Pony Clubs of Victoria Association - Request for Funding

#### Recommendation

That Council provide a contribution of \$500 to the Northern Zone Pony Clubs Association of Victoria to assist with the Victorian State Pony Club Horse Trials to be held in Finley on 11-12 May 2024, subject to:

1. recognition of Council's support of the event on the day and via social media and
2. a report to Council detailing how the funds were spent.

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#### Purpose

This report is to consider a request for funding from Finley Pony Club on behalf of the Northern Zone Pony Clubs Association of Victoria to host the Victorian State Pony Club Horse Trials in Finley in May 2024.

#### Summary

The Northern Zone Pony Clubs Association of Victoria have requested financial assistance from Council to run the Victorian State Pony Club Horse Trials in Finley in May 2024.

While this request does not meet the criteria for funding as a major event or under the Community Assistance Policy, Council could consider a \$500 contribution towards the event.

#### Background

The Northern Zone Pony Clubs Association of Victoria proposes to hold the Victorian State Pony Club Horse Trials in Finley on 11-12 May 2024

The organisers expect 200 participants at the event, plus spectators, supporters, judges and officials.





Finley Pony Club, on behalf of the organisers, have requested financial support from the Council to assist with the costs of running the event. These costs include:

- venue and infrastructure costs,
- marketing and promotion,
- event management and
- hospitality.

Finley Pony Club have not suggested a suitable amount to contribute.

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

Council's Delivery Program includes the following item:

*3.2.1. Provide opportunities for life-long learning, culture expression and recreation*

### **Issues and Implications**

#### **Policy**

The following policies are relevant to this application:

- Event Management Policy
- Community Assistance Policy

#### **Financial**

The Council retains a small "Community Works" allocation in its budget for one-off grants such as these. This allocation has already been exhausted in 2023/24 and Council will need to allocate additional funds from its unrestricted cash to fund this amount.

#### **Legal / Statutory**

Section 356 of the *Local Government Act 1993* allows the Council to grant financial assistance via resolution.

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

Any financial assistance that will lead to "private gain" as per s356(2) of the Local Government Act will require community consultation – unless the contribution has been included in the Council's Operational Plan, along with some other conditions.

Council has a Community Works allocation in its Operational Plan.



## 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

A contribution of \$500 is very low risk for the Council. However, the Council should seek evidence that:

- the funds have been expended as per Council requirements and
- the event proceeded as planned.

### 2. Reputational

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

There may be a minor reputational risk if Council chooses not to make a contribution to this event. There is, however, no obligation on Council.

Council should request the organisers to recognise Council's sponsorship of the event as a condition of funding.

## Options

1. Council may support the event via a contribution of \$500, subject to conditions (Recommended)
2. Council may support the event with a larger financial contribution and/or an "in-kind" contribution
3. Council may choose not to make a contribution to the event.



## Conclusions

In the circumstances, the request seems reasonable, and Council may consider a small contribution.

What the request highlights is that Council staff have not prepared a Sponsorship Policy – as requested by the previous Council. This would streamline approving funding requests and setting suitable conditions. Council’s advice is sought regarding the development of such a policy.

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NORTHERN ZONE PONY  
CLUBS ASSOCIATION OF  
VICTORIA INC.

P.O. Box 522, Kerang 3579

**Mob: 0400 968 424**

[northernzonepc@gmail.com](mailto:northernzonepc@gmail.com)

18<sup>th</sup> December, 2023

Attention:- Merran Socha

Berrigan Shire Council

I'm writing this letter, on behalf of the Northern Zone Pony Club Association, to express our enthusiasm for organising an equestrian State Pony Club Horse Trials to be held in the beautiful town of Finley on the weekend of 11/12<sup>th</sup> May 2024. I am confident that this event will not only generate excitement among the local community, but also have a significant positive impact on the town's economy.

The primary objective of this event is to bring together a large contingent of enthusiastic Pony Club equestrians from various places across Victoria. This gathering will provide an opportunity for competitors to showcase their skills, form connections, and foster the spirit of the Pony Club movement. As part of this exciting event comes opportunity for the development of a State Equestrian Horse Trial course, something that is lacking in our zone due to the 2011 floods decimating over half of our pony club grounds. As part of this loss, cross country courses were impacted and hence the zone lost its opportunity to run events. With the required rebuilding of all courses in the zone, the opportunity to run a State Horse Trials and have a state-of-the-art course in Finley is exciting. It will not only bring large numbers over the course of this weekend, but also allow for the opportunity to host many events in the future, from both inside and outside the pony club movement.

By hosting this prestigious equestrian event, the town has the potential to gain a multitude of benefits. The influx of 200 participants, plus spectators, supporters, judges and officials will positively impact Finley's local economy. Hotels, restaurants, shops and local businesses are likely to witness increased patronage, boosting their sales and revenues. Additionally, this event will draw attention to our community, promoting the town as a desirable destination for future equestrian events, tourism, and potential investors.

To successfully organize and host this event, we are seeking financial support from like-minded organisations and individuals who share our vision for promoting the town and supporting its tourism and economic growth. To run such an event does require significant volunteer time, money and workload. With this in mind we would like to seek possible



funding support from the Berrigan Shire. The requested funding will be primarily utilized for the following purposes:-

- Venue & Infrastructure – Rental expenses, necessary facility upgrades, equipment hire and maintenance.
- Marketing and Promotion – Advertising campaigns, website development, and engaging social media presence to attract participants and visitors.
- Event Management – Judges, medical support and administrative costs.
- Hospitality Services – Providing excellent support and accommodation for judges and officials.

To express our gratitude, we offer advertising space during the event. Your contributions will be publicly acknowledged, demonstrating your commitment to the local community.

On behalf of the organising committee, I kindly request your consideration in supporting our cause by providing financial assistance towards the successful execution of this equestrian event. Any contribution, no matter the size, will make a significant difference and help us achieve our goals.

We would be deeply grateful for the opportunity to discuss our event further, answer any questions you may have, or provide additional information to aid in your decision-making process. Please feel free to contact me via email at [weaselferet@outlook.com](mailto:weaselferet@outlook.com), or by phone at 0424805942. Thankyou in advance for your time and support towards making this event a tremendous success.

With sincere appreciation,

Louise Crowhurst

Finley Pony Club

## 8.2 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:	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
Appendices:	Nil

**Recommendation:** that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 December 2023,
- b) Confirm the accounts paid as per Warrant No. 12/23 totaling \$3,034,022.41 and
- c) Note the report on investments attached.

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### Purpose

This report informs Council of cash and investments held at 31 December 2023 and for Council to authorise expenditure for the month ending 31 December 2023.

### Report:

- a) A Financial Statement covering all funds of the Council indicating the Bank Balances as at 31 December 2023 is certified by the Finance Manager.
- b) The Finance Manager certifies that the Cash Book of the Council was reconciled with the Bank Statements as at 31 December 2023.
- c) The Finance Manager certifies the Accounts, including the Petty Cash Book made up to 31 December 2023, totaling \$3,034,022.41 and will be submitted for confirmation of payment as per Warrant No. 12/23
- d) The Finance Manager certifies that all Investments have been placed in accordance with:
  - i. [Council's Investment Policy](#),
  - ii. [Section 625 of the Local Government Act 1993 \(as amended\)](#),
  - iii. [the Minister's Amended Investment Order gazetted 11 January 2011](#),
  - iv. [clause 212 of the Local Government \(General\) Regulations 2021](#), and

- v. Third Party Investment requirements of the Office of Local Government Circular 06-70
- e) Funds have decreased in December by \$634k and have increased by \$1.1M compared to the same period last year, predominately due to the ongoing increases in operational costs and the current capital works program.

**Statement of Bank Balances as at 31 DECEMBER 2023**

**Bank Account Reconciliation**

Cash book balance as at 01 DECEMBER 2023	\$ 15,826,008.90
Receipts for DECEMBER 2023	\$ 2,033,144.93
Term Deposits Credited Back	\$ -
	<b><u>\$ 17,859,153.83</u></b>
<i>Less Payments Statement No 12/23</i>	
Bank Transfers	\$ 553,482.00
Electronic Funds Transfer (EFT) payroll	\$ 869,989.83
Electronic Funds Transfer (EFT) Creditors E043518-E043745	\$ 1,539,241.10
Term Deposits Invested	\$ -
Loan repayments, bank charges, etc	\$ 71,309.48
Total Payments for DECEMBER 2023	<u>\$ 3,034,022.41</u>
<b>Cash Book Balance as at 31 DECEMBER 2023</b>	<b><u>\$ 14,825,131.42</u></b>
<i>Bank Statements as at 31 DECEMBER 2023</i>	\$ 15,180,082.01
Plus Outstanding Deposits	\$ -
Less Outstanding Cheques/Payments	<u>\$ 354,950.59</u>
<b>Reconciliation Balance as at 31 DECEMBER 2023</b>	<b><u>\$ 14,825,131.42</u></b>

**INVESTMENT REGISTER**

INSTITUTION	FUND	DEPOSIT NO.	TERM (days)	RATE	MATURITY DATE	INSTITUTION TOTAL	S&P RATING
AMP	WATER	136/18	241	4.75%	12/02/2024	\$ 2,000,000.00	BBB+
AMP	SEWER	144/19	365	4.50%	23/03/2024	\$ 2,000,000.00	BBB+
AMP	GENERAL	133/17	365	5.10%	23/05/2024	\$ 1,000,000.00	BBB+
AMP	GENERAL	149/23	730	**5.00%	25/10/2024	\$ 2,000,000.00	BBB+
AMP	GENERAL	125/16	365	4.55%	31/05/2025	\$ 2,058,000.00	BBB+
Bank Of Queensland	WATER	153/23	731	4.60%	18/11/2024	\$ 2,000,000.00	BBB+
Bendigo Bank	WATER	142/18	365	4.75%	26/09/2024	\$ 2,000,000.00	BBB+
Defence Bank Limited	WATER	138/18	365	4.50%	11/01/2024	\$ 2,000,000.00	BBB
Defence Bank Limited	SEWER	154/23	365	4.80%	1/05/2024	\$ 2,000,000.00	BBB
NAB	GENERAL	155/23	368	5.30%	30/09/2024	\$ 5,000,000.00	AA-
WESTPAC	GENERAL	150/23	365	5.28%	30/09/2024	\$ 2,000,000.00	AA-
						<b><u>\$ 24,058,000.00</u></b>	

Total Funds Held at 31 DECEMBER 2023

**\$38,883,131.42**

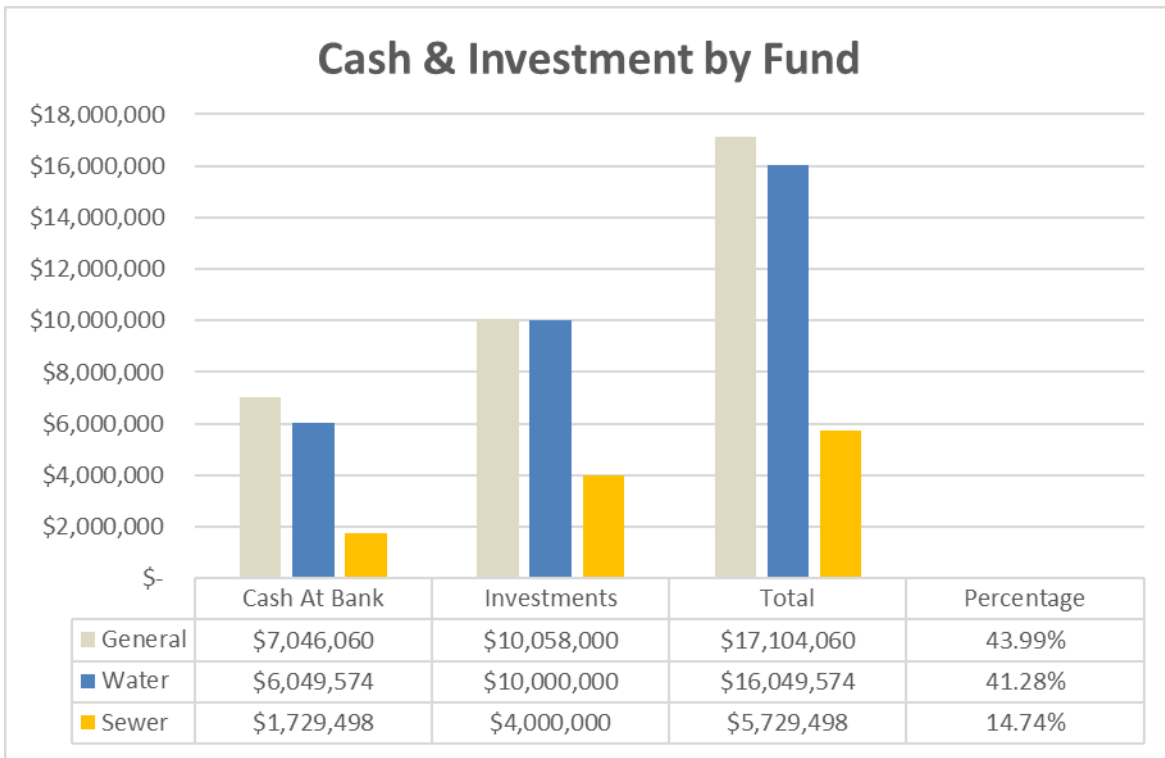
Tahlia Fry - Director Corporate Services

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

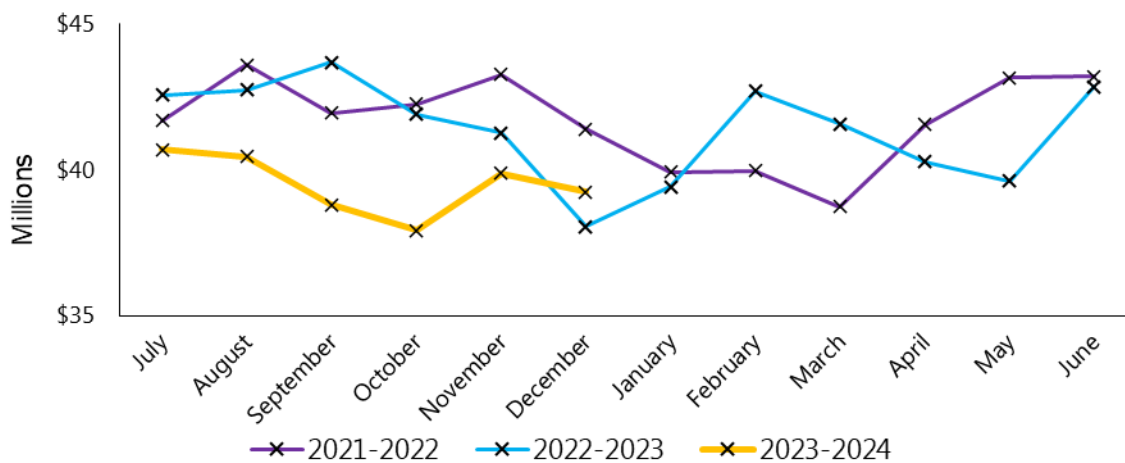
**CASH RECEIPTS FOR MONTH OF NOVEMBER**

**NAB**

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

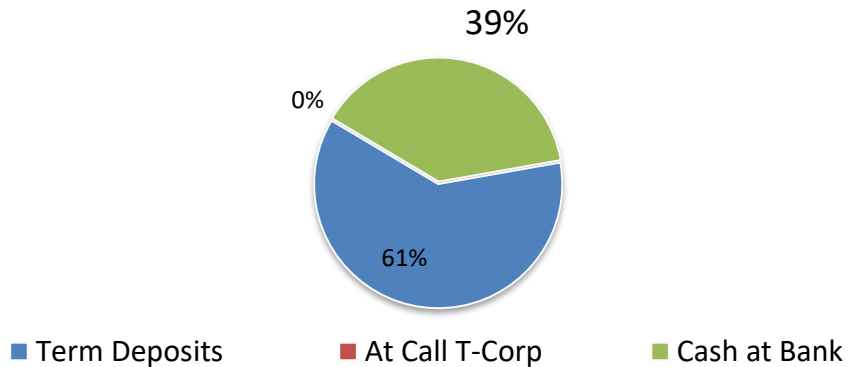


### Total Cash and Investments

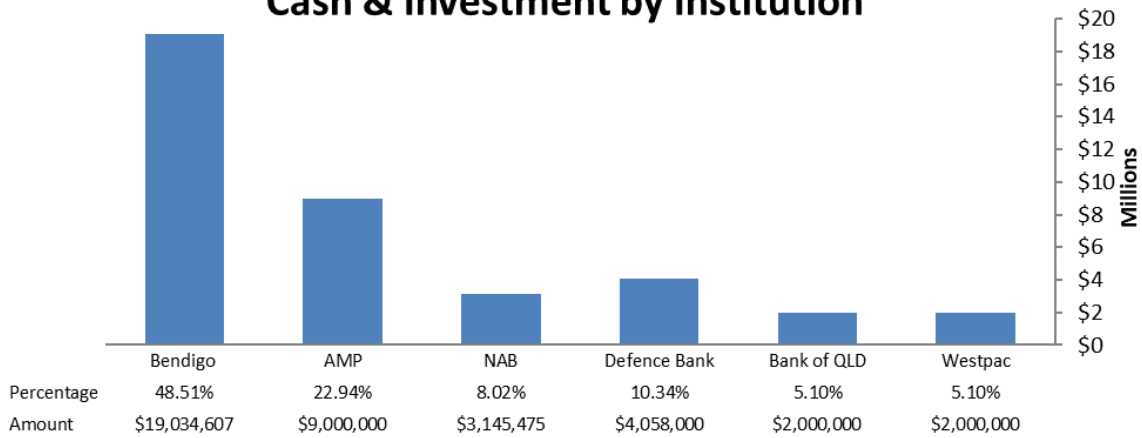




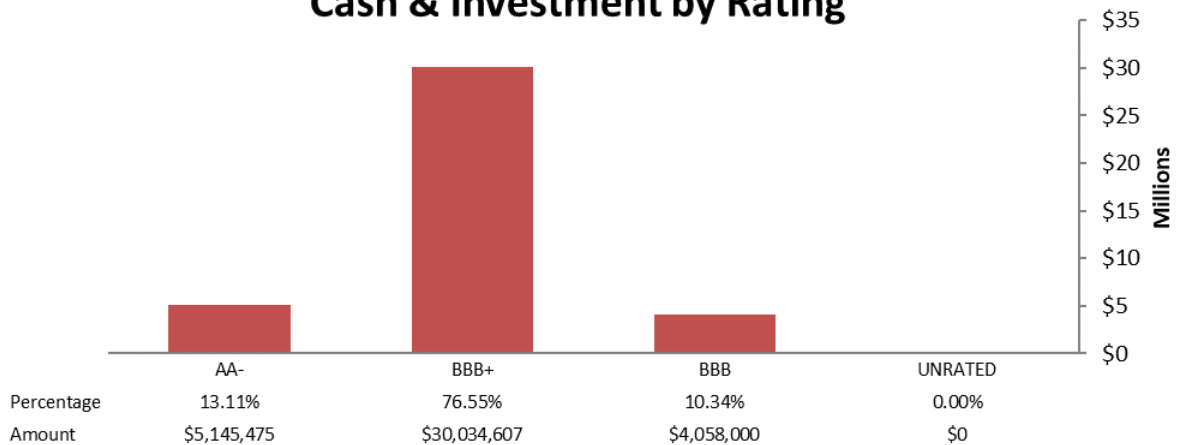
### Cash & Investment by type



### Cash & Investment by Institution



### Cash & Investment by Rating





### 8.3 Accounting Policy - Revocation

<b>Author:</b>	<b>Director Corporate Services, Tahlia Fry</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council  <b>Regulator:</b> The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
<b>Appendices:</b>	1. Policy No. 99 - Accounting Policy

#### Recommendation

That the Council revoke the Accounting Policy adopted on 18 November 2020.

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#### Report

As part of the continual review of Council's policies, Council staff have reviewed its Accounting Policy. The policy was last reviewed in November 2020 and is scheduled to be reviewed every 12 months in line with the development of the Council's financial statements.

The review found that the policy was largely surplus to requirements for the following reasons:

- Most of the policy restates Australian Accounting Standards or the Local Government Code of Accounting Practice and Financial Reporting,
- Where Council has options in the Accounting Standards or in the Code, these are shown in the notes to the Financial Statements – which are adopted by Council
- Where Council has a complex accounting position, a position paper is prepared by the Responsible Accounting Officer. If necessary, this position paper can be presented to a Council meeting.

On this basis, I recommend that Council revoke this policy. If circumstances change, Council can adopt a new policy at that time.

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## ACCOUNTING

Strategic Outcome:	Good government	
Date of Adoption:	19 November 2020	Minute Number: 280
Date for Review:	17 November 2021	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Accounting Policy adopted 19 June 2019	
Delivery Program Link:	2.1.3.1 <i>Coordinate Council investments, financial management, financial operations and processing.</i>	

### 1. POLICY STATEMENT

To comprehensively collate accounting policies, significant judgments, estimates and assumptions in regard to the financial records and position of the Council.

All such relevant accounting policies and practices must comply with relevant accounting standards, and be in line with requirements of the Office of Local Government Code of Accounting practice.

### 2. PURPOSE

To ensure adequate practices are put in place to direct the accounting and inform treatment of revenue, expenditure, assets, liabilities, equity and to guide the preparation & presentation of Annual Financial Statements. These policies are included in full with each set of statements.

To specify and outline the specific treatment Council has adopted in its financial reporting and treatment of relevant accounting issues, in particular where:

- The accounting standards offer more than one option in the treatment of a particular issue
- Where the Office of Local Government Code of Accounting Practice has alternative treatments or seeks Council to make a choice or elect a particular method
- Council practices require further explanation or clarification

### 3. SCOPE

This policy applies to all Council activities, in particular the preparation and presentation of the financial statements.



#### 4. DEFINITIONS

AASB	Australian Accounting Standards Board
OLG	NSW Office of Local Government
The Code	The Local Government Code of Accounting Practice and Financial Reporting as issued annually by OLG.

#### 5. POLICY IMPLEMENTATION

##### 5.1 General basis of preparation of financial statements

Councils general purpose financial statements are prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993* and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.

Council will review the impact of all new Australian Accounting Standards and any new accounting policies it adopts.

Financial statements are prepared under historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of infrastructure, property, plant and equipment

##### 5.2 Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

###### 5.2.1 Critical accounting estimates and judgements

Council makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include

- a) estimated fair values of infrastructure, property, plant and equipment
- b) estimated tip remediation provisions
- c) employee benefit provisions



#### 5.2.2 Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables.

Council monitors its receivables closely and currently considered all of them recoverable (except as outlined in the Receivables Note), with debt collection processes ongoing where necessary.

Where necessary Council will undertake debt collection processes, including action to sell properties for recovery of rates in arrears. Where sale proceeds are expected to not entirely cover the associated cost of legal and sale proceedings any shortfall is accordingly impaired.

#### 5.2.3 Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority are presented as operating cash flows

### 5.3 **Income**

#### 5.3.1 Rates and charges

Levying and making of rates and charges are further detailed in the Revenue Policy.

Rates and annual charges are recognised as revenue when the Council obtains control over the assets comprising these receipts.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.



#### 5.3.2 User charges and fees

User charges and fees are recognised as revenue when the service has been provided

#### 5.3.3 Interest and investment income

Interest income is recognised using the effective interest rate at the date that interest is earned.

Dividends are recognised as income in profit or loss unless the dividend clearly represents a recovery of part of the cost of the investment

#### 5.3.4 Other revenue

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below. Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Rental income is accounted for on a straight-line basis over the lease term.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

Other income is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

#### 5.3.5 Grants and contributions

Control over grants and contributions is normally obtained upon their receipt (or acquittal) and is valued at the fair value of the granted or contributed asset at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner, or used over a particular period, and those conditions were un-discharged at reporting date, the unused grant or contribution is disclosed above.

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979*.

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to



the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at reporting date

#### **5.4 Expenses**

##### **5.4.1 Employee benefits and on-costs**

Employee benefit expenses are recorded when the service has been provided by the employee.

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a Defined Benefit Plan under the Local Government Superannuation Scheme, however, when sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Contingencies and other assets/liabilities not recognised note for more information.

##### **5.4.2 Borrowing costs**

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

##### **5.4.3 Depreciation, amortisation and impairment**

Information regarding Depreciation, amortisation and impairment is also contained in the Asset Accounting Policy.



Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives.

Intangible assets that have an indefinite useful life or are not yet available for use are not subject to amortisation and are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired. Other assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement

#### 5.4.4 Other expenses

Other expenses are recorded on an accruals basis as the Council receives the goods or services.

### 5.5 Disposal of assets

The Disposal of assets is covered in the Disposal Policy.

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is derecognised.

### 5.6 Investments

#### 5.6.1 Classification

Council classifies its financial assets in the following categories: loans and receivables; held-to-maturity investments. The classification depends on the purpose for which the investments were acquired.

Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date

#### 5.6.2 Held-to-maturity





Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that Council's management has the positive intention and ability to hold to maturity. Assets in this category are measured at amortised cost

#### 5.6.3 Recognition and derecognition

Regular purchases and sales of financial assets are recognised on trade-date: the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss.

Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement. Investments are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership

### 5.7 Receivables

#### 5.7.1 Recognition and measurement

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the reporting date which are classified as non-current assets.

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days. Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

#### 5.7.2 Impairment

For loans and receivables the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset is reduced and the amount of the loss is recognised in profit or loss. Collectability of receivables is reviewed on an on-going basis. Debts that are known to be uncollectible are written off by reducing the carrying amount directly.

An allowance account (provision for impairment of receivables) is used when there is objective evidence that Council will not be able to collect all amounts due according to the original terms of the receivables. Significant financial difficulties of the debtor, probability that the debtor will enter bankruptcy or financial reorganisation, and default or delinquency in payments (more than 120 days overdue) are considered indicators that the receivable is impaired.



When a receivable for which an impairment allowance had been recognised becomes uncollectable in a subsequent period it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the Income statement.

## **5.8 Inventory and other assets**

### **5.8.1 Raw inventory and stores**

Raw materials and stores are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale

### **5.8.2 Inventory held for distribution**

Inventory held for distribution is held at cost, adjusted where applicable for any loss of service potential.

### **5.8.3 Land held for resale/capitalisation of borrowing costs**

Land held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, and development and borrowing costs during development. When development is completed borrowing costs and other holding charges are expensed as incurred. Borrowing costs included in the cost of land held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

Where Council develops land for resale it considers that it is trading in the land, and treats it as inventory accordingly

## **5.9 Infrastructure, property, plant and equipment**

Accounting for assets is covered under the Asset Accounting Policy.

Infrastructure, property, plant and equipment are held at fair value. Independent valuations are performed at least every five years, however the carrying amount of assets is assessed at each reporting date to confirm that it is not materially different from current fair value.

Water and sewerage network assets are indexed at each reporting period in accordance with the Rates Reference Manual issued by Crown Lands and Water (CLAW).



Increases in the carrying amounts arising on revaluation are credited to the asset revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Land is not depreciated.

Depreciation on other assets is calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives in line with the Asset Accounting Policy.

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date. Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income statement

#### 5.9.1 Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads. Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 Property, Plant and Equipment.

#### 5.9.2 Crown reserves

Crown Reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown Reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement



### 5.9.3 Rural Fire Service assets

Under section 119 of the *Rural Fire Services Act 1997*, “all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed”.

Until such time as discussions on this matter have concluded and the legislation changed, Council will not recognise Rural Fire Service plant and equipment assets. Land and buildings are recognised.

## 5.10 Payables and borrowings

### 5.10.1 Payables

Reported amounts represent liabilities for goods and services provided to the Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

### 5.10.2 Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the income statement over the period of the borrowings using the effective interest method.

Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility will be drawn down. In this case, the fee is deferred until the draw down occurs. To the extent there is no evidence that it is probable that some or all of the facility will be drawn down, the fee is capitalised as a prepayment for liquidity services and amortised over the period of the facility to which it relates.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or finance cost. Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

## 5.11 Provisions



Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

#### 5.11.1 Employee benefits - short term

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled.

The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

#### 5.11.2 Employee benefits - long term

The liability for long service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.



The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur

#### 5.11.3 Tips and quarries - restoration

Close down and restoration costs include the dismantling and demolition of infrastructure and the removal of residual materials and remediation of disturbed areas.

Estimated close down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs. Provisions for close down and restoration costs do not include any additional obligations which are expected to arise from future disturbance. The costs are estimated on the basis of a closure plan.

The cost estimates are calculated annually during the life of the operation to reflect known developments, e.g. updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals

#### 5.11.4 Tips and quarries - rehabilitation

Where rehabilitation is conducted systematically over the life of the operation, rather than at the time of closure, provision is made for the estimated outstanding continuous rehabilitation work at each reporting date and the cost is charged to the Income Statement.

Provision is made for the estimated present value of the costs of environmental clean-up obligations outstanding at the reporting date. These costs are charged to the Income Statement. Movements in the environmental clean-up provisions are presented as an operating cost, except for the unwinding of the discount which is shown as a borrowing cost.

Remediation procedures generally commence soon after the time the damage, remediation process and estimated remediation costs become known, but may continue for many years depending on the nature of the disturbance and the remediation techniques.

As noted above, the ultimate cost of environmental remediation is uncertain and cost estimates can vary in response to many factors including changes to the relevant legal requirements, the emergence of new restoration techniques or experience at other locations. The expected timing of expenditure can also change, for example in response to changes in quarry reserves or production rates. As a result there could be significant adjustments to the provision for close down and restoration and environmental clean-up, which would affect future financial results.



Other movements in the provisions for close down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations and revisions to discount rates are capitalised within property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

Close down and restoration costs are a normal consequence of tip and quarry operations, and the majority of close down and restoration expenditure is incurred at the end of the life of the operations. Although the ultimate cost to be incurred is uncertain, Council estimates the respective costs based on feasibility and engineering studies using current restoration standards and techniques.

#### **5.12 Key management personnel**

Council has adopted a Key Management Personnel (KMP) policy.

Key management personnel (KMP) of the Council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

Council has determined that transactions at arm's length between KMP and Council as part of Council delivering a public service objective (e.g. access to library or Council swimming pool by KMP) will not be disclosed.

### **6. RELATED LEGISLATION, POLICIES AND STRATEGIES**

#### **6.1 Legislation**

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2005 (NSW)
- OLG Code of Accounting Practice and Financial Reporting circulars

#### **6.2 Australian Accounting Standards**

- AASB 5 Non-current Assets Held for Sale and Discontinued Operations
- AASB 13 Fair Value Measurement
- AASB 101 Presentation of Financial Statements
- AASB 108 Accounting Policies, Change in Accounting Estimates and Errors
- AASB 116 Property, Plant and Equipment
- AASB 16 Leases
- AASB 123 Borrowing Costs
- AASB 136 Impairment of Assets
- AASB 137 Provisions, Contingent Liabilities and Contingent Assets
- AASB 138 Intangible Assets



- AASB 140 Investment Property
- AASB 1041 Revaluation of Non-Current Assets
- AASB 1031 Materiality
- AASB 1051 Land Under Roads
- AASB 1049 Whole of Government and General Government Sector Reporting
- SAC4 Statement of Accounting Concepts – Controlled Assets

### 6.3 Industry guidelines

- IPWEA's Australian Infrastructure Financial Management Guidelines
- CPA Guide to Valuation and Depreciation for Public and Not-for-profit sectors under AASB Accounting Standards
- NSW Treasury TPP 14-01 Accounting Policy: Valuation of Physical Non-Current Assets at Fair Value

### 6.4 Industry guidelines

- All Other Integrated Planning and Reporting documentation
- Asset Accounting Policy
- Asset Management Policy
- Asset Management Strategy 2019 - 2027
- Berrigan Shire Council Asset Management Plans
- Capital Works on Community Facilities Policy
- Childrens' Young People and Families Strategy 2015 - 2019
- Community Strategic Plan 2027
- Contributory Footpath and Kerb and Gutter Schemes
- Corporate Credit Cards
- Council operated enterprises
- Delivery Program 2017 - 2021
- Disposal Policy
- Economic Development Strategy 2017-2021
- Financial Strategy 2016
- Fraud Control Policy
- Fuel Card Policy
- Information and Communications Technology Strategy 2019-2024
- Investment Policy
- Legislative Compliance Policy
- Library Services Strategic Plan 2014
- Long-term Financial Management Plan 2019 - 2029
- Operational Plan 2019 - 2020





- Payment of Expenses and the provision of facilities for Mayors and Councillors
- Privacy Management Plan 2013
- Private use of council vehicles – fuel charge policy
- Private use of Council vehicles policy
- Procurement and Disposal Policy
- Reimbursement of relocation expenses policy
- Related party disclosure policy
- Revenue policy
- Risk Management Policy & Framework
- Risk Management Strategic Plan 2013 - 2016
- Salary Policy
- Sports Tourism Strategy 2012
- Tender Policy
- Tourism Strategy 2014 - 2018
- User Fees and Charges policy
- Volunteer Strategy 2012 - 2016
- Water and Sewer supply policy
- Water trading policy
- Workforce Plan 2017 – 2021

## 8.4 Council Action List Report

<b>Author:</b>	Chief Executive Officer, Karina Ewer
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.1. Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. Outstanding Council Actions as of 12.01.2024 (under separate cover) 2. Completed Council Actions from 06.12.2023 - 12.01.2024

### Recommendation

That Council receive and note the Council Action List Report.

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### Report

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

The following reports have been generated from your information:

- Outstanding Council Actions as of 12.01.2024
- Completed Council Actions from 06.12.2023 – 12.01.2024

<b>Division:</b>	Council	<b>Date From:</b>	6/12/2023
<b>Committee:</b>		<b>Date To:</b>	12/01/2024
<b>Officer:</b>		<b>Printed:</b>	12 January 2024 9:49 AM

**Action Sheets Report**

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Cornwell McKean, Julia Ewer, Karina	Notices of Motion/Questions with Notice	Notice of Motion - Change to April Ordinary Council Meeting Date
<b>Lapsed</b>			
That Council change the date of its 17 April 2024 Ordinary Meeting to be 24 April 2024.			
<b>12 Jan 2024 9:14am McDonald, Keelan - Completion</b>			
Completed by McDonald, Keelan on behalf of Cornwell McKean, Julia (action officer) on 12 January 2024 at 9:14:24 AM - Date to remain the same			

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Reports to Council	Roads and Funding Report
<b>Resolved OCM 360/23</b>			
<b>Moved:</b> Cr John Taylor			
<b>Seconded:</b> Cr Roger Reynoldson			
That Council receive and note this report.			
<b>CARRIED</b>			
<b>12 Jan 2024 9:19am Hansen, Matthew - Completion</b>			
Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:19:27 AM - Report noted			

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Reports to Council	Riverina Murray Housing Report
<b>Resolved OCM 359/23</b>			
<b>Moved:</b> Deputy Mayor Carly Marriott			

<b>Division:</b>	Council	<b>Date From:</b>	6/12/2023
<b>Committee:</b>		<b>Date To:</b>	12/01/2024
<b>Officer:</b>		<b>Printed:</b>	12 January 2024 9:49 AM

[Action Sheets Report](#)

Seconded: Cr John Taylor  
 That Council receive and note this report.

**CARRIED**

**12 Jan 2024 9:24am Hansen, Matthew - Completion**  
 Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:24:07 AM - Report noted

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Reports to Council	Bullying and Harassment Cultural Audit

Resolved OCM 361/23  
 Moved: Cr Matthew Hannan  
 Seconded: Cr Renee Paine  
 That Council receive and note this report.

**CARRIED**

**12 Jan 2024 9:22am Hansen, Matthew - Completion**  
 Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:22:08 AM - Recommendations from this report incorporated into Continuous Improvement Plan

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Notices of Motion/Questions with Notice	Notice of Motion - Finley Hospital

Resolved OCM 364/23  
 Moved: Cr Matthew Hannan  
 Seconded: Cr John Taylor  
 That Council contact:

- the Department of Health Infrastructure,

<b>Division:</b>	Council	<b>Date From:</b>	6/12/2023
<b>Committee:</b>		<b>Date To:</b>	12/01/2024
<b>Officer:</b>		<b>Printed:</b>	12 January 2024 9:49 AM

**Action Sheets Report**

2. NSW Premier Chris Minns,  
3. Minister for Health, The Hon Ryan Park MP and  
4. State Member for Murray, Helen Dalton MP,  
Demanding that Finley Hospital upgrades be delivered in full as per the agreed Clinical Services Plan, including pre and post operative rehabilitation and mental health services.

**CARRIED**

**12 Jan 2024 9:32am Hansen, Matthew - Completion**  
Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:32:54 AM - Letters sent 11 December.

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Reports to Council	LGNSW Cost Shifting Report
<p><b>Resolved OCM 362/23</b></p> <p>Moved: Cr John Taylor Seconded: Cr Roger Reynoldson</p> <p>That Council receive and note this report.</p> <p style="text-align: right;"><b>CARRIED</b></p> <p><b>12 Jan 2024 9:23am Hansen, Matthew - Completion</b> Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:23:24 AM - Report noted</p>			

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Reports to Council	Reconciliation Action Plan - Final Draft for Submission
<p><b>Resolved OCM 350/23</b></p> <p>Moved: Deputy Mayor Carly Marriott</p>			

<b>Division:</b>	Council	<b>Date From:</b>	6/12/2023
<b>Committee:</b>		<b>Date To:</b>	12/01/2024
<b>Officer:</b>		<b>Printed:</b>	12 January 2024 9:49 AM

[Action Sheets Report](#)

**Seconded:** Cr John Taylor

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

**CARRIED**

**In Favour:** Cr Matthew Hannan, Cr Carly Marriott, Cr Julia Cornwell McKean, Cr Sarah McNaught, Cr Renee Paine and Cr John Taylor

**Against:** Cr Edward (Ted) Hatty and Cr Roger Reynoldson

**CARRIED 6/2**

**12 Jan 2024 9:18am Hansen, Matthew - Completion**

Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:18:58 AM - RAP sent. Details on action dealt with elsewhere in this report

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Reports to Council	Finley Hospital Redevelopment

**Resolved OCM 357/23**

**Moved:** Cr John Taylor  
**Seconded:** Cr Sarah McNaught

That Council receive and note this report.

**CARRIED**

**12 Jan 2024 9:22am Hansen, Matthew - Completion**  
Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:22:41 AM - Report noted

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Ewer, Karina Ewer, Karina	Reports to Council	Council Action List Report

**Resolved OCM 358/23**

<b>Division:</b>	Council	<b>Date From:</b>	6/12/2023
<b>Committee:</b>		<b>Date To:</b>	12/01/2024
<b>Officer:</b>		<b>Printed:</b>	12 January 2024 9:49 AM

**Action Sheets Report**

Moved: Deputy Mayor Carly Marriott  
Seconded: Cr Roger Reynoldson

That Council receive and note the Council Action List Report.

CARRIED

12 Jan 2024 9:23am Hansen, Matthew - Completion  
Completed by Hansen, Matthew on behalf of Ewer, Karina (action officer) on 12 January 2024 at 9:23:40 AM - Report noted

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Fry, Tahlia Fry, Tahlia	Reports to Council	Finance - Accounts
<b>Resolved OCM 363/23</b>			
Moved: Cr Sarah McNaught Seconded: Cr Matthew Hannan			
that the Council:			
a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 November 2023,			
b) Confirm the accounts paid as per Warrant No. 11/23 totaling \$4,014,425.21			
CARRIED			
12 Jan 2024 9:16am McDonald, Keelan - Completion Completed by McDonald, Keelan on behalf of Fry, Tahlia (action officer) on 12 January 2024 at 9:16:06 AM - Report complete			

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Hannan, Matthew Ewer, Karina	Notices of Motion/Questions with Notice	Notice of Motion - Water Buy Back Opposition
<b>Resolved OCM 365/23</b>			
Moved: Cr Matthew Hannan			

<b>Division:</b>	Council	<b>Date From:</b>	6/12/2023
<b>Committee:</b>		<b>Date To:</b>	12/01/2024
<b>Officer:</b>		<b>Printed:</b>	12 January 2024 9:49 AM

**Action Sheets Report**

Seconded: Cr John Taylor

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

CARRIED

12 Jan 2024 9:26am McDonald, Keelan - Completion

Completed by McDonald, Keelan on behalf of Hannan, Matthew (action officer) on 12 January 2024 at 9:26:55 AM - Media release sent out.

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Hansen, Matthew Fry, Tahlia	Reports to Council	Continuous Improvement Plan - monthly update
<p>Resolved OCM 349/23</p> <p>Moved: Cr Sarah McNaught</p> <p>Seconded: Cr Roger Reynoldson</p> <p>That Council note the monthly progress report on the Continuous Improvement Plan resulting from the Cultural Review and Compliance Audit, attached as Appendix 1</p>			
CARRIED			
<p>12 Jan 2024 9:14am Hansen, Matthew - Completion</p> <p>Completed by Hansen, Matthew (action officer) on 12 January 2024 at 9:14:03 AM - Noted</p>			

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Hansen, Matthew Fry, Tahlia	Reports to Council	Confirmation of designated persons - ARIC
<p>Resolved OCM 348/23</p> <p>Moved: Cr Renee Paine</p> <p>Seconded: Cr John Taylor</p>			



<b>Division:</b> <b>Committee:</b> Council <b>Officer:</b>	<b>Date From:</b> 6/12/2023 <b>Date To:</b> 12/01/2024  <b>Printed:</b> 12 January 2024 9:49 AM
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**Action Sheets Report**

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

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

CARRIED

12 Jan 2024 9:12am Hansen, Matthew

ARIC informed of requirement to submit returns. Members have 90 days to submit from 6 December 2023

12 Jan 2024 9:25am Hansen, Matthew - Completion

Completed by Hansen, Matthew (action officer) on 12 January 2024 at 9:25:07 AM - ARIC members informed of Council resolution. DCEO sent ARIC members return templates

Meeting	Officer/Director	Section	Subject
Council 6/12/2023	Kennedy, Melissa Fletcher, Andrew	Reports to Council	Development Determinations for Month of November 2023
<p><b>Resolved</b>            OCM 353/23</p> <p><b>Moved:</b>            Cr Matthew Hannan</p> <p><b>Seconded:</b>       Deputy Mayor Carly Marriott</p> <p>That Council direct staff to bring updated December figures to the January Council Meeting.</p>			
CARRIED			
<p>12 Jan 2024 9:14am McDonald, Keelan - Completion</p> <p>Completed by McDonald, Keelan on behalf of Kennedy, Melissa (action officer) on 12 January 2024 at 9:14:44 AM - Report Complete - Jan Council Meeting</p>			



## 8.5 Power Purchase Agreement

<b>Author:</b>	<b>Chief Executive Officer, Karina Ewer</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.2. Strengthen strategic relationships and partnerships with community, business and government
<b>Delivery Program:</b>	2.2.1. Participate in networks that promote regional and cross-border collaboration, planning and service delivery
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Berrigan Shire Council - Energy Strategy - Final Report October 2021 (under separate cover)</li><li>2. CONFIDENTIAL RAMJO Councils Briefing Collaboration (under separate cover)</li><li>3. Powering Tomorrow-Regional Councils NSW PPA (under separate cover)</li><li>4. Regional Councils PPA_MOU (under separate cover)</li><li>5. Berrigan Shire Council - ElectricityTariff Review (under separate cover)</li></ol>

### Recommendation

That Council:

1. agrees to accept the proposal from Hunter Joint Organisation to tender for the purchase of power for Council's large sites, and
2. authorises the CEO to accept a tender from the successful supplier under her existing delegation.

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### Purpose

The purpose of this report is to advise Council of the opportunity to participate in a group purchase of electricity for large contract sites and to obtain a resolution delegating authority to the CEO to consider and accept a tender for supply through this joint process.

### Summary

Berrigan Shire Council has 143 sites consuming approximately 1,959,800kWh energy per year comprised of:

- three (3) x large contract sites – Shell Energy (was Origin) – LGP Contract Total usage = 327,000kWh (cost \$146,579.35 for 2023-24 FY)
- 140 x small contract sites – AGL Energy – NSW Small Market Contract Total usage = 1,611,069 kWh (cost \$739,554 for 2023-24 FY)



- unmetered supply (street lighting) – Shell Energy (was AGL) – LGP Contract Total usage = 433,000kWh (cost \$159,450.86 for 2023-24 FY)

This report relates specifically to the purchase of power for the large sites and includes the streetlighting. Tenders for the purchase of power for these sites have been co-ordinated by NSW Local Government Procurement with mixed results over the past several years.

The current two-year contract, due to expire on 31 December 2024, was entered into by Council, along with over 20 other NSW Councils, at a time when the market was very volatile and affected by extraneous factors which resulted in very high pricing structures. The power purchased under these agreements is generated from traditional sources.

The small site contract includes competitive electricity rates and is not currently part of this process.

Council is an active participant in the RAMJO Energy Sub-committee and recently adopted the Berrigan Shire Council Climate Change Risk Assessment and Adaptation Plan. This strategy includes a number of energy saving actions including:

- the establishment of Council carbon reduction goals,
- developing plans to increase energy efficiency,
- installation of LED streetlights and
- engagement with renewable energy suppliers.

Whilst work on the actions outlined in the Climate Change Risk Assessment and Adaptation Plan are in the early stages, Council has already installed Solar street lights in Barooga as a trial for rolling out a wider scheme across the Shire in areas where underground infrastructure to support street lighting would be cost prohibitive. Council has also undertaken to investigate options for solar power on our recreation reserves and other important community infrastructure.

## Background

Earlier this year, in conjunction with RAMJO and via funding from NSW Government Council engaged consultants from Chargeworks to conduct tariff reviews. That review produced a number of recommendations which have the potential to reduce Council's costs by approximately \$43,000 per year.

In early 2022, Essential Energy completed most of the conversion of the streetlights to LEDs. Unfortunately, savings generated by that conversion have to date been partially lost by the substantial increases in the charges embedded in the contract conditions.

In 2021 Council also adopted the Berrigan Shire Energy Strategy (**Appendix 1**), however little of that strategy has been funded and therefore much remains unimplemented.

Most of the RAMJO Councils, including Berrigan, are now halfway through the current contract and are looking at options for the future purchase of power from 1 January 2025.

During discussions at the RAMJO Energy Sub-committee it has become apparent that one of the options available to Councils in this area is to join with other Councils in a joint power purchase agreement (PPA). The group has recently received presentations on a number of successful collaborations, including one led by Central NSW Joint Organisation last year.

An approach by Hunter Joint Organisation (JO) has now been received and it presents a range of benefits and appears worthy of pursuit. Attached to this report at **Appendix 2** is a **confidential**



attachment in the form of a PowerPoint presentation outlining the features of the proposal. Also attached is an Agreement Overview (**Appendix 3**).

### **Next Steps – Power Purchase Agreement**

A Memorandum of Understanding (MOU) has been provided to all interested councils. The MOU details the decision-making process for the group, financial requirements, procurement processes and responsibilities. The MOU is included at **Appendix 4**.

Should Council wish to be included in the PPA, when the MOU must be signed and returned no later than 29 February 2024.

Once the MOU is signed, staff will be required to provide Hunter JO with Council's annual energy consumption to determine the appropriate fee. That information is available in our Tariff Review (provided at **Appendix 5**).

The PPA Panel plan to go to market in March/April or as soon as optimal based on market conditions. Council are therefore being given the longest time possible to make an informed decision regarding participation.

### **Additional Pricing Information – Power Purchase Agreement**

1. The price to participate will be payable in full upon signing the MOU.
2. The price to participate includes technical energy advisory services (Sourced Energy) as well as procurement (Regional Procurement) and probity services (Procure Group) and 5 hours of legal support for each from Local Government Legal.
3. The upfront fees are used to pay the advisors/consultants and therefore cannot be refunded if a council decides they no longer wish to participate or does not wish to accept the final offer. However, if the legal support has not been used, then this may potentially be refunded.
4. The legal support included (5 hours per Council) is for Local Government Legal to review the contracts and provide advice to each Council based on their circumstances. Councils may choose to use their own legal provider. Local Government Legal is included in Berrigan Shire Council's preferred professional services supplier list.
5. The Council pricing structure for Sourced Energy is provided below.



# Pricing

## Tiered Pricing Table

GWh	Price (ex GST)
<1	\$7,620
1-3	\$13,980
3-10	\$15,930
10-25	\$22,385

No trailing commissions based on consumed energy

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

Berrigan Shire Council Energy Strategy

Berrigan Shire Council Climate Change Risk Assessment and Adaptation Plan

## Issues and Implications

The real issues of negotiating power pricing agreements are having someone who understands electricity and its pricing. I can confidently say I have minimal understanding and most of what I have learned is through either the work I did with Sun Metals in NQ (they used to watch market rates in real time) and in South Australia when we did similar work with Local Government Procurement in SA. The most critical factor is understanding the sites and what different levels mean (small, large and unmetered for example). Engaging with a larger group who can provide expert advice is therefore imperative to ensuring Council gets the best price possible for their power supply.

## Policy

Procurement Policy

Tender Policy

## Financial

Participation in a PPA is designed to reduce the cost of electricity across the organisation.

Significant cost reductions have been identified following the tariff reviews and will provide Council with an understanding of requirements in these negotiations. The installation LED lights etc have also served to ensure better controls over electricity costs are possible.

The installation of smart meters and behind-the-meter solar installations will further assist Council to manage its electricity costs.

The fee for participating in the group purchase is \$13,980.



**Legal / Statutory**

Section 55 of the *Local Government Act 1993* and Council’s own procurement policies provide for the purchase of materials and contracts of this nature.

The probity aspects of the Hunter JO proposal are being delivered by specialist consultants appointed for that purpose and Council’s interests are protected.

**Community Engagement / Communication**

The matter is being presented in the ordinary business paper to allow community awareness of this matter.

**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 Risk

	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

Electricity cost Council \$602,000 in the 2022-23 financial year representing a low risk to our overall operating budget, however the savings represented by even the recommendations made by ChargeWorks represent toilet cleaning in Berrigan for a year for example. Savings where possible are therefore important and should be followed up.

2. Governance

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

Engagement with the PPA process will provide Council access to expert advice and a panel familiar with the purchasing requirements of Local Government. Purchasing Power as a larger group also offers smaller users such as Berrigan Shire, access to savings that would not usually be afforded a



Council our size and there may be an opportunity to access renewable energies that have not previously been available to us.

### **Recommendations – Energy Strategy**

I would recommend Council allow staff to investigate the recommendations of this strategy further and consider what actions might be possible in the 2024-25 financial year. Further consideration should also be given to planning implementation of relevant actions throughout the four year Delivery Program of the incoming Council. Prices for implementation of each action would have changed since the adoption of this strategy however the returns should not have changed from those expected. It should be possible to report these savings to Council over time to confirm the works being undertaken are having the desired effects.

### **Recommendations – Power Purchase Agreement (Hunter JO)**

1. Direct the CEO to sign the MOU with Hunter JO to participate in the PPA.
2. Approve the payment of \$13,980 to Hunter JO to participate in the PPA process.

### **Options**

1. Engage in the PPA Process with Hunter JO and other RAMJO Councils
2. Do not engage with the PPA Process offered and wait for LG Procurement Process to commence
3. Undertake negotiations with relevant suppliers of electricity ourselves.

### **Conclusions**

The opportunity to participate in the PPA with Hunter JO is an important decision for Council. The experience with LG Procurement in the last round was not great, and certainly we had to get our own legal advice. The prices provided by the LG Procurement process were the prices that were best on average for all Councils. They were not tailored for our specific needs. The work done by ChargeWorks confirms our specific circumstances were not considered in those agreements, rather what was best for most Councils. This PPA is looking to facilitate a better outcome I believe, for each Council as it will consider their specific needs as part of the procurement process.

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## 8.6           Chargeworks - Electricity Cost Savings

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

### Recommendation

That Council receive and note this report

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### Report

This report provides Council with information regarding the progress on matters relating to Chargeworks and the recommendations made to reduce our electricity costs through some fairly simple actions.

**Appendix 1** is the Recommendation Report which lists our relevant sites and the recommendations made by Chargeworks. At the time of investigations into the Power Purchase Agreement (PPA) these recommendations have not been actioned other than the following:

- Finley Water Treatment Plant has been under construction and a decision was made not to proceed with that matter. During the year it exceeded 160kWh of use so is ineligible at this stage for a lesser tariff. It will be important in the future however that we monitor the usage at the Finley Water Treatment Plant and review its tariff after a year of operation.
- The unused meter sites were deemed as still being required so, again no action has been taken.

I have been working on these matters since realising they had not progressed. The information provided by Chargeworks will be useful in the negotiations and understanding of the PPA outcomes.

At the time of writing this report I have re-engaged with Chargeworks to see what might be possible to pursue, including the installation of smart meters. Recommendations resulting from those discussions are included below.





## Savings Realised to Date

A summary of the original recommendations is provided below:

Site Name	Required Action	Est Savings
Finley Water Treatment Plant	Tariff Change Request	\$13,254
Water Treatment Pump – Tuppal St	Tariff Change Request	\$5,709
Berrigan Shire Offices (large site)	Investigation required as to whether this can be a small site contract	\$3,018
McCulloghs Rd STP	Meter Change Required	\$3,849
Barooga WTP 1	Meter Change Required	\$2,408
Barooga WTP 2	Meter Change Required	\$1,695
Berrigan WTP Supply Pump – Riverina Hwy	Meter Change Required	\$1,233
Committee – Tocumwal Swimming Pool	Meter Change Required	\$1,091
Irrigation Pump – Golf Course Ln Finley	Meter Change Required	\$1,298
Pump Station No1 – Barooga	Meter Change Required	\$1,088
Botanical Gardens Pump – Barooga	Meter Change Required	\$900
Committee – Finley Swimming Pool	Meter Change Required	\$878
Finley Library	Meter Change Required	\$887
Committee – Tocumwal War Memorial Hall	Meter Change Required	\$861
Tuppal St Pump – Tocumwal	Meter Change Required	\$856
Committee – Finley Showgrounds	Meter Change Required	\$855
Jerilderie St Drainage Pump	No usage – investigate if can be disconnected	\$373
Committee – Finley Showgrounds	No usage – investigate if can be disconnected	\$373
Tocumwal Cemetery Stormwater Pump	No usage – investigate if can be disconnected	\$373
Hennessy Rd Telemetry	No usage – investigate if can be disconnected	\$373
Newll Hwy Park Sprinklers	No usage – investigate if can be disconnected	\$373
Committee – Barooga Rec Reserve	No usage – investigate if can be disconnected	\$373
BBQ – Collie St	No usage – investigate if can be disconnected	\$373



Buchanans Rd Depot Shed	No usage – investigate if can be disconnected	\$373
McDonald Ct Sprinklers	No usage – investigate if can be disconnected	\$373
Warmatta St Sprinklers	No usage – investigate if can be disconnected	\$373

Total Estimated Savings = \$43,610 per annum.

Highlighted above are the works I have commenced which will provide Council a total estimated saving of \$26,626 per annum.

Given we have had complaints from some committees about the rising cost of electricity, I have written to some to let them know their meters will be changed and the approximate savings that will provide.

I will now commence consideration of the sites where no usage has occurred and work to commence disconnecting those sites that are no longer in use. I do realise some may be emergency pump stations etc so we will try to find each meter before making that decision. That action has the potential to save Council a further \$3,730 per annum.

Finley Water Treatment Plant will be reviewed a year from commissioning to reassess actual site usage and see if a tariff change is possible prior to moving to any PPA.

### **Recommendations – ChargeWorks Considerations**

The recommendations of Chargeworks only came to light as a result of my investigating the Hunter JO offer of a Power Purchase Agreement. I have therefore proceeded with a number of recommendations which have provided immediate savings.

To prepare for engagement with a PPA process it will be important to be in a position that is optimised, rather than remaining in a position where relevant changes such as moving to smart metres is yet to occur. I am therefore asking that Council note the following actions I have already taken:

1. Re-engagement with ChargeWorks to provide any savings possible as per the August 2023 report.
2. Engaged with AGL to install smart meters at the recommended sites to provide immediate savings to Council. Smart meters are important as they will ensure Council is only charged for the exact amount of electricity used and at the correct tariff. Without installation those sites will remain estimated rather than actuals.
3. Commenced investigations as to whether the Berrigan Shire Council office can be moved to a small site category.
4. Recommended investigations of the sites with no electricity usage, noting they will be disconnected if we no longer need them. If those sites are to be retained the reason why will be recorded in Council's document management system.



It should be noted the above are operational matters in essence so no Council resolution is required, however given they are tied to the outcomes of the PPA, I felt it important for Council to understand the broader context of the works to be undertaken to reduce our energy use and then pursue better pricing for that electricity usage.

### **Consultant Engagement**

Finally, I am making Council aware that I have, through RAMJO and the JONZA scheme, engaged Dr Simon Wright of Simply Sustainable Consulting to attend Council on a date to be confirmed between 5 and 9 February 2023. Dr Wright will assist us in developing an understanding of how we might better engage with our Energy Strategy and how we might identify further energy efficiencies and measure things like our current carbon footprint as requested by Council. You will be updated on those matters as we progress.

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## 8.7 Correspondence Incoming and Outgoing - December 2023 to January 2024

<b>Author:</b>	Chief Executive Officer, Karina Ewer
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<p><b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council</p> <p><b>Advocate:</b> The Council may advocate to another government or other organisation for certain things to happen, this could range from a single event (such as writing to a Minister) through to an ongoing campaign</p>
<b>Appendices:</b>	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
30 November 2023	The Hon Natasha Maclaren-Jones MLC	Mayor Julia	Letter regarding meeting with Mayor and CEO	8 Dec via email to work out meeting times possible. Followed up via email 8 Jan 2024.
19 December 2023	Matt Collins, Principal Barooga Public School	Karina	Thank you for support	N/A
19 December 2023	Jonathan Wheaton, A/Dep Sec, Regional Development	Karina	Changes to Regional Development Team, including	N/A



			appointment of new Cross-Border Commissioner	
22 December 2023	Amanda Bock (ED Rural and Regional Health Infrastructure) and Carla Bailey (ED MLHD)	Mayor Julia	Finley Health Service Redevelopment	Mayor Julia forwarded to all Councillors
28 December 2023	Contact from Sussan Ley's Office	Mayor Julia	Requesting meetings – visit to Barooga and Tocumwal 18 and 19 January 2024	Mayor Julia made relevant arrangements
9 January 2024	Karen Jones, No Balloon Release Australia	Councillors and EO	Requesting Council make a submission to the NSW Plastics Policy Review	N/A

## OUTGOING

DATE	FROM	TO	REGARDS	TYPE
28 November 2023	Mayor Julia	The Hon Chris Minns MP, Premier	Tocumwal Ambulance Services	Letter via post
4 December 2023	Mayor Julia	Minister Jenny Aitchison	Finley Murray Street Works Delays	Letter via email
11 December 2023	Mayor Julia	The Hon Ryan Park MP	Finley Hospital Upgrade	Letter via email
13 December 2023	Mayor Julia	The Hon Kristy McBain	Thompson's Beach	Letter via email





## 8.8 ALGA National General Assembly - Call for Motions

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

### Recommendation

That Council:

1. approve the Mayor, Cr XXX and the Chief Executive Officer to attend the Australian Local Government Association National General Assembly from 2 to 5 July 2024 in Canberra, including the 2024 Regional and Co-operation Development Forum and Australian Council of Local Government and
2. request the CEO to bring possible motions to the NGA back to the Council for consideration no later than the March Ordinary Council meeting.

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### Report

This report is to advise Council of the dates for the National General Assembly (NGA), provide an overview of the theme of the Assembly and to request ideas for Motions to the Assembly.

The cost of attendance at the is approximately \$1,500 per person. Council's *Councillor Expenses and Facilities Policy* provides for the Mayor, CEO and one other Councillor nominated by Council to attend the NGA.

Key Date for the NGA are:

- 29 March 2024 – Acceptance of Motions closes
- 2 July 2024 – Regional Cooperation & Development Forum
- 3-4 July 2024 – National General Assembly
- 5 July 2024 – Australian Council of Local Government (ACLG)

It is important to note, last year's NGA reintroduced the ACLG to the NGA as it had been discontinued by the previous Liberal Government.



The theme of this year's NGA is "Building Community Trust". The discussion paper for the NGA is included at **Appendix 1** for your information.

Motions for this year's NGA should consider:

- how all levels of government in Australia can build trust in each other and earn greater trust from the community,
- practical opportunities for the Australian Government to leverage the trust that local communities have in their local council,
- focus on practical programs that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities and
- new program ideas that would help the local government sector to deliver the Australian Government's objectives.

Criteria for motions are that they must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location, or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

This year's call for motions focusses on twelve priority areas:

1. Intergovernmental relations

'Australia's federal structure, build upon reciprocal financial, legislative and policy responsibilities, requires intelligent cooperation on issues of strategic national significance.'





*Given the importance of trust in governments. Between governments and its citizens, how can intergovernmental arrangements be further improved in Australia?*

*Are there ways of maintaining and enhancing the community's trust in local government?*

*Are there new initiatives and programs that could be adopted to improve the level of cooperations and collaboration between the Australian Government and local government?*

## 2. Financial sustainability

In 2021-22 Financial Assistance Grants (FAGs) to local governments was less than 0.6% of Commonwealth taxation revenue (CTR), a significant drop from 1996 when these grants were at 1% of CTR. In 2023-24 FAGs have fallen to 0.5% of Commonwealth taxation.

*What improvements are needed to the intergovernmental financial transfer system, particularly the Commonwealth transfers to local government, to enhance the community's trust in local government and by extension, all governments?*

*Noting that Commonwealth tied funding is provided with detailed requirements, how can this system be improved to provide flexibility and maximise the benefit to local communities?*

## 3. Roads and infrastructure

ALGA's 2021 National State of the Assets Report (NSoA) is currently being updated and expected to be launched in 2024. The most recent NSoA shows that while most local government assets such as roads, bridges, buildings, parks and recreation, stormwater, water and wastewater, and airports and aerodromes are generally in good to very good condition, around 10% are not fit for purpose, and around 20–25% are only fair and over time will need attention. (Remembering LG "owns" approximately 90% of the country's infrastructure and provides for that infrastructure with only 0.6% of CTR).

*Are there programs or initiatives that the Australian Government could adopt to improve the long term sustainability of local government infrastructure?*

*Are there programs or initiatives that the Australian Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long term financial plans?*

*Are there programs or initiatives that the Australian Government could develop to maintain, strengthen and enhance the reputation of Australia's Infrastructure providers, including local government?*

## 4. Emergency management

In 2022 alone, 46 disasters were declared across Australia, covering more than 300 different council areas. In recent years, almost every Australian council has been impacted in some way by fires, floods, or cyclones.



*What new programs or improvements to existing programs, could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?*

5. Housing and homelessness

Many councils are also addressing thin markets and developing land and housing themselves, delivering local solutions to meet the needs of their communities. Councils want to ensure they are engaged with planning decisions that affect local communities. Taking planning powers away from councils does not always support the best local outcomes.

Councils also play an important role addressing some of the causes of homelessness, including social inclusion programs that can assist mental health and family violence issues, as well as providing support for people currently experiencing homelessness.

*What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?*

*How can the Australian Government work with councils to address the causes and impacts of homelessness?*

6. Jobs and skills

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 190,800 Australians, across an estimated 400 occupations. However, councils are facing significant jobs and skills shortages that are constraining their capacity to deliver services and build and maintain infrastructure.

*Are there programs or initiatives that the Australian Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?*

*Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?*

*Are there other initiatives that the Australian Government could provide to improve the sector's ability to plan and develop skills fit for the future?*

7. Community services

Councils provide a wide range of services based on local characteristics, needs, priorities, and the resources of their community. Indeed, it is this level of responsiveness and accountability to the local community that is an essential feature of democratic local governments worldwide. Some of these services are provided to address market failure, and many of them are provided by councils on behalf of other levels of government.

*Noting the funding arrangements for the provision of local government community services, are there programs and initiatives that the Australian Government could implement to improve the delivery of these services?*

*Are there reforms or improvements in national community services programs that would help local government support the Australian Government to deliver on its national objectives?*

8. Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation



In 2021, ALGA co-signed a landmark national agreement to close the gap between Indigenous and non-Indigenous Australians. At the heart of the National Agreement on Closing the Gap Partnership are four agreed priority reform targets and 19 socio-economic targets in areas including education, employment, health and wellbeing, justice, safety, housing, land and waters, and Aboriginal and Torres Strait Islander languages.

*Are there programs or initiatives that the Australian Government could adopt to assist local government to advance reconciliation and close the gap?*

*Are there practical programs or initiatives that local government and the Australian Government could introduce to maintain, build and strengthen the level of trust between Aboriginal and Torres Strait Islanders and governments?*

#### 9. Data, digital technology and cyber security

Provision of information technology to all Australians is vital to innovation, economic growth, and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social. Innovative technology is becoming more broadly available and could boost productivity and economic growth.

Like all risks, local government must manage the risk of cyber-attacks and address cyber security. At a national level, there is limited understanding of local governments' vulnerability to cyber-attacks, preparedness and adequacy of risk management strategies or business continuity planning.

*Drawing upon your council's experience, and your knowledge of other councils within your state or territory, are there programs and initiatives that the Australian Government could implement to help local government develop its digital technology services and infrastructure?*

*Are there actions the Australian Government could take to improve cyber security within the local government sector?*

#### 10. Climate change and renewable energy

Local government has been at the forefront in addressing the impacts of climate change and adaptation to climate change. In particular, councils have a practical understanding of the risk and impact of climate change on Australia's infrastructure and physical assets, natural ecosystems, local economies and their community.

*Noting the Australian Government's approach to reducing emissions, are there partnerships, program, and initiatives that local government and the Australian Government can form to achieve Australia's 2050 net zero emissions target?*

*Are there initiatives that could assist local governments to build trust in the community for implementation of key climate change and emissions reduction initiatives?*

#### 11. Environment

Australia's 537 local councils play an essential role in providing, regulating and managing Australia's environmental services and infrastructure. In recent years the National General Assembly has considered a range of environmental issues, and passed resolutions on biodiversity, biosecurity, conservation, climate change and water security.



*How could the Australian Government with local government to strengthen Australia's environmental services and infrastructure?*

*What new programs could the Australian Government partner with local government in to progress local regional and national objectives?*

## 12. Circular economy

Local government is responsible for the management of household and domestic waste and has a critical role to play in further developing the circular economy. Australia's 537 councils manage approximately 26 percent of Australian waste, either directly or through contractual arrangements. Each year, local governments collect around 9.7 million tonnes of waste from kerbside bin services, sort it at material recovery facilities (MRFs), and dispatch what can be recycled to reprocessing facilities in Australia and overseas.

*How could the Australian Government further strengthen product stewardship arrangements to support local governments in their endeavours to increase recycling and reduce the volume of waste?*

*How could the Australian Government partner with local government to advance the circular economy?*

If there are suggestions on any of the above, please provide some relevant information to the CEO to assist with the development of motions.

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## 8.9 Alcohol-Free Zone - renewal

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.1. Create safe, friendly and accessible communities
<b>Delivery Program:</b>	3.1.1. Build communities that are home to more families and young people
<b>Council's Role:</b>	<b>Regulator:</b> The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
<b>Appendices:</b>	1. Alcohol-Free Zones - Proposal 2024-2028 (under separate cover)

### Recommendation

That the Council:

1. adopt the proposal to establish alcohol-free zones in Barooga, Berrigan, Finley and Tocumwal attached as Appendix A,
2. invite representations and objections from
  - (a) persons and groups with the proposed alcohol-free zones
  - (b) the officer in charge of the police stations at Barooga, Berrigan, Finley and Tocumwal
  - (c) each holder of a licence in force under the [Liquor Act 2007](#) for premises that border on, or adjoin or are adjacent to the proposed alcohol-free zoneswith representations to close by 5pm, Friday 29 March 2024 and
3. consider all representations and submissions received relating to the proposal from the above invitees at its ordinary meeting to be held on 17 April 2024.

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### Purpose

This report proposes the re-establishment of Alcohol-Free Zones in Barooga, Berrigan, Finley, and Tocumwal.

### Summary

Previously, the Council had four Alcohol-Free Zones (AFZs) in operation, one each in Barooga, Berrigan, Finley, and Tocumwal. These AFZs were established in 2019 and as AFZs can only be established for a four-year period, they automatically expired on 30 June 2023.

At its meeting in October 2023, the Council resolved to prepare proposals for the establishment of Alcohol-Free zones in all four towns. The proposal document – prepared jointly for all four AFZs – is attached as Appendix 1.



The Council is asked to consider this proposal document and, if satisfied, adopt the proposal for public consultation.

## Background

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

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

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

AFZs may only be established in the following areas.

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

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

## Process

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

The process is as follows.

1. Council either:
  - a. receives a request to establish a from a resident, a police officer or local community group to prepare a proposal to establish an AFZ, or
  - b. resolves itself to prepare a proposal to establish an AFZ.

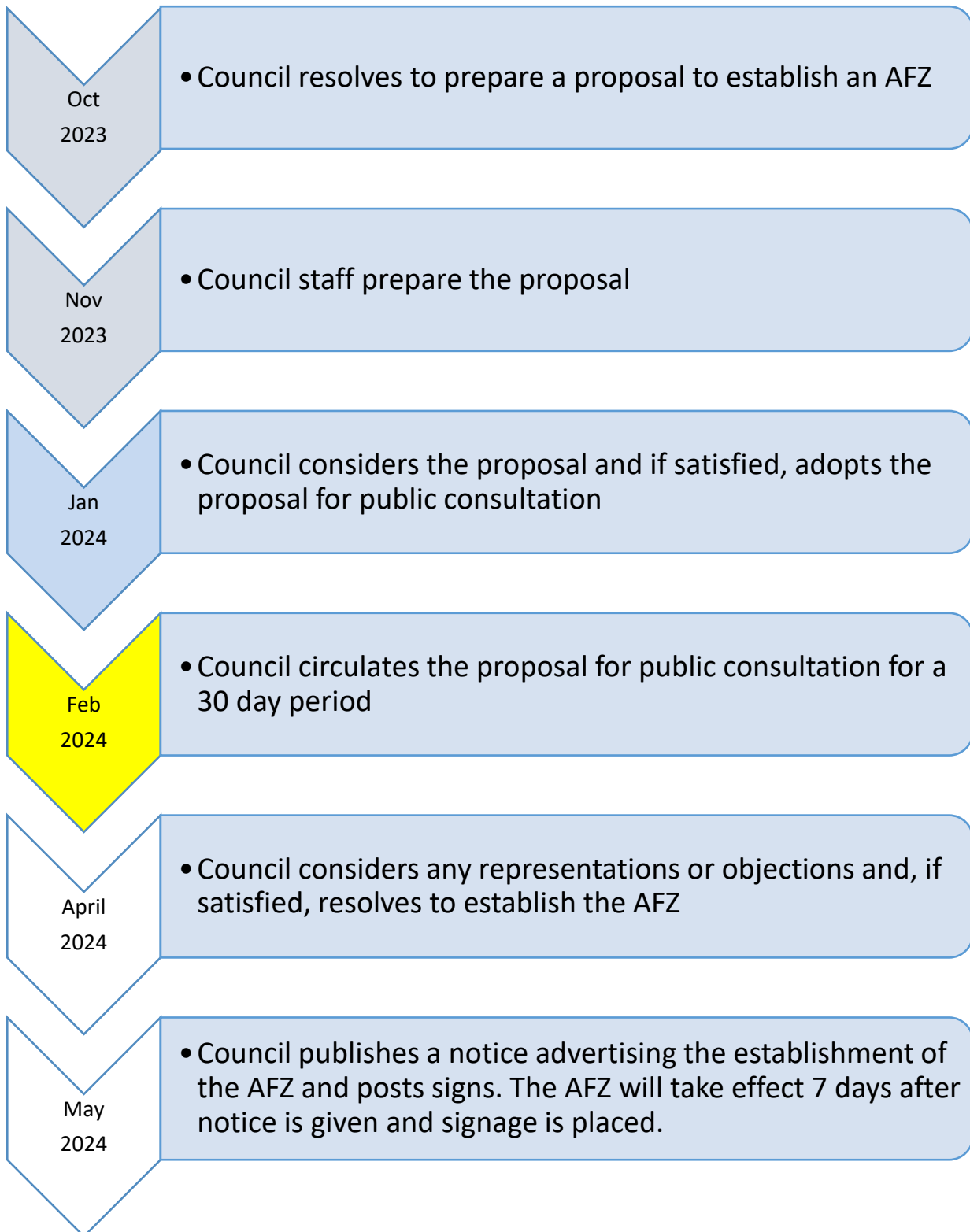
**Note: Council resolved to prepare a proposal at its meeting in October 2023.**

2. Council staff prepare a proposal for the establishment of AFZs in line with the Ministerial Guidelines. Under the Guidelines when re-establishing an AFZ, the Council should consider the following criteria.
  - What were the factors that originally supported a zoning in that area?
  - How successful was the previous alcohol-free zone in achieving a reduction in unacceptable street drinking?
  - What do police statistics indicate about the value of re-establishing an alcohol-free zone in that area?
  - What other measures may need to be considered (eg a community education program) if unacceptable street drinking is still of concern in that area?
  - Has the community's perceptions of safety improved?



3. Council considers the proposal and if satisfied adopts the proposal for public consultation.
4. Council circulates the proposal for public consultation. This must include:
  - a. publishing a notice in a manner the council is satisfied is likely to bring the notice to the attention of members of the public calling for representations and objections within **14 days of the notice**. The notice must give the location of the proposed AFZ and the place and time the proposal can be inspected,
  - b. sending a copy of the proposal to the Police Local Area Commander **and** the officer-in-charge of the police station within or nearest to the zone –inviting representations and objections within **30 days**,
  - c. sending a copy of the proposal to liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone– again inviting representations and objections within **30 days** and
  - d. sending a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area– again inviting representations and objections within 30 days.
5. After consideration of any representations or objections, Council resolves to establish the AFZ. Once established, the Council is required to inform all parties advised of the original proposal.

Once established, the Council must publicly advertise the establishment of the AFZ by notice published in the local newspaper. An alcohol-free zone will not operate until 7 days after publication of the notice AND until the roads, footpaths and public carparks affected are adequately signposted.







### **Extent of zones**

The existing AFZs in place in Berrigan Shire are shown at the end of the attached proposal.

The AFZ covers all public roads and road reserves (including footpaths and nature strips) inside those boundaries.

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

### **Alcohol Prohibited Areas**

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

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

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

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

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

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

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

Delivery Program Item 3.1.1.

### **Issues and Implications**

#### **Financial**

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

#### **Legal / Statutory**

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

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

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

The Guidelines set out a formal engagement and consultation process.



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

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

**Risks**

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

1. Reputational

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

There is a risk that not proceeding with the re-establishment of an AFZ may lead to increased street drinking and subsequent criticism of the Council.

2. Governance

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

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

**Options**

1. Council may adopt the proposal document and formally consult with the community on the re-establishment of the Alcohol-Free Zones
2. Council can amend the proposal document or request management submit a revised proposal to a future meeting.
3. Council can choose not to adopt a proposal document and not proceed with the re-establishment of Alcohol-Free Zones.



## Conclusions

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

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## 8.10 Finley Senior Citizens Hall - Plan of Management

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	3. Supported and engaged communities
<b>Strategic Objective:</b>	3.2. Support community engagements through life-long learning, culture and recreation
<b>Delivery Program:</b>	3.2.1. Provide opportunities for life-long learning, culture expression and recreation
<b>Council's Role:</b>	<b>Asset Owner:</b> As the owner (or custodian, such as through a Trust Deed) of an asset (road, footpath, building, playground etc) the Council has a responsibility for capital, operating and maintenance costs
<b>Appendices:</b>	1. Finley Senior Citizens Hall - DRAFT Plan of Management (under separate cover)

### Recommendation

That the Council:

1. endorse the Finley Senior Citizens Hall Plan of Management as a draft for public exhibition,
2. place the draft Plan on public exhibition on the Council website, the Council Administration Office and Finley Library until Wednesday, 21 February 2024,
3. invite submissions from the public on the draft Plan until Wednesday, 6 March 2024 and
4. consider all submissions relating to the Plan at its ordinary meeting to be held on 20 March 2024.

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### Purpose

This report asks the Council to endorse a draft plan of management for the Finley Senior Citizens Hall for public consultation.

### Summary

Council has agreed in principle to lease Finley Senior Citizens Hall (the Hall) to Finley Arts Network (FAN).

A plan of management is a mandatory requirement before community land – such as the Hall – can be leased to a third party.

Attached as Appendix 1 is a draft Plan of Management for the Senior Citizens Hall. The plan needs to be placed on public exhibition before it is adopted. Once adopted, Council can legally lease out the Hall to Finley Arts Network (FAN).



## Background

Since 2021, the Finley Senior Citizens Hall (the Hall) has been occupied by the Finley Arts Network (FAN) – a local not-for-profit organisation promoting art in Finley and district. Council has been working with FAN to regularise their occupation of the Hall over this period – encouraging them to incorporate, obtain insurance and then enter into a formal lease (on a concessional basis).

Council staff and FAN have agreed in principle on the terms of the lease and this is being drafted by Council's solicitors.

The Hall is on freehold land owned by Council. Under the *Local Government Act 1993* (the Act), it is classified as community land - land is reserved for community use and is of importance to the community because of its use or special features. Council has no power to sell, exchange or otherwise dispose of it and there are restrictions on Council's ability to grant a lease, licence, or other estate over the land.

Section 36 of the Act requires Council to prepare a Plan of Management for all community land under its control.

Council may only issue a lease or licence where it is consistent with the relevant Plan of Management and where the purpose for which the lease or licence is sought is consistent with the core objectives for the area of Community Land in question.

Council does not have a Plan of Management for the Hall and therefore cannot lease out this land.

## Proposed plan

To allow the proposed lease with FAN to go ahead, Council staff have prepared a draft Plan of Management for the Hall – attached as Appendix 1.

The attached Plan of Management needs to meet the requirements of s36 of the Act.

*(3) A plan of management for community land must identify the following—*

- a) the category of the land,*
- b) the objectives and performance targets of the plan with respect to the land,*
- c) the means by which the council proposes to achieve the plan's objectives and performance targets,*
- d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,*

*and may require the prior approval of the council to the carrying out of any specified activity on the land*

*(3A) A plan of management that applies to just one area of community land—*

- a) must include a description of—*
  - i. the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and*
  - ii. the use of the land and any such buildings or improvements as at that date, and*
- b) must—*



- i. *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and*
- ii. *specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and*
- iii. *describe the scale and intensity of any such permitted use or development.*

The draft Plan of Management expressly authorises the lease or licensing of all or part of the land and buildings or the granting of any other estate over the land subject to the provisions of sections 45 and 46 of the Act.

### **Exhibition**

If Council is comfortable with the draft Plan of Management, it can endorse it as a draft and place it on public exhibition as per s38 of the Act – which requires:

- a public notice – placed on the Council’s website and in any other manner the Chief Executive Officer considers necessary to bring the Plan to the attention of members of the public
- a period of public exhibition of the draft plan of **no less than 28 days**
- a period of **not less than 42 days** after the date on which the draft plan is placed on public exhibition during which submissions may be made to the Council.

After considering all submissions received by it concerning the draft plan of management, the council can adopt it for use if it chooses.

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

Council’s Delivery Program includes the following objective

*3.2.1. Provide opportunities for life-long learning, culture expression and recreation*

### **Issues and Implications**

#### **Policy**

Council does not have a policy position on leasing and licencing land it controls.

#### **Financial**

Adoption of this Plan of Management will have very little financial impact. The Plan calls for maintaining the building at its existing standard.

Council is using funds from its Local Roads and Community Infrastructure grant allocation to replace the roof on the building.

#### **Legal / Statutory**

Chapter 6, Part 2, Division 2 of the Act sets out Council’s obligations regarding community land.

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

Section 38 of the Act sets out Council’s obligation to consult with the community when developing a Plan of Management.



Council will place a public notice on its website and in its Bulletin Board page of the Southern Riverina News. The Plan will be hosted on the Council website and hard copies will be available at the Council Administration Office and the Finley Library

## 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	<b>Low</b>	Low	Medium	Medium	High
E	Low	Low	Medium	Medium	High

There is little financial risk. The Plan does not commit Council to an upgrade of the building.

### 2. Reputational

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

The Hall is a community facility and Council needs to ensure it is managed in a manner acceptable to the community.

### 3. Governance/Legal

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

Council's legal obligations with regard to the Plan are clear and relatively simple to address.



## Options

1. Council can endorse the draft Plan of Management as attached, or with minor amendment.
  2. Council can direct staff to revise the draft Plan of Management and re-submit to a future meeting.
  3. Council can choose not to develop a Plan of Management. **Note** – the Act is clear that all community land must have a Plan of Management. Community land cannot be leased unless it has a Plan of Management.
-





## 8.11 Councillors Access to Information and Interaction with Staff Policy

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.2. Meet legislative requirements for Council elections, local government and integrated planning and reporting
<b>Council's Role:</b>	<b>Regulator:</b> The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc) <b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. DRAFT Councillors Access to Information and Interaction with Staff Policy

### Recommendation

That Council

1. revoke the Staff and Councillors Interaction Policy adopted on 16 February 2022 and
2. adopt the Councillors Access to Information and Interaction with Staff Policy attached as Appendix 1

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### Purpose

This report recommends the Council adopt a revised policy relating to Councillors' access to information as per the 2023 Compliance Audit recommendations.

### Summary

The Compliance Audit undertaken by Morrison Low in mid-2023 identified the need for a Councillors Access to Information Policy.

On review, staff believe the matter of access to information by Councillors is adequately addressed in the Council's Staff and Councillors Interaction Policy with only some small amendments.

A revised policy is attached to this report for consideration.

### Background

In 2023, Council commissioned Morrison Low to undertake an external Compliance Audit and Cultural Review.

One recommendation coming from that review was:



*24. Develop and adopt a Councillor Access to Information Policy and publish to Council's website following adoption*

In the process of developing such a policy, staff reviewed Council's existing suite of policies – including the Staff and Councillors Interaction Policy.

The policy includes the following clauses:

*Councillors can use the Councillor requests system to:*

- a) **request information** or ask questions that relate to the strategic position, performance or operation of the Council*
- b) bring concerns that have been raised by members of the public to the attention of staff*
- c) request ICT or other support from the Council administration*

*Councillors must, to the best of their knowledge, **be specific about what information they are requesting**, and make their requests respectfully. Where a Councillor's request lacks specificity, the Chief Executive Officer or staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.*

*Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.*

*The Chief Executive Officer or the staff member authorised to manage a Councillor request will provide a response within 5 working days. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable*

***Councillors are required to treat all information** provided by staff appropriately and to observe any confidentiality requirements.*

*Staff will inform Councillors of any confidentiality requirements for **information they provide** so Councillors can handle the information appropriately. Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.*

*The **Chief Executive Officer may refuse access to information** requested by a Councillor if:*

- a) the information is not necessary for the performance of the Councillor's civic functions, or*
- b) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or*
- c) the Chief Executive Officer is prevented by law from disclosing the information, or*
- d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources*

*Where **the Chief Executive Officer refuses to provide information** requested by a Councillor, they must act reasonably. The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.*

*Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under paragraph c) above, the Councillor may **instead request the information through a resolution of the council** by way of a notice of motion.*



*Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.*

In the opinion of staff, this provides a suitable policy position with regard to Councillors' access to Council information. The only addition recommended by staff is a clarification that only the Chief Executive Officer or delegate can formally release Council information to the public.

Staff also recommend changing the name of the policy to clarify the policy also covers access to information.

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

Council's Delivery Program includes the following objective.

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

## Issues and Implications

### Policy

The report recommends a revision of the Council's policy

### Legal / Statutory

[Type here](#)

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

This policy does provide an avenue for the Chief Executive Officer to act if excessive or vexatious requests for information were creating a staff resourcing issue for the Council.

## Risks

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

### 1. Governance

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

Misuse of Council information may lead to action taken against Council and/or Council officials.

It is important that staff treat all requests for information from Councillors in an impartial and professional manner – understanding the important role of the Councillor.



## Options

1. Council can adopt the revised policy attached to this report (recommended)
2. Council can direct the Chief Executive Officer to prepare a specific Councillors' Access to Information Policy as per the recommendation of the Compliance Audit.
3. Council can maintain its existing policy and remove the relevant action from the Compliance Audit action plan.

## Conclusions

There is little point in developing policies for the sake of having a policy. The existing policy has provision for managing Councillors requests for information.

I acknowledge that implementation of the Councillor Request system has been patchy however Council staff are currently actively looking at incorporating this into the Council's Customer Relationship Management (CRM) system to be in a position to track these requests effectively and report monthly to Council on action taken.

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**Policy**

**104**

**COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF**

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	17 January 2024	Minute Number:
Date for Review:	19 January 2028	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Replaces the Councillors and Staff Interaction Policy adopted on 16 February 2022	
Delivery Program Link:	2.1.2.1 Provide facilities and support including financial to elected Council	

**1. POLICY STATEMENT**

It is important for Councillors and staff to have an effective working relationship that recognises the important, but differing contribution, both parties bring to their complementary roles

This policy provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

The policy complements and should be read in conjunction with the *Berrigan Shire Council Code of Conduct* (the Code of Conduct)

**2. PURPOSE**

The purpose of the Policy is to facilitate a positive working relationship between Councillors, as the community’s elected representatives, and staff, who are employed to administer the operations of the Council.

The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

**3. SCOPE**

This Policy applies to all Councillors and council staff.



## Policy

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This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing. This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.

Clause 3.1(b) of the Code of Conduct provides council officials must not conduct themselves in a manner that is contrary to a council's policies. A breach of this Policy will be a breach of the Code.

#### **4. OBJECTIVE**

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

*2.1.2.1 Provide facilities and support including financial to elected Council.*

#### **5. POLICY IMPLEMENTATION**

##### **5.1 Objectives**

The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy,
- b) enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles,
- c) ensure Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties,
- d) ensure Councillors have adequate access to information to exercise their statutory roles,
- e) provide direction on, and guide Councillor interaction with, staff for both obtaining information and in general situations,
- f) maintain transparent decision making and good governance arrangements,
- g) ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties and
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.



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## Policy

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### 5.2 Principles, roles and responsibilities

#### 5.2.1 Requirements

Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

Section 232 of the *Local Government Act 1993* (the LGA) states the role of a Councillor is as follows:

- a) to be an active and contributing member of the governing body,
- b) to make considered and well-informed decisions as a member of the governing body,
- c) to participate in the development of the integrated planning and reporting framework,
- d) to represent the collective interests of residents, ratepayers and the local community,
- e) to facilitate communication between the local community and the governing body,
- f) to uphold and represent accurately the policies and decisions of the governing body and
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge they work within a system that is based on democratic governance. Councillors similarly need to understand it is a highly complex task to prepare information and provide quality advice on the very wide range of issues Council operations cover.

#### 5.2.2 Principles

Council commits to the following principles to guide interactions between Councillors and staff:



## Policy

<u>Principle</u>	<u>Achieved by</u>
<b>Equitable and consistent</b>	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
<b>Considerate and respectful</b>	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels
<b>Ethical, open and transparent</b>	Ensuring interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
<b>Fit for purpose</b>	Ensuring the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of eight people.
<b>Accountable and measurable</b>	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

### 5.2.3 Councillors

Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors accept that:

- a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding,
- b) staff are not accountable to them individually,
- c) they must not direct staff except by giving appropriate direction to the Chief Executive Officer by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA,
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions,
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy and
- f) they must not use their position to attempt to received favourable treatment for themselves or others.

### 5.2.4 Council staff

The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and for ensuring the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:





## Policy

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- a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who in turn is accountable to the Council's governing body,
- b) they should not provide advice to Councillors unless it has been approved by the Chief Executive Officer,
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner,
- d) they must ensure participation in political activities outside the service of the Council does not interfere with the performance of their official duties and
- e) they must provide full and timely information to Councillors, through the Chief Executive Officer, sufficient to enable them to exercise their civic functions in accordance with this Policy.

### 5.3 Councillor Request System

Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious. Councillors do not have a right to request information about matters they are prevented from participating in decision-making on because of a conflict of interest unless the information is otherwise publicly available.

The Chief Executive Officer may identify Council support staff (the Councillor support officer) under this Policy for the management of requests from Councillors.

#### 5.3.1 Request system

Councillors should use the Councillor requests system to:

- a) Request information or ask questions that relate to the strategic position, performance, or function of the Council,
- b) bring concerns or works requests – either their own or those raised by members of the public – to the attention of staff and / or
- c) request ICT or other support from the Council administration.

Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the Chief Executive Officer, or staff member authorised to manage the matter, is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.

Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.



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The Chief Executive Officer, or the staff member authorised to manage a Councillor request, will provide a response within 5 working days. Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.

### 5.3.2 Confidentiality

The right of Councillors to have access to information is for the purpose of exercising the office of a Councillor. It does not carry with it the right to disclose any information obtained to a third party unless it is already in the public domain. Councillors have no authority to release documents on behalf of Council.

Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.

Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.

### 5.3.3 Refusal or restriction of access to information

The Chief Executive Officer may refuse access to information requested by a Councillor if:

- a) the information is not necessary for the performance of the Councillor's civic functions, or
- b) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- c) the Chief Executive Officer is prevented by law from disclosing the information, or
- d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources.

Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must act reasonably. The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.

Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under paragraph c) above, the Councillor may instead request the information through a resolution of the council by way of a notice of motion.

Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.



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## Policy

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### 5.3.4 Reporting

A report will be provided to Councillors regularly (at least quarterly) regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

### **5.4 Access to Council staff**

Councillors may directly contact members of staff listed at Appendix A of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.

Councillors can contact staff listed at Appendix A about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If Councillors would like to contact a member of staff not listed on Appendix A, they must receive permission from the Chief Executive Officer. This includes approaching a staff member in person.

If a Councillor is unsure which authorised staff member can help with their enquiry, they should contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact Councillors to provide specific information or clarification relating to a specific matter. The Councillor should continue to discuss the matter with the relevant executive team member once that information is provided and **not** the council staff member.

A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person.

### **5.5 Councillor access to Council buildings**

Councillors are entitled to have access to the council chamber, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the Chief Executive Officer.

Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer

### **5.6 Interactions**

#### 5.6.1 Appropriate interactions

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## Policy

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Examples of appropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff are courteous and display a positive and professional attitude towards one another.
- b) Council staff ensure information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies.
- c) Council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public.
- d) Council staff, including Council's executive team members, document Councillor requests via the Councillor requests system.
- e) Council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties.
- f) Councillors and council staff feel supported when seeking and providing clarification about council related business.

Councillors forward requests through the Councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy. A report will be provided to Councillors regularly (at least quarterly) regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

### 5.6.2 Inappropriate interactions

Examples of inappropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff conducting themselves in a manner which:
  - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety, or
  - ii) constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory.
- b) Councillors approaching staff and staff organisations to discuss individual or operational matters, grievances, workplace investigations and / or disciplinary matters.
- c) Staff approaching Councillors to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters.
- d) Subject to conflict of interest considerations, staff refusing to give information available to other Councillors to a particular Councillor.
- e) Councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council.



## Policy

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- f) Councillors being overbearing or threatening to staff.
- g) Staff being overbearing or threatening to Councillors.
- h) Councillors making personal attacks on staff or engaging in conduct towards staff contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media.
- i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make.
- j) Staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

### 5.6.3 Management

Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety, or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff.

Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.

## 6. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 6.1 Legislation

- [Local Government Act 1993](#)
- *Work Health and Safety Act 2011*

### 6.2 Council policies and guidelines

- [Code of Conduct](#)
- Procedures for the Administration of the Code of Conduct
- Work Health and Safety Policy
- Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy

## 7. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

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

## 8. 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.

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## Policy

### 9. DOCUMENT AVAILABILITY

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

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

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

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

*Berrigan Shire Council  
56 Chanter Street  
BERRIGAN NSW 2712*

*Ph: 03 5888 5100*

*Email: [mail@berriganshire.nsw.gov.au](mailto:mail@berriganshire.nsw.gov.au)*

### 10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.11.2021	New Policy	Deputy Chief Executive Officer
2.0	16.02.2022	Re-adoption with amendment to Appendix A	Deputy Chief Executive Officer
3.0	17.01.2024	Change title to include Access to Information, include a clause regarding release of information by Councillors to third parties, other minor changes.	Deputy Chief Executive Officer



## Policy

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### APPENDICES

#### Appendix A - Authorised staff contacts for Councillors

Section 5.4 of this Policy provides that councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list at any time.

Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer.

If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff members name	Position
Matthew Hansen	Deputy CEO
Andrew Fletcher	Director Strategic Planning and Development
Rohit Srivastava	Director Infrastructure
Tahlia Fry	Director Corporate Services
Keelan McDonald	Marketing, Communication and Engagement Coordinator/Executive Assistant



## 8.12 Continuous Improvement Plan - monthly update

<b>Author:</b>	<b>Deputy Chief Executive Officer, Matthew Hansen</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. Continuous Improvement Plan Progress Report - January 2024 (under separate cover)

### Recommendation

That Council:

1. note the monthly progress report on the Continuous Improvement Plan resulting from the Cultural Review and Compliance Audit, attached as Appendix 1, and
2. direct the Chief Executive Officer to report on the Continuous Improvement Plan quarterly rather than monthly.

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### Report

At its extraordinary meeting held on 4 October 2023, Council resolved the CEO to provide monthly updates on progress against the Continuous Improvement Plan resulting from the Cultural Review and Compliance Audit held 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 2024.

Attached as Appendix 1 is the monthly report showing progress against the plan to 10 January 2024.

The Christmas break and staff leave has seen little progress since the December meeting. Going forward, it may be more productive for both Councillors and staff if progress reports were provided quarterly going forward.

Council should note that staff unavailability has had an impact on actions relating to records management, privacy, and public access to records. Council staff are currently reviewing how Council resources its records management services and obligations.





## 8.13 Development Application 51.2024.DA. Multi lot subdivision at 2 Caddy Close, Barooga

<b>Author:</b>	<b>Director Strategic Planning and Development, Andrew Fletcher</b>
<b>Strategic Outcome:</b>	1. Sustainable natural and built landscapes 3. Supported and engaged communities
<b>Strategic Objective:</b>	1.1. Support sustainable use of our natural resources and built landscapes 3.1. Create safe, friendly and accessible communities
<b>Delivery Program:</b>	1.1.1. Coordinate strategic land-use planning 1.1.3. Enhance the visual amenity, heritage and liveability of our communities 3.1.1. Build communities that are home to more families and young people
<b>Council's Role:</b>	<b>Regulator:</b> The Council has legislated roles in a range of areas which it is required to fund from its own funds (apart from fees for cost recovery, government grants etc)
<b>Appendices:</b>	1. Officers Development Assessment Report_2 Caddy Close.docx (under separate cover)

### Summary

<b>Applicant:</b>	<b>Angelica Coling from Oxley &amp; Company</b>
<b>Owner:</b>	<b>Longford Land Holdings Pty. Ltd.</b>
<b>Proposal:</b>	<b>Multi lot subdivision</b>
<b>Location:</b>	<b>2 Caddy Close, Barooga</b>

### Division:

In Favour:

Against:

### Recommendation

That Council resolves to refuse Development Application No. 51/2024/DA for a multi-lot subdivision at 2 Caddy Close, Barooga as the proposal does not comply with Clause 4.1 of the Berrigan Local Environmental Plan 2013 and the Chapters 7.1, 7.2, 7.4 and 7.8 of the Berrigan Development Control Plan.



## **Purpose**

That Council determine a Development Application for a multi-lot subdivision at 2 Caddy Close, Barooga.

## **Background**

The officers' report is attached outlining the recommendation for refusal.

The attached report addresses the proposal, the history, and the relevant requirements of State and local policies.

Notice of the application was given and a total of 10 submissions have been received. The submissions raise concerns in relation to the lot sizes, amenity and traffic which have been considered within the report.

Officers are not opposed to the subdivision of the land, rather as outlined in the objectives of the Berrigan Development Control Plan, the subdivision should be consistent with the character and context of the area.

## **Options**

In relation to the Development Application, Council can determine to agree with the officer recommendation and refuse the application, or Council can determine to approve the application subject to conditions.

If Council determine to issue approval, conditions would be prepared by officers in accordance with the standard requirements for an application of this nature.

Any decision Council may make contrary to the recommendations of Council officers, must clearly record the reason(s) for making any such decision at the time of forming the resolution.

## **Conclusion**

That Council considers Development Application 15/2024/DA and determine to issue a refusal in accordance with the officers' report.

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## 8.14 Development Determinations for Month of December 2023

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

### Recommendation

That Council receive and note this report.

## Report

### APPLICATIONS DETERMINED FOR DECEMBER 2023

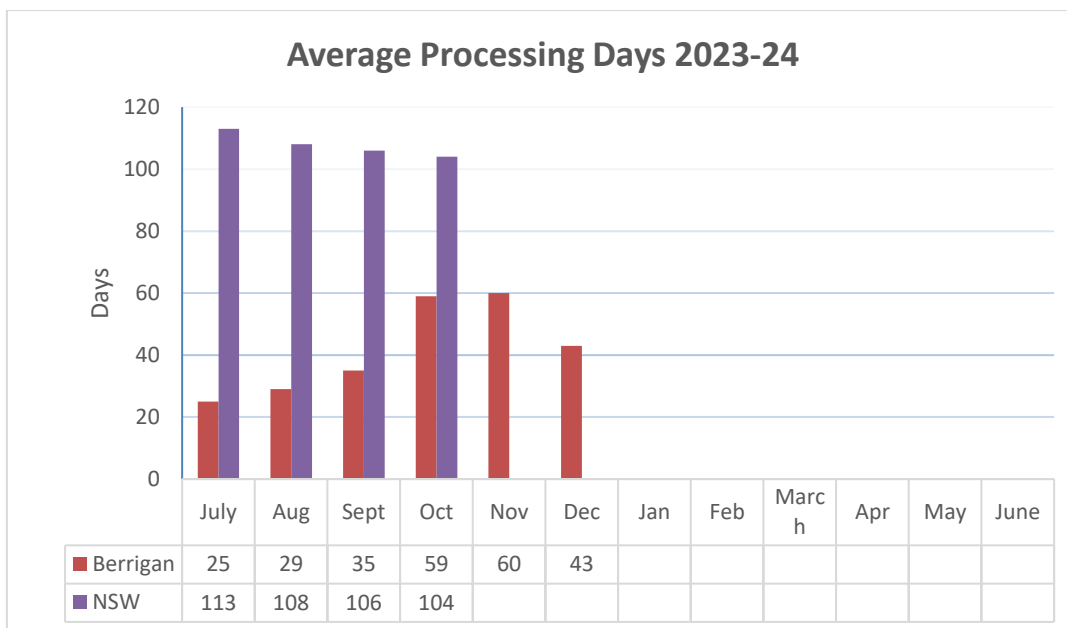
Application	Proposal	Property	Applicant	Owners Name	Status	Work Value	Elapsed Days	Time Taken
66/2024/DA	3 Lot Subdivision	6-8 Corcoran Street BERRIGAN NSW 2712	Eslers	Roman Catholic Church Trustees	Approved 4/12/2023	\$0	54	54
77/2024/DA	Residential Storage Shed	56 Coree Street FINLEY NSW 2713	Dean Russell	Lisa Waenga	Approved 5/12/2023	\$16,500	29	29
65/2024/DA	Indoor Gym	192-202 Murray Street FINLEY NSW 2713	Denbrok Constructions	Michelle McGrath	Approved 8/12/2023	\$450,000	64	64
100/2022/DA:1	Modification to setbacks for shed	29-35 Kelly Street TOCUMWAL NSW 2714	C & C Wilson	Sigrun Round	Approved 8/12/2023	\$590,000	23	23
67/2024/DA	Double Garage	55 Hampden Street FINLEY NSW 2713	Dean Russell	Lloyd Angove	Approved 12/12/2023	\$65,000	57	57
84/2024/DA	Residential Storage Shed	73 Howe Street FINLEY NSW 2713	Dean Russell	Malcolm Rendell	Approved 19/12/2023	\$10,000	34	34
46/2024/DA	Dwelling & Attached Garage	9 Putter Court BAROOGA NSW 3644	Susan Keating	Susan Keating and Susan Keating	Approved 20/12/2023	\$750,000	42	42
11/2024/CD	Carport	43-49 Snell Road,	Tim Lebner	Dwane O'Loughlin	Approved 22/11/2023	\$18,000	10	10



		BAROOGA NSW 3644						
21/2024/CD	Alfresco Area	27 Snell BAROOGA NSW 3644	Murray River Certifiers	Mr M L and Mrs K L Hunt	Approved 11/12/2023	\$159,976	1	1
23/2024/CD	BV Dwelling & Attached Garage	23 Lewis Crescent FINLEY NSW 2713	Murray River Certifiers	Vivek and Preeti Pagare	Approved 21/12/2023	\$428,718	1	1

**Key Performance Indicator – Development Assessment:**

	Berrigan Shire Council (Dec 2023)	NSW (Dec 2023)
Average time taken to determine a Development Application <sup>1</sup>	43	No data available for Nov and Dec <sup>2</sup>
Staff shortages through previous months is now having an impact on the assessment days. Officers are seeking to reduce the time taken in the New Year.		



**APPLICATIONS PENDING DETERMINATION AS AT 31/12/2023**

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

<sup>2</sup> Source: <https://www.planningportal.nsw.gov.au/eplanningreport> accessed 9 January 2024



Application	Lodged	Proposal	Property
208/2021/DA	26/05/2021	Installation of 68kl Underground Lp Gas Tank	94-104 Deniliquin Road TOCUMWAL NSW 2714
21/2023/DA	11/08/2022	19 Lot Subdivision	29-37 Short Street TOCUMWAL NSW 2714
50/2023/DA	18/10/2022	Shipping Containers	24-30 Vermont Street BAROOGA NSW 3644
19/2024/DA	8/08/2023	Agricultural Produce Industry 2-lot Subdivision Associated Works	87-123 Hamilton Street FINLEY NSW 2713
32/2024/DA	31/08/2023	2 X Independent Living Units (1 2)	50 Scoullar Street FINLEY NSW 2713
43/2024/DA	3/10/2023	Construction of a 499 MW AC Solar Farm	39 Burkes Road FINLEY NSW 2713
59/2024/DA	6/10/2023	Transportable Dwelling	36 Short Street TOCUMWAL NSW 2714
68/2024/DA	15/10/2023	Demolition of Carport	66 Banker Street BAROOGA NSW 3644
51/2024/DA	8/11/2023	38 Lot Subdivision	Caddy Close BAROOGA NSW 3644
104/2024/DA	8/11/2023	Whole Farm Plan	131 Camerons Lanes Road BOOMANOOMANA VIC 3644
78/2024/DA	8/11/2023	Commercial Development - internal fit out of commercial hotel and new roof structure over beer garden	2-6 Vermont Street BAROOGA NSW 3644
74/2024/DA	15/11/2023	Extension of Rail Infrastructure	Sixth Company Road TOCUMWAL NSW 2714
69/2024/DA	15/11/2023	Staged 33 Lot Subdivision	20-34 Snell Road BAROOGA NSW 3644
87/2024/DA	28/11/2023	Providore and local produce eatery and prefabricated self contained portable cabins	8 Vermont Street BAROOGA NSW 3644
89/2024/DA	30/11/2023	Dwelling	15-17 Hoyle Street TOCUMWAL NSW 2714
82/2024/DA	1/12/2023	Carport	86 Tocumwal Street FINLEY NSW 2713
88/2024/DA	5/12/2023	Demolition of the existing deck and construction of a two storey addition	42 Barooga Road TOCUMWAL NSW 2714
91/2024/DA	5/12/2023	Dwelling Additions	34 Hughes Street BAROOGA NSW 3644
76/2024/DA	11/12/2023	Residential Storage Shed	6 Macfarland Street BAROOGA NSW 3644
94/2024/DA	12/12/2023	Residential Storage Shed	32 Denison Street FINLEY NSW 2713
96/2024/DA	15/12/2023	2 Single Storey Sheds	16-22 Jersey Street TOCUMWAL NSW 2714
100/2024/DA	19/12/2023	Tiling three front entryways	50-54 Deniliquin Street TOCUMWAL NSW 2714
101/2024/DA	22/12/2023	BV Dwelling and Attached Garage	14 Viceconte Court, TOCUMWAL NSW 2714
99/2024/DA	22/12/2023	BV Dwelling and Attached Garage	8 Viceconte Court, TOCUMWAL NSW 2714
81/2024/DA	22/12/2023	Residential Storage Shed	38-40 Charlotte Street TOCUMWAL NSW 2714
86/2024/DA	25/12/2023	Residential Storage Shed	21 Flynn Street BERRIGAN NSW 2712



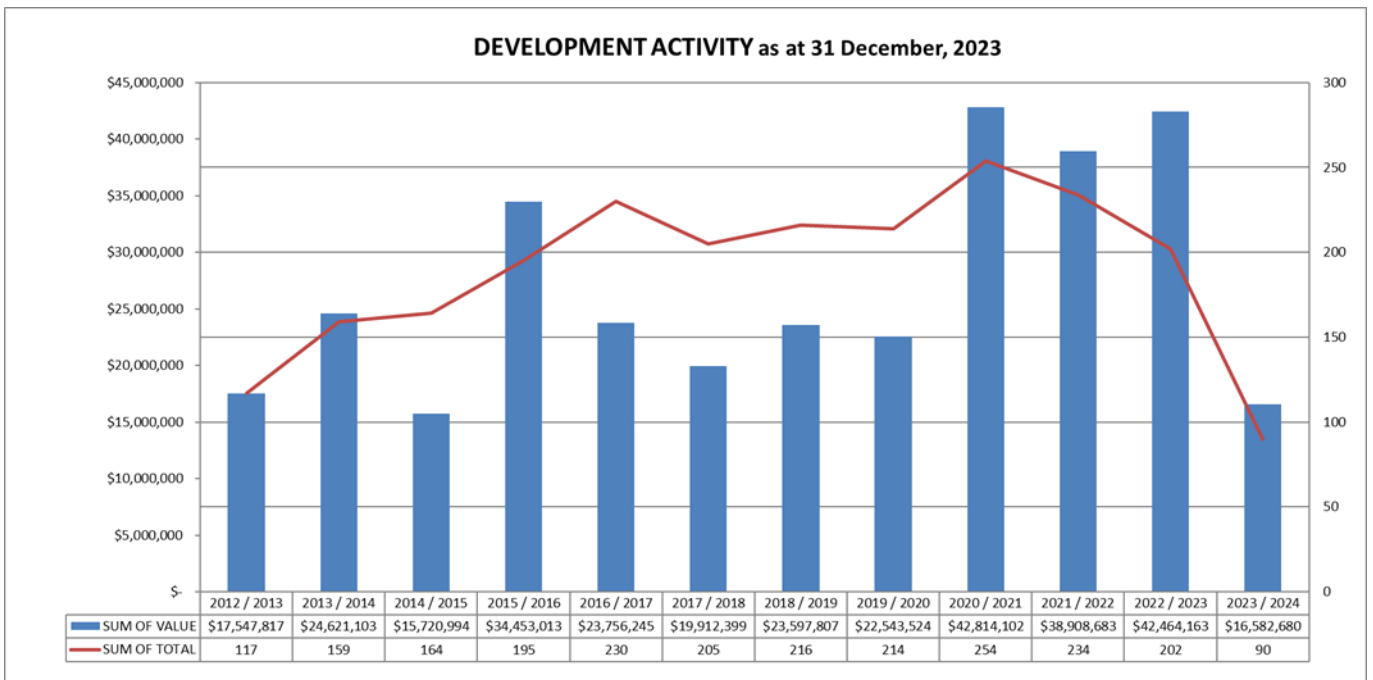
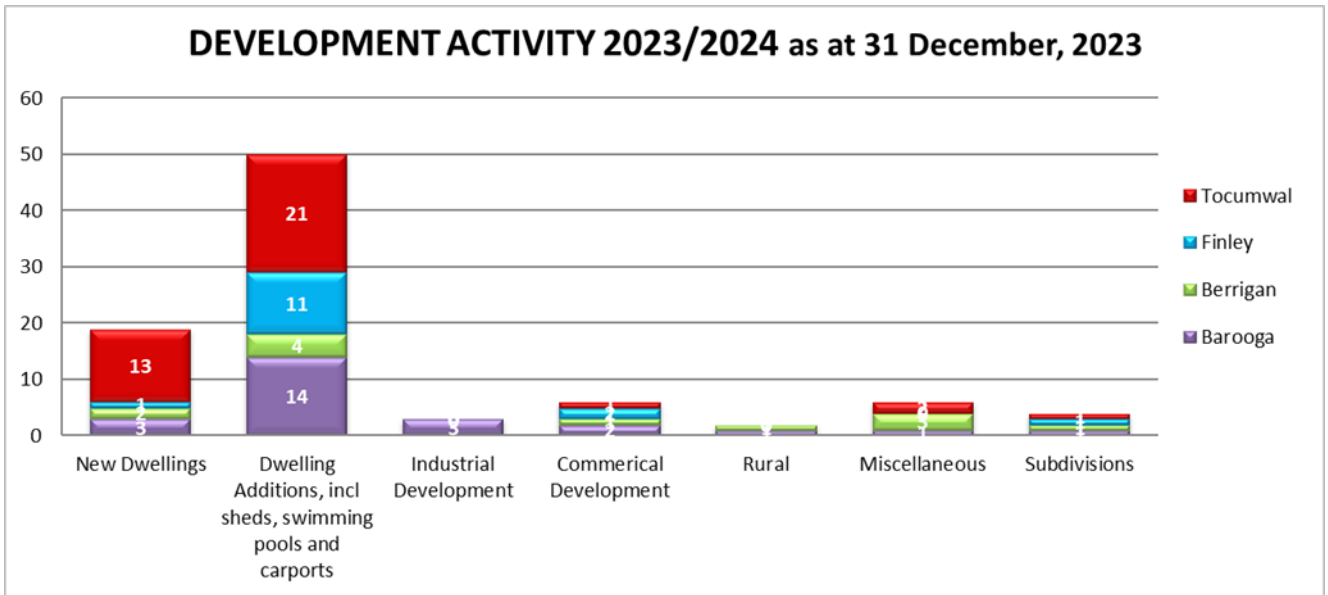
TIME TAKEN FOR ASSESSMENT OF APPLICATIONS LODGED AND <u>PENDING</u> DETERMINATION	Development Applications Pending Determination
<i>Less than 40 days</i>	11
<i>41 – 99 days</i>	9
<i>100+ days</i>	6
<i>Total Number of Development Applications Pending Determination</i>	26

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

	This Month (Dec)	Year to Date	This Month's Value (Dec)	Year to Date Value
<i>Development Applications (DA)</i>	7	71	\$1,881,500	\$13,721,688
<i>Construction Certificates (CC)</i>	2	55	\$76,050	\$12,643,253
<i>Complying Development Certificates (CDC)</i>	3	19	\$606,694	\$2,860,992
<i>Local Activity (s.68)</i>	1	29	\$0	\$0

**OTHER CERTIFICATES ISSUED FOR DECEMBER 2023**

	s10.7(2) Planning Certificate		s10.7(5) Certificate		735A Certificate		s9.34 Certificate		s6.24 Building Certificate		Swimming Pool Certificate	
	DEC	Year Total	DEC	Year Total	DEC	Year Total	DEC	Year Total	DEC	Year Total	DEC	Year Total
<b>BAROOGA</b>	6	27	0	1	0	0	0	0	0	0	0	1
<b>BERRIGAN</b>	0	27	0	8	0	6	0	5	0	0	0	2
<b>FINLEY</b>	2	56	1	6	0	3	0	3	0	0	0	0
<b>TOCUMWAL</b>	10	63	0	0	0	1	0	0	0	0	0	6
<b>TOTAL</b>	<b>18</b>	<b>173</b>	<b>1</b>	<b>15</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>





## 8.15 CEO Mid-Year Performance Review

<b>Author:</b>	<b>Chief Executive Officer, Karina Ewer</b>
<b>Strategic Outcome:</b>	2. Good government
<b>Strategic Objective:</b>	2.1. Berrigan Shire 2032 objectives and strategic actions facilitate the effective governance by Council of Council operations and reporting
<b>Delivery Program:</b>	2.1.3. Council operations and financial management support ethical, transparent and accountable corporate governance
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	1. CEO Half Year Performance Action Plan Update 10012024 (under separate cover)

### Recommendation

That Council note the CEO's responses to the mid-year performance review and undertake to provide feedback to the CEO from the CEO Remuneration Committee at the February SPW.

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### Report

This report is to provide Council with an update on my achievement or otherwise of the goals agreed to for my 2023-2024 Performance Action Plan.

I believe considerable progress has been made across the board and I look forward to Council's feedback and direction on same.

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## 8.16 Swing Bridge Park

<b>Author:</b>	<b>Graduate Project Engineer, Harpreet Singh Sidhu</b>
<b>Strategic Outcome:</b>	1. Sustainable natural and built landscapes
<b>Strategic Objective:</b>	1.3. Connect and protect our communities
<b>Delivery Program:</b>	1.3.1. Coordinate flood levee, local road, sewer and stormwater asset management and planning
<b>Council's Role:</b>	<b>Service Provider:</b> The full cost (apart from fees for cost recover, grants etc) of a service or activity is met by Council
<b>Appendices:</b>	Nil

### Recommendation

That the Council award the following contracts for works at Swing Bridge Park, Barooga

- decommissioning of old playground equipment and construction of new playground to Adventure Plus for \$99,900.00 exc. GST.
- new picnic shelter and associated works to Landmark Products Pty Ltd for \$94,700.00 exc. GST.

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## Report

### Background

The Barooga Adventure Play Trail project aims to enhance community well-being through the creation of a trail connecting Lions Park, Collie Park, and Swing Bridge Park along the Foreshore. This initiative responds to research on the positive impact of green spaces on health and is rooted in community feedback emphasising the importance of preserving green public spaces, especially during droughts.

### Project Origin

The Barooga Adventure Play Trail is a direct outcome of the 2018 Barooga Town Concept Plan, with extensive community engagement identifying the Foreshore for improvement. The trail integrates three parks, each offering unique facilities catering to diverse interests and age groups. This expansion aligns with Barooga's established reputation for active recreation and outdoor culture.

### Swing Bridge Park Works

Swing Bridge Park improvements include:

1. decommissioning and removal of the old playground (Construct New playground),
2. installing a new picnic shelter,
3. replacing the deteriorating retaining wall'



4. planting of shade trees,
5. developing and implementing a National Park map, activity guide, and wayfinding,
6. formalising parking and
7. upgrading the shared pathways

### **Council Decision**

Council implemented Option 2 from the meeting on October 18, 2023, approving the Barooga Foreshore Landscape Plan for Swing Bridge Park with an allocated budget of \$470,000.

### **Progress Update**

#### **Item No. 1: Playground Project**

A request for quotation was dispatched to contractors specializing in playground projects, with a history of successful collaborations with the council and 3 proposals were received.

These quotations were assessed, and a recommendation made for decommissioning of old playground equipment and construction of new playground to Adventure Plus for \$99,900.00 exc. GST.

Detailed information on this assessment is provided in a confidential report.

Works are scheduled to commence in March 2024.

#### **Item No. 2: New Picnic Shelter and Associated Works**

A Request for Quotation was advertised through Vendor Panel, for demolition of the old structure, BBQ, benches and design and construction of new Shelter, BBQ, and benches.

Quotations for the new picnic shelter and associated works were assessed, and a recommendation made to award the contract to Landmark Products Pty Ltd. for \$94,700.00 exc. GST.

Detailed information on this assessment is provided in a confidential report.

Works are scheduled to commence in March 2024.

#### **Item No. 3 & 4: Retaining Wall Replacement and Shade Trees**

A contractor has been engaged to submit proposals for the replacement of the deteriorating retaining wall and the planting of shade trees.

#### **Item No. 5: National Park Map, Activity Guide, and Wayfinding**

Collaboration with staff is underway to identify a suitable designer and installer for the National Park map, activity guide, and wayfinding elements.

#### **Item No. 6 & 7: Parking and Path Upgrades**

Active efforts are in progress to finalise parking and path upgrades internally within the council.

### **Next Steps**

Ongoing coordination with relevant stakeholders, creation of job numbers for each work item, and allocation of the budget to ensure the successful implementation of the Swing Bridge Park project.

### **Conclusion**



Your continued support and guidance are invaluable for the successful execution of the Barooga Adventure Play Trail project. We appreciate your commitment to enhancing community well-being through the development of green recreational spaces.



**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 Update - Country Universities Centre

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

#### 10.2 Flood Affected Works - Tender Number T09-23-24

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

#### 10.3 Swing Bridge Park - Assessment

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



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

**12 COUNCILLOR REPORTS**

**12.1 Mayor's Report**

**12.2 Verbal Reports from Delegates**

**13 CONCLUSION OF MEETING**

The next Ordinary Council Meeting will be held on Wednesday 21 February 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](#).